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THE EUROPEAN PARLIAMENT

THE COUNCIL

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Subject: **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**

DIRECTIVE (EU) 2026/...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

**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**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2)(c) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure²,

¹ OJ C, C/2024/1592, 5.3.2024, ELI: <http://data.europa.eu/eli/C/2024/1592/oj>.

² Position of the European Parliament of 21 May 2026 (not yet published in the Official Journal) and decision of the Council of ...

Whereas:

- (1) To ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings, the Union has adopted Directive 2012/29/EU of the European Parliament and of the Council³.
- (2) In its staff working document of 28 June 2022 on the evaluation of Directive 2012/29/EU, the Commission concluded that, although Directive 2012/29/EU has broadly delivered the expected benefits and positively affected victims' rights, specific problems related to victims' rights under that Directive persist. The identified shortcomings include insufficient ability to access information, to access support and protection in accordance with each victim's individual needs, to participate in criminal proceedings or to receive a decision on compensation from the offender during criminal proceedings. This revision of Directive 2012/29/EU aims to respond to the shortcomings identified in that evaluation and in numerous consultations.
- (3) Victims experiencing intersectional discrimination are at a heightened risk of suffering harm from secondary and repeat victimisation. It is therefore important that in the implementation of Directive 2012/29/EU Member States address the specific needs of victims affected by intersectional discrimination.

³ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57, ELI: <http://data.europa.eu/eli/dir/2012/29/oj>).

- (4) In order to ensure comprehensive channels of communication that take into account the complexity of victims' needs in relation to their right to access information, all victims, irrespective of where in the Union and in what circumstances the crime took place, should be able to access helplines for victims by using the Union-wide 116 006 telephone number. The introduction of that Union-wide telephone number should be without prejudice to existing national telephone numbers, including numbers for helplines run by non-governmental organisations. In addition to access by telephone, helplines for victims should be made accessible through other information and communication technologies, including online applications and websites. Such services can also be made accessible via chat-boxes. Information provided on websites should also include the information specified in this Directive concerning awareness raising and communication of victims' rights, which would streamline information provided on websites and avoid the duplication of websites containing information about victims' rights. Through helplines, victims should be able to obtain information about their rights, receive emotional support, and be referred to the police or other services, including other specialist helplines, if needed. Emotional support can be understood as an empathetic approach towards victims to enable them to feel accepted and safe and to express themselves freely. The helplines should also refer victims to other specialist helplines, referred to in Commission Decision 2007/116/EC⁴, such as the harmonised numbers related to the child helpline '116 111', the hotline for missing children '116 000' and the helpline for victims of violence against women '116 016'.

⁴ Commission Decision 2007/116/EC of 15 February 2007 on reserving the national numbering range beginning with 116 for harmonised numbers for harmonised services of social value (OJ L 49, 17.2.2007, p. 30, ELI: [http://data.europa.eu/eli/dec/2007/116\(1\)/oj](http://data.europa.eu/eli/dec/2007/116(1)/oj)).

The services provided by helplines should be available in the official language or languages of the Member State, as determined by its national law. In the case of services provided by helplines, Member States should strive to ensure the provision of those services in at least one other language widely understood in the Member State concerned. In that case, it is up to the Member State to decide, based on objective criteria, which additional language to select. A language that is widely understood is a language that is used in the Member State in addition to the official language or languages and that the victim can be reasonably expected to understand. A widely understood language could, for example, be a minority language in a Member State, the language of a particularly vulnerable population or a language that is widely used internationally. Member States should ensure that services provided by helplines providing victims with the information specified in this Directive or referring them to relevant services or specialist helplines by means of information and communication technologies are provided in a language that victims can understand, provided that this is at least possible through translation and interpretation technologies. Helplines should be operated securely, ensuring that information, and in particular data, is not exchanged in a manner that allows access without proper authorisation. Without prejudice to national procedures, it is important that appropriate security measures are implemented to prevent any unauthorised access. It is important that helplines are reachable not only through domestic calls via the Union-wide number 116 006, but also that they can be called from another Member State, in particular by victims who suffered harm in a Member State other than their Member State of residence.

This should be ensured for example by the provision of an additional number that can be called from another Member State to connect the victim with the helpline that the victim needs to reach in order to seek relevant assistance. Member States should ensure that the support provided by helplines is without prejudice to the right of victims to receive information about their rights and their case and to communicate with competent authorities and with general or specialist victim support services through appropriate communication and information technologies. The helplines should be operated by appropriately trained persons, including volunteers, to ensure a high level of service and in a victim-sensitive manner, in accordance with existing standards of quality support. The helplines should operate under the general rules set out in Directive 2012/29/EU as amended by this Directive for victim support services and act in the interest of victims, and should be confidential and free of charge.

- (5) Reporting crime in the Union should be improved to fight impunity, avoid repeat victimisation and ensure safer societies. Victims are sometimes not aware that they are victims of a crime while still suffering harm, such as victims of cybercrime. It is necessary to fight public insensitivity towards crime by raising public awareness, assisting victims, reducing any obstacles to reporting a crime and creating safer environments for victims to report crime. This is particularly relevant for those victims who are least likely to report a crime, who are usually those most in need of protection. To address underreporting, it is also important to facilitate reporting to the competent authorities that a criminal offence has been committed, by persons who know, or in good faith suspect, that a criminal offence has been committed.
- (6) If criminal offences remain unreported or if they are underreported, this affects the entire Union and hinders the smooth functioning of the European area of freedom, security and justice. The process of reporting criminal offences includes various steps defined in applicable procedural rules laid down in national law. Those steps include, where relevant and applicable, making a complaint or competent authorities acting *ex officio*. The process of reporting criminal offences should be made more effective to improve the prevention of crime and act as a deterrent for potential offenders. Directive 2012/29/EU should therefore be amended to facilitate the reporting of criminal offences through easily accessible, user-friendly information and communication technologies.

- (7) In order to ensure effective access to justice for victims, Member States should put in place free, accessible, user-friendly, safe and readily available channels for reporting criminal offences. Reporting criminal offences in person could be considered more appropriate, inter alia, in urgent cases, such as in cases involving an imminent threat, in cases where immediate follow-up is needed, in cases where evidence needs to be secured without delay, or in cases where personal contact is necessary to ensure the effectiveness of the criminal investigation. Reporting of criminal offences by means of information and communication technologies could be considered appropriate, inter alia, for certain non-urgent cases and non-violent criminal offences. Violent cases involve physical or psychological violence. When determining the availability of such reporting, Member States should consider the best interests of the victim, taking into account whether online reporting would ensure the timely verification, assessment or processing of the report by the competent authority, whether online reporting would create a risk of loss or deterioration of evidence, and whether a delayed or inadequate interview of the victim would adversely affect the case.

- (8) Member States should facilitate third-party reporting. Third-party reporting can present an alternative to reporting directly to the competent authorities and allows victims to inform, in good faith, an appropriately trained third party, such as a civil society organisation or a non-governmental organisation, about a criminal offence. The third party then informs, with the consent of the victim where feasible, the competent authorities. Third-party reporting can facilitate victims' access to justice in particular circumstances, such as where they fear repercussions. It also helps to address the underreporting of crime. Member States can support and facilitate third-party reporting by promoting closer cooperation and dialogue between competent authorities and civil society organisations that are likely to receive information from victims regarding criminal offences. That cooperation and dialogue can enable authorities to have an accurate understanding of the incidence of crime at local or societal level. Third-party reporting is without prejudice to national procedural rules regarding formalising of the reporting and submission of evidence. Such reporting is different from third parties representing victims in criminal proceedings and it is without prejudice to rules applicable in Member States regarding the procedure necessary for a competent authority to decide whether to formally launch an investigation in a certain case.

- (9) Measures taken to protect victims before the offender is informed that a criminal offence has been reported is without prejudice to Articles 3 and 6 of Directive 2012/13/EU of the European Parliament and of the Council⁵.
- (10) Member States should ensure that persons whose liberty is restricted can effectively report a criminal offence committed in facilities, such as mental health and social care institutions, children's homes and retirement homes and any other public or private closed setting under the control of judicial, administrative or other public authorities, or in any private institution which those persons are not permitted or not in a position to leave at will.

⁵ Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1, ELI: <http://data.europa.eu/eli/dir/2012/13/oj>).

- (11) It is important that all Member States develop more effective mechanisms to reach victims of crimes that go unreported. The scale of the problem of unreported crime is considerable. The 2021 survey of the European Union Agency for Fundamental Rights entitled ‘Crime, Safety and Victims’ Rights’ found that, in most cases, victims do not report crimes. This is particularly concerning in relation to certain types of crime, such as domestic violence, and for certain categories of victims, in particular those who are most vulnerable. In order to address underreporting, Member States should be encouraged to exchange best practices and consider innovative measures aimed at increasing the reporting of crimes. In this regard, some Member States have implemented policies based on the ‘free in, free out’ approach, which allows persons to report a crime to competent authorities irrespective of their residence status or without fear of repercussions in the event that their irregular status is disclosed. Competent authorities should comply with applicable Union rules on data protection, in particular the principle that personal data should not be processed for a purpose other than that for which they have been collected, unless a legal basis exists under Union or national law and where the processing for such other purpose is necessary and proportionate in a democratic society. Depending on the purpose of the processing, competent authorities should apply the appropriate data protection framework, including where personal data are transmitted between different authorities.
- (12) Member States should ensure that the notification of victims about their right to receive information about the criminal proceedings and the request of the victims to receive such information are duly recorded.

- (13) Targeted and integrated support services should be available to a broad range of victims with specific needs. Such victims can include not only victims of sexual violence and victims of gender-based violence, including violence against women and domestic violence, but also victims of trafficking in human beings, victims of organised crime, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism, victims of torture, victims of enforced disappearance and victims of genocide, crimes against humanity, war crimes or the crime of aggression as defined in Articles 6, 7, 8 and 8bis of the Statute of the International Criminal Court. As part of the targeted and integrated response to victims of sexual violence, sexual and reproductive healthcare services can include, where legally available in a given Member State in accordance with national law, including constitutional laws and provisions, emergency contraception, post-exposure prophylaxis treatment, testing for sexually transmitted infections and access to abortion. This should be in full respect of Member States' responsibilities for the definition of their health policy and for the organisation and delivery of health services and medical care in accordance with Article 168(7) of the Treaty on the Functioning of the European Union (TFEU).
- (14) General support services are services established to support all victims of crime. Specialist support services are services tailored to specific groups of victims or are a specific type of service. Such specialist support services can be provided to particular groups of victims, for instance based on the type of crime they were victim of or the personal characteristics of the victim.

- (15) General and specialist support services should be easy to access for victims on a non-discriminatory basis before, during and for an appropriate time after criminal proceedings. Member States should ensure that the geographical distribution of services to victims is sufficient, for instance that there are services in rural, remote and sparsely populated areas, taking into account the geography and demographic composition of the Member State concerned, appropriate opening hours and provision of services through multiple channels. General and specialist support services should be coordinated in particular through referrals based on victims' specific needs, be free of charge and be confidential, including being adequately protected from undue disclosure.
- (16) During times of crisis, it might be particularly necessary to ensure that victims of crime have access to support services in accordance with their individual needs. Due to the crisis, it might be difficult for the Member States to ensure the full functioning of all services normally provided to victims. In the case of a crisis, it is important for Member States to ensure that at least the individual basic needs of victims are addressed. Such individual basic needs could include emergency care, shelters, and measures of physical protection and psychological support.
- (17) Additional psychological support should be available to victims who need such support for as long as necessary, in accordance with their individual needs, where the special need for psychological support has been identified by an individual assessment pursuant to this Directive.

- (18) To avoid the serious consequences of victimisation at an early age that might negatively affect a victim's entire life, it is essential to ensure that all child victims, including children who have suffered harm as a result of witnessing a crime, receive the highest standard of support and protection. All competent authorities should adopt a child-friendly approach. Moreover, it is important that the most vulnerable child victims, in accordance with their individual needs, benefit from the targeted and integrated support and protection services that include the coordinated and cooperative approach of judicial authorities and social services. Without prejudice to existing national support systems, Member States are encouraged to provide such support and protection services within the same premises, where this could improve accessibility, coordination, and the overall well-being of the child.
- (19) Participation in a trial can be an emotionally difficult and challenging experience for victims. It is therefore important that victims who are present on court premises are assisted and are able to actively participate in the criminal proceedings, in accordance with their role therein. For this reason, all victims who need information and emotional support on the court premises where criminal proceedings take place, in particular victims of serious crime, should receive practical information on organisational aspects of criminal court proceedings, as well as emotional support. Emotional support can be offered, for instance, by court staff, trained volunteers, victim support services or competent authorities, as determined by Member States. Such assistance does not require the provision of additional facilities or the permanent presence of victim support services on court premises.

- (20) All victims in the Union, in accordance with their status in criminal proceedings, should be informed of decisions that were taken in court proceedings and that affect them directly. Such decisions should include at least decisions on interpretation and translation during court hearings and decisions regarding special protection measures available to victims with specific protection needs. Victims should also have the right to request a review of decisions concerning their right to interpretation and translation, their right to be heard and their right to legal aid, where such decisions are taken during court hearings. The right to request a review should be exercised in accordance with procedures in national law and the victims' status in criminal proceedings. That right does not require Member States to provide for a separate or new mechanism or procedure in which the decision can be challenged, if such a mechanism or procedure already exists, and should not unreasonably prolong criminal proceedings or suspend them. It should be possible to carry out a review of a decision within the same instance, possibly by the same authority. It should also be possible to carry out the review orally during the court proceedings, with due respect for the victim's right to translation and interpretation.

- (21) Member States should ensure that personal data concerning the place of residence or other equivalent contact details of the victim are not disclosed to the offender. In exceptional cases where such data should be provided to the offender, the competent authority should, in its assessment of whether there is a need to disclose such data, take into account the exercise of the rights of the defence, with due respect to Article 7 of Directive 2012/13/EU, in order to avoid prejudice to the rights of the defence, and any legitimate interest in disclosure that might outweigh the victim's right to protection of personal data. In exceptional cases, where such data needs to be disclosed, it is important that competent authorities consider taking appropriate protection measures to mitigate any potential risks of psychological or physical harm to the victim. This Directive is without prejudice to national law on transparency and public access to information, which is based on the constitutional traditions of the Member States.

(22) The right to legal aid is essential to ensure universal access to justice and effective participation for victims in criminal proceedings and access to legal aid should therefore be made available to victims who have the right to become parties to criminal proceedings. This should include those victims who have the status of a party at the time of introducing a request for legal aid, as well as those whose formal status as a party will be decided at a later stage of the proceedings, such as in a situation where the status of a party is only granted after a decision to prosecute the offender. Legal aid should cover the costs and expenses relating to the assistance of a lawyer during criminal proceedings, including such costs incurred before status as a party has been granted. When carrying out a merits test, where an individual assessment pursuant to this Directive has already been carried out, Member States are encouraged to take the results of that assessment into account. Certain categories of victims, such as victims with disabilities, child victims or victims of certain crimes, and in particular victims in a vulnerable situation, who have the right to become parties to criminal proceedings should be granted legal aid when they do not have sufficient means. These categories should be defined by Member States in national law. This Directive does not create any right to become a party to criminal proceedings. Member States are encouraged to grant legal aid to victims of gender-based violence, terrorism and human trafficking irrespective of a means or a merits test.

- (23) All victims should be assessed in a timely, adequate, efficient and proportionate manner, in accordance with this Directive and with national procedures relevant in order to give effect to the provisions of this Directive. National procedures are important to ensure that support and protection measures are adapted to the individual needs of the victim and to the circumstances and that competent authorities at national, regional or local level can determine the practical organisation of assessments, including the most appropriate institutions or bodies to carry them out. 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 last for as long as necessary, depending on victims' individual needs. It means that that assessment can be done in stages, for example some victims will only have contact with a police service, while other victims will go through further stages of individual assessment. All victims should be assessed at the earliest stage possible, such as during their first contact with the competent authorities, for instance law enforcement and prosecution authorities, whose staff should be appropriately trained to ensure that the most vulnerable victims are identified at the very early stages of the proceedings. Victims who need an enhanced assessment should be assessed, where appropriate, in collaboration or coordination with relevant institutions and bodies, as well as with general and specialist support services, including referrals thereto, depending on victims' individual needs and the stage of the procedure. Such services and law enforcement authorities are best placed to assess the state of the victim's well-being. Contact with helplines is not considered as the first contact with competent authorities.

Relevant institutions and bodies can include competent judicial and law enforcement authorities working with victims as well as those responsible for the adoption of protection measures. The individual assessment of a victim's needs should include the assessment of the victim's need for support, not only for protection. It is essential to identify victims who are in need of special support so that targeted support, such as psychological support, is provided to those who need it. When assessing the victim's support and protection needs, the focus should be on safeguarding the victim's safety and providing targeted support and protection, taking into account, inter alia, the individual circumstances of the victim, the impact of the crime and the specific vulnerabilities of the victim. In particular, the individual assessment should take into account the personal characteristics of the victims, including relevant experiences of discrimination, including discrimination based on intersectional grounds, such as gender, including gender identity, age, disability, residence status, religion or belief, language, racial, social or ethnic origin, and sexual orientation. The individual assessment should also take into account, on the basis of the available information, the risks emanating from the offender, who might have a history of violence, using weapons or abusing drugs and thus poses higher risks for victims, as well as situations in which victims are dependent on the offender, for example financially. The individual assessment should be conducted in the best interests of the victim, avoiding secondary or repeat victimisation. Where relevant and appropriate, the support and protection needs of the victim's family members should be duly considered in the individual assessment.

(24) As a result of the assessment of victims' need for protection, victims who are in need of physical protection, in particular victims in life-threatening situations, should be able to receive physical protection adapted to their particular situation. Measures for physical protection should include the presence of law enforcement authorities or other bodies providing physical protection, measures to keep the offender away from the victim on the basis of national barring, restraining or protection orders or referrals to shelters and other interim accommodation. Such measures can be of a criminal, administrative or civil law nature. Member States should raise awareness amongst relevant competent authorities about the availability of such protection measures and should ensure that victims are informed of both the availability of such measures and their right to apply for them. Shelters and other appropriate interim accommodation for victims play a vital role in protecting victims from acts of violence. They provide safe and emergency accommodation where victims can seek refuge from violence and support to rebuild their lives free from violence. Member States are also bound by Directive (EU) 2024/1385 of the European Parliament and of the Council⁶ and are accordingly to have in place specific shelters and other appropriate interim accommodation for victims of domestic violence and sexual violence, as these constitute essential services for those victims.

⁶ Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence (OJ L, 2024/1385, 24.5.2024, ELI: <http://data.europa.eu/eli/dir/2024/1385/oj>).

- (25) Once a decision on compensation for the victim has been made in the course of criminal proceedings, the awarded compensation should be paid by the offender without undue delay. Delay is calculated from the expiry of the last day of the deadline for final payment, and is considered to be ‘undue’ when it exceeds what could reasonably be expected given the circumstances of the case. The awarded compensation referred to in this Directive is the compensation awarded following a final decision on compensation. Member States should have in place appropriate execution or enforcement measures to help victims in obtaining that awarded compensation. Such execution or enforcement measures could include, inter alia, the seizure of assets, enforcement by bailiffs, garnishment of income or public payments, or other civil or criminal procedures ensuring the enforcement of the final decision on compensation. Member States have discretion whether to advance all or part of the awarded compensation to the victim, in accordance with national law. The advance payment of compensation does not require Member States to establish new compensation mechanisms or to act as the primary payer of the compensation.
- (26) Competent authorities maintain full discretion when determining the measures appropriate to minimise the difficulties faced by victims who are residents of a Member State other than that in which the criminal offence was committed.

(27) Glorification of serious criminal offences, as defined under national law, such as public provocation to commit a terrorist offence as defined in Article 5 of Directive (EU) 2017/541 of the European Parliament and of the Council⁷, or paying tribute to the offender of a serious criminal offence, can result in victims being deprived of their dignity and cause them additional suffering or harm. Such victims should have access to the support and protection measures provided under this Directive. Such crimes can render victims particularly vulnerable to secondary and repeat victimisation, to intimidation and to retaliation. Public provocation to commit a terrorist offence comprising, inter alia, the glorification of terrorist acts, constitutes a criminal offence under Directive (EU) 2017/541. In addition, public incitement to acts of racism or xenophobia or publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity or war crimes constitute criminal offences under Council Framework Decision 2008/913/JHA⁸. This Directive does not require Member States to criminalise the glorification of serious criminal offences, nor does it require the criminalisation of hate speech or hate crime. The Council Conclusions of 4 December 2023 on improving support and recognition of victims of terrorism include a valuable list of best practices and measures to better protect victims of such a crime. It is important that Member States also take measures to support victims of other types of crime, such as victims of sexual violence, who face a high risk of secondary victimisation and can suffer additional harm and deprivation of dignity from the glorification of such offences.

⁷ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6, ELI: <http://data.europa.eu/eli/dir/2017/541/oj>).

⁸ Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328, 6.12.2008, p. 55, ELI: http://data.europa.eu/eli/dec_framw/2008/913/oj).

- (28) Measures that enable victims and their family members to avoid contact with the offender can include the availability of mobile screens in courtrooms.
- (29) Officials likely to come into personal contact with victims should have access to and receive regular and sufficient training to a level appropriate to their contact with victims with regard to the implementation of Directive 2012/29/EU. Such training is especially relevant for police officers, court staff, judges, prosecutors, lawyers and those providing victim support and restorative justice services, as well as for health practitioners, to the extent they come into contact with victims. Training for competent authorities should be effective and interdisciplinary and should aim to take advantage of new technologies for enhancing engagement and interaction. It is important that training programmes cover matters such as the identification of the type of harm suffered by victims, prevention of secondary and repeat victimisation, victim-sensitive and empathetic communication, the choice of adequate support and protection measures, as well as effective coordination and referrals to victim support services. Training should be gender-, disability-, child- and trauma- sensitive. The effectiveness of training can be further enhanced by cooperating with non-governmental organisations including victims' associations and civil society organisations. It is important to promote mutual training and exchange of good practices amongst national authorities, including judicial and law enforcement authorities, and victim support organisations in order to ensure better support and protection of victims as well as coordination amongst the authorities and organisations involved. Specific guidelines and checklists for law enforcement officers are considered a good practice. Training should also focus on cybercrime in order to enable persons coming into contact with victims of cybercrime to respond to their specific needs.

- (30) Despite the significant improvements that have been achieved since the entry into force of Directive 2012/29/EU, evidence shows that often victims are still not sufficiently aware of their rights, undermining the effectiveness of that Directive and discouraging victims from coming forward to report crime. It is therefore imperative that Member States put in place effective awareness-raising campaigns in order to increase the awareness of victims of their rights under Directive 2012/29/EU as amended by this Directive, and other rights under national law, where applicable. Member States should also take appropriate action to increase awareness amongst the population at large, including in schools. Such campaigns could be conducted using a variety of methods of communication such as media, including social media, posters in public transport, leaflets in courts, hospitals and police stations or mobile applications. Moreover, Member States should improve the identification of locations where victims can reach out and find help on how to exercise their rights under this Directive, for example through signposting or the setting up of public directories and registries, for instance of accredited support organisations or lawyers. It is important that Member States aim to develop such measures equally for all types of crimes. Member States should ensure that enhanced measures address the needs of victims for whom barriers to communication are higher than for other victims, including victims who are residents of a Member State other than that where the crime was committed, victims with disabilities and child victims.

- (31) Victims cannot effectively benefit from their rights to information, to support and to protection in accordance with their individual needs if there is insufficient cooperation and coordination in their national justice systems amongst those who come into contact with victims. Without close cooperation and coordination amongst relevant stakeholders, such as central authorities in accordance with the internal structure of, and division of competences in, the Member States, law enforcement, prosecution authorities, judicial authorities, detention authorities, restorative justice services and victim support services, in consultation with relevant professional organisations and civil society organisations, it is difficult for victims to exercise their rights effectively 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 important in relation to child victims.

- (32) In response to the shortcomings identified in the evaluation of Directive 2012/29/EU, Member States should establish and implement specific protocols or guidelines. Those protocols or guidelines 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 their individual needs, which might change over time. Protocols or guidelines can be binding or non-binding and can be established in a way that corresponds best to national legal orders and the organisation of justice in the Member States. Protocols or guidelines should be followed by those to whom they are addressed when being implemented. Those protocols or guidelines should cover the organisation of services and actions under Directive 2012/29/EU, as amended by this Directive, of the competent authorities and persons coming in contact with victims on provision of information to victims, the facilitation of reporting crimes for the most vulnerable victims, including those in detention and in closed settings, such as in institutional care, the individual assessment of victims' needs and cooperation between support services. When it comes to the provision of information to victims, it is important to ensure that such information is simple and easy to understand, provided in a timely manner, repeated over time, provided in multiple formats, including orally, in writing and digitally.

With regard to the reporting of crime, including for persons deprived of liberty or whose liberty is restricted, the protocols or guidelines should cover the access by victims to information about their rights and to support and protection in accordance with their needs, as well as methods of reporting crimes. The protocols or guidelines should provide general instructions, in a comprehensive manner without, however, dealing with individual cases, on the organisation of services, including general and specialist support services, and of actions under Directive 2012/29/EU as amended by this Directive. The protocols or guidelines can build upon existing methods of cooperation and coordination amongst the competent authorities and other persons coming into contact with victims in the Member States.

- (33) In order to provide victims with seamless and modern means of exercising their rights, Member States should make it possible for victims to communicate electronically with national competent authorities through information and communication technologies. Such information and communication technologies could include, for instance, emails, live chats, video calls and on-line portals with access to information to registered participants. Member States are free to decide which means of communication are the most suitable in relation to the different provisions of this Directive. Victims should have the possibility of using information and communication technologies to contact victims' helplines, to receive written acknowledgment of their formal complaint, to report a crime online under the conditions set out in this Directive, and to submit evidence where feasible. Additionally, victims should have the possibility to use accessible, secure and user-friendly information and communication technologies, where available, to communicate with competent authorities and with support services. In particular, they should be able to use such technologies, where available, to receive information about their rights from the first contact with competent authorities and to receive information about their case, including to be given the opportunity to be notified about the release or escape of the offender from detention, and to receive a translation of the written acknowledgement of their formal complaint upon request.

The information from the first contact with a competent authority can be provided electronically in a standard format. Victims should be able to choose between the methods of communication made available and, where applicable, the Member States should provide for such information and communication technologies, as an alternative to the ‘in-person’ method of communication, without, however, replacing it. The ‘in-person’ method of communication, including with the competent authorities and with the support services, should remain available to victims, if they so wish. Where Member States’ systems require the use of specific electronic identification and signature methods, those systems should afford victims who are residents of other Member States equal access opportunities in accordance with Regulation (EU) No 910/2014 of the European Parliament and of the Council⁹.

⁹ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73, ELI: <http://data.europa.eu/eli/reg/2014/910/oj>).

- (34) Victims of crimes that took place in a Member State other than their Member State of residence might be incapable of giving consent to the processing of their personal data, such as in situations where the victim is severely injured or in the immediate aftermath of a terrorist attack. In such cases, the Member State where the crime took place should be able to process the personal data of the victim, including to transmit those personal data to the competent authorities of the Member State of residence of the victim, without the victim's consent, in accordance with applicable Union law, in particular Article 6(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council¹⁰. For law enforcement purposes, Directive (EU) 2016/680 of the European Parliament and of the Council¹¹ applies.

¹⁰ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

¹¹ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89, ELI: <http://data.europa.eu/eli/dir/2016/680/oj>).

- (35) Member States should ensure sufficient human and financial resources for the effective application of the measures set out in this Directive . Special attention should be paid to the establishment of helplines for victims, ensuring the smooth functioning of general and specialist support services, the provision of legal aid and the individual assessment of victims' needs for support and for protection , including where such services are provided by non-governmental organisations.

(36) The Union and the Member States are parties to the UN Convention on the Rights of Persons with Disabilities¹² (the ‘UN Convention’) and are bound by obligations set out in the UN Convention to the extent of their respective competences. Under Article 13 of the UN Convention the States Parties are obliged to ensure effective access to justice for persons with disabilities on an equal basis with others, hence the need to ensure accessibility and provide reasonable accommodation and procedural accommodation, so that victims with disabilities enjoy their rights as victims on equal basis with others. Article 2 of the UN Convention defines ‘reasonable accommodation’ as ‘necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms’. The accessibility requirements for products and services set out in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council¹³ can facilitate the implementation of the UN Convention and ensure that the victims’ rights laid down in Directive 2012/29/EU are accessible for persons with disabilities.

¹² OJ L 23, 27.1.2010, p. 37.

¹³ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70, ELI: <http://data.europa.eu/eli/dir/2019/882/oj>).

Article 13 of the UN Convention refers to the provision of ‘procedural accommodation’ as a means to facilitate the effective participation of persons with disabilities in criminal proceedings, without, however, providing for a definition of the concept. Useful guidelines in this regard can be found in the 2020 International Principles and Guidelines on Access to Justice for Persons with Disabilities by the United Nations Committee on the Rights of Persons with Disabilities. According to those Guidelines, ‘procedural accommodation’ means all necessary and appropriate modifications and adjustments in the context of access to justice, where needed in a particular case, to ensure the participation of persons with disabilities on an equal basis with others. It can include intermediaries or facilitators, procedural adjustments and communication support. Procedural accommodation is not limited by the concept of disproportionate or undue burden.

- (37) Eurojust should ensure that appropriate consideration is given to requests concerning victims’ rights in accordance with its mandate under Regulation (EU) 2018/1727 of the European Parliament and of the Council¹⁴.

¹⁴ Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138, ELI: <http://data.europa.eu/eli/reg/2018/1727/oj>).

- (38) The collection of accurate and coherent data and the timely publication of collected data and statistics are fundamental to ensure complete knowledge on the rights of victims within the Union and to monitor the implementation of Directive 2012/29/EU as amended by this Directive. Introducing a requirement for Member States to collect and report to the Commission disaggregated data, by sex, age group and, where possible and relevant, by the relationship between the victim and the offender and the type of offence, available at central level on victims of crime every three years in a harmonised manner is expected to constitute a relevant step to ensure the adoption of data-informed policies and strategies. Data on the relationship between the victim and the offender and the type of offence is helpful for identifying underlying patterns, enhancing understanding of risk dynamics, and identifying vulnerable groups. The European Union Agency for Fundamental Rights continues to assist the Commission and the Member States in the collection, production and dissemination of available statistics on victims and in reporting available data at central level showing how victims have accessed the rights set out in Directive 2012/29/EU as amended by this Directive.
- (39) Member States have acknowledged that in order to ensure consistency and effectiveness of actions in relation to victims' rights policy, which cuts across many different policy areas, the Commission has appointed a Victims' Rights Coordinator responsible for ensuring a smooth functioning of the Victims' Rights Platform and have committed to working constructively with that Coordinator.

- (40) In accordance with Article 47 of the Charter of Fundamental Rights of the European Union, an effective remedy is to be available where the rights under this Directive are violated. In addition, the principle of effectiveness of Union law requires that national procedural law does not make it impossible or excessively difficult to enforce rights under Union law.
- (41) This Directive applies to all victims of all crime and does not affect more specific provisions in other Union legal acts which address the specific needs of particular categories of victims, such as victims of trafficking in human beings, victims of sexual abuse, child victims of sexual exploitation, including child victims of sexual abuse material, victims of violence against women and domestic violence and victims of terrorism.
- (42) Since the objectives of this Directive cannot be sufficiently achieved by the Member States due to the need to facilitate judicial cooperation in criminal matters by ensuring trust in equal access to victims' rights irrespective of where in the Union the crime took place, but can rather by reason of the scale and effects of the envisaged measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

- (43) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.
- (44) In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, Ireland has notified, by letter of 27 October 2023, its wish to take part in the adoption and application of this Directive.
- (45) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹⁵.
- (46) Directive 2012/29/EU should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

¹⁵ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

Article 1
Amendments to Directive 2012/29/EU

Directive 2012/29/EU is amended as follows:

- (1) the following article is inserted:

‘Article 3a

Helplines for victims

1. Member States shall take the necessary measures to establish accessible, user-friendly, secure, free-of-charge and confidential helplines for victims. Those helplines shall:
 - (a) provide victims with the information referred to in Article 4(1);
 - (b) offer emotional support;
 - (c) refer victims to relevant services, including general and specialist support services or specialist helplines, if needed.
2. Member States shall ensure that the helplines referred to in paragraph 1 are reachable by telephone via a Union-wide telephone number for domestic calls, namely “116 006”, in addition to any existing national telephone numbers. Member States shall also ensure that such services are provided by means of other secure and accessible information and communication technologies, including online applications and websites.

3. Member States shall ensure that, in addition to the Union-wide number, the helplines are reachable via a dedicated number for international calls for victims who suffered harm in a Member State other than their Member State of residence. Such international calls are not required to be free of charge.
4. Member States shall ensure that the services provided by their helplines referred to in paragraph 1 are available in their official language or languages, as determined by national law. Member States shall strive to ensure the provision of those services in at least one other language widely understood in the Member State concerned.
5. Where the services referred to in paragraph 1, points (a) and (c), are provided by means of information and communication technologies, Member States shall ensure that those services are available in a language that the victim can understand, such as by means of translation and interpretation technologies.
6. Helplines may be set up by public or non-governmental organisations and may be organised on a professional or voluntary basis.
7. Member States shall take the necessary measures to ensure that helplines provide quality and accessible support to victims during adequate operating hours.
8. Member States shall ensure that helplines are operated by appropriately trained persons.’;

(2) the following article is inserted:

‘Article 5a

Reporting of criminal offences

1. Member States shall ensure that victims can report criminal offences to the competent authorities through free, accessible, user-friendly, safe, and readily available channels.

In addition to reporting criminal offences in person, Member States shall ensure that criminal offences can be reported to the competent authorities by means of free, accessible, secure and user-friendly information and communication technologies at least for non-urgent cases and non-violent criminal offences provided that such reporting is in the best interests of victims.

Where a Member State provides for the possibility of reporting criminal offences by means of information and communication technologies, that possibility shall, where feasible, include the submission of evidence.

The reporting of criminal offences by means of information and communication technologies shall be without prejudice to national procedural rules regarding formalising of such reporting and of submission of evidence.

2. Member States shall take the necessary measures to facilitate reporting by a natural or legal person who knows, or in good faith suspects, that criminal offences have been committed or that acts of violence are expected, to the competent authorities in accordance with national procedural rules.
3. For the purpose of facilitating third-party reporting by civil society organisations who are likely to receive information regarding criminal offences, Member States shall take the necessary measures to enable cooperation between competent authorities and such organisations.
4. Where a person other than the victim reports a criminal offence, Member States shall ensure that, where necessary and in accordance with national law, the competent authorities take appropriate measures to protect the victim before the offender is informed that an offence has been reported.
5. Member States shall ensure that any person who is deprived of liberty or whose liberty is restricted can effectively report a criminal offence that has been committed in the detention or accommodation facilities which that person is not permitted to leave or is not in a position to leave at will or places where that person`s freedom of movement is restricted. Such facilities shall include at least:
 - (a) prisons, detention centres and holding cells for suspects and accused persons;

- (b) specialised detention and accommodation facilities for third-country nationals who are staying illegally in the Member State concerned, including for the purpose of preparing their return and removal;
 - (c) facilities for applicants and beneficiaries of international protection;
 - (d) any other form of public or private institution which the victim is not permitted to leave or is not in a position to leave at will such as specialised accommodation centres for persons with disabilities, children and elderly people.
6. Where children contact competent authorities to report criminal offences, Member States shall ensure that the reporting procedures are safe, are carried out in a confidential manner in accordance with national law, are designed and accessible in a child-friendly manner and use language appropriate to their age and maturity.

Where a criminal offence involves the holder of parental responsibility and there is a conflict of interest between the child victim and the holder of parental responsibility, Member States shall ensure that the ability of the child victim to report the criminal offence is not conditional upon the consent of the holder of parental responsibility. Member States shall ensure that the competent authorities take the necessary measures to protect the safety of the child before they inform the holder of parental responsibility that a criminal offence has been reported.

7. Member States shall take the necessary measures to ensure that victims who are third-country nationals, irrespective of their residence status, are not discouraged from reporting a criminal offence and that they are treated in a non-discriminatory manner. Member States shall in particular ensure that all victims, irrespective of their residence status, are not prevented from exercising their rights under this Directive, including their right to be heard pursuant to Article 10 and the right to have an individual assessment carried out under Article 22.

Member States may, in accordance with national law, at any time grant an autonomous residence permit or other authorisation offering a right to stay to a third-country national staying illegally on their territory.

8. Member States shall ensure that at the moment a criminal offence is reported, victims are:
 - (a) informed of the possibility that their personal data might be disclosed to the offender in accordance with Article 21(3) in order to enable the offender to exercise their right of defence, and
 - (b) provided with an opportunity to express their views of that possibility.’;

(3) Article 6 is amended as follows:

(a) in paragraph 1, the following points are added:

‘(c) any decision to prosecute the offender;

(d) on the availability of protection measures, including protection orders;

(e) on the role of the victim in criminal proceedings in accordance with national rules, including, where applicable, on the possibility of becoming a party in such proceedings;

(f) on applicable rules on claiming and obtaining compensation.’;

(b) paragraph 5 is replaced by the following:

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

(c) the following paragraph is added:

‘7. Member States shall ensure that the fact that victims have been notified of their right to receive information about the criminal proceedings, as well as the victims’ request to receive information under this Article, are duly recorded in accordance with the recording procedure under national law.’;

(4) in Article 7, paragraphs 6 and 7 are 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 or the ability of the victim to exercise his or her rights, including the ability to participate in criminal proceedings in accordance with the victim’s role therein.

7. Member States shall ensure that the competent authority assesses whether victims need interpretation or translation as provided for under paragraphs 1 and 3 of this Article. Victims may challenge a decision not to provide interpretation or translation. The procedural rules for such a challenge shall be determined by national law. The provisions of Article 10b(2) shall apply to decisions not to provide interpretation or translation taken during court hearings.’;

(5) Article 8 is amended as follows:

(a) paragraphs 2 and 3 are replaced by the following:

- ‘2. Member States shall ensure that victims are contacted without undue delay by the relevant general or specialist support services if the individual assessment referred to in Article 22 identifies a need for support and provided that the victim, having been informed of the support services that can be provided, consents to being contacted by support services or if the victim requests support.
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 shall have access to such services in accordance with their specific needs 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. Where specialist support services are not provided as an integrated part of general victim support services, general and specialist support services shall be coordinated.’;

(b) the following paragraphs are added:

- ‘6. Member States shall aim to ensure that specialist support services remain fully operational for victims in times of crisis, such as health crises, humanitarian situations or other states of emergency.
7. Victim support services shall be available and easy to access including online or through other suitable means, such as information and communication technologies. Member States shall ensure that the geographical distribution and capacity of the victim support services referred to in this Article and in Article 9a are sufficient, taking into account the geography and demographic composition of the Member State concerned.’;

(6) Article 9 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) point (a) is replaced by the following:

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

(ii) point (c) is replaced by the following:

‘(c) emotional support;

(ca) psychological support or, where psychological support is not available, a referral to services that can provide psychological support.’;

(iii) the following subparagraph is added:

‘For the purpose of the first subparagraph, point (ca), if a special need for psychological support has been identified by an individual assessment as referred to in Article 22, additional psychological support shall be available to the victim in need of such support for as long as necessary, in accordance with the victim’s individual needs and the relevant national healthcare or social systems governing access to psychological support.’;

(b) paragraph 2 is replaced by the following:

‘2. Member States shall take the necessary measures to ensure that victim support services pay particular attention to the specific needs of victims who have suffered considerable harm due to the severity of the crime.’;

(c) in paragraph 3, point (b) is replaced by the following:

‘(b) targeted and integrated support, as well as information on and, where appropriate, a referral to services providing medical and forensic examinations, which can include comprehensive medical healthcare services, including sexual and reproductive healthcare services, in accordance with national law, and information on and, where appropriate, a referral to social and psychological counselling, including trauma care, for victims with specific needs, such as victims of sexual violence, victims of gender-based violence, including violence against women and domestic violence falling within the scope of Directive (EU) 2024/1385 of the European Parliament and of the Council^{*}, victims of trafficking in human beings, victims of organised crime, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism, victims of torture, victims of enforced disappearance and victims of genocide, crimes against humanity, war crimes or the crime of aggression as defined in Articles 6, 7, 8 and 8bis of the Statute of the International Criminal Court.

* Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence (OJ L, 2024/1385, 24.5.2024, <http://data.europa.eu/eli/dir/2024/1385/oj>).’;

(d) the following paragraphs are added:

- ‘4. Member States shall provide access to healthcare services, including to sexual and reproductive healthcare services for victims of sexual violence in a timely manner, in accordance with Directive (EU) 2024/1385 and national law.
5. Member States shall provide the protection and specialist support services necessary to address the multiple needs of victims with specific needs in accordance with the protocols or guidelines referred to in Article 26a(1), point (d).
6. Member States shall ensure that the support services referred to in this Article and in Article 9a meet applicable standards with regard to the quality of those services. The services provided by the support services shall, where appropriate, be reviewed, and, where necessary, adapted accordingly. Reviews of those services shall not place an undue burden on organisations providing those services.’;

(7) the following article is inserted in Chapter II:

‘Article 9a

Targeted and integrated support services for child victims

1. Member States shall take the necessary measures to ensure the availability of child-friendly, targeted and integrated support services for child victims that provide age-appropriate support and protection necessary to comprehensively address the multitude of needs of child victims, including children who have suffered harm as a result of witnessing a crime.
2. Targeted and integrated support services for child victims referred to in paragraph 1 shall provide for a coordinated multi-agency mechanism that includes the following services:
 - (a) the provision of information referred to in Article 4;
 - (b) medical examinations;
 - (c) emotional, social and psychological support;
 - (d) administrative assistance;
 - (e) the reporting of criminal offences;

(f) individual assessment referred to in Article 22;

(g) video recording of interviews referred to in Article 24(1), point (a).

3. Member States shall consider ensuring the provision of the services referred to in paragraph 2 within the same premises, paying particular attention to the interests of child victims, including the seriousness of harm suffered by child victims as a result of crime.

4. The targeted and integrated support services for child victims referred to in this Article may be set up as public or non-governmental organisations.’;

(8) the following articles are inserted:

‘Article 10a

Right to assistance on court premises

Member States shall take the necessary measures to ensure that victims receive emotional support and practical information on organisational aspects of criminal court proceedings, on court premises and in accordance with their individual needs.

Article 10b

Right to information concerning decisions

taken during court proceedings and right to review

1. Member States shall ensure that victims, in accordance with their status in the criminal proceedings under national law, are informed without delay of decisions with regard to their right to interpretation and translation during court hearings under Article 7(1) and (3) and of decisions with regard to measures under Article 23(3), taken in court proceedings, that affect them directly.

2. Member States shall ensure that victims, in accordance with their status in criminal proceedings under national law, have the right to request the review, in accordance with national law, at least, of any decision taken during court hearings with regard to their:
 - (a) right to interpretation or translation under Article 7(1) and (3);
 - (b) right to be heard under Article 10; and
 - (c) right to legal aid under Article 13.

Member States may provide for the possibility for victims to request the review of decisions taken under Article 18 and Article 23(3).

The procedural rules for the review of decisions pursuant to this paragraph, including whether such review has suspensive effect, shall be determined by national law. Any consideration of such a review shall not unreasonably prolong the criminal proceedings. That review may be carried out within the same instance and by the same authority, including orally during the court proceedings.’;

(9) Article 13 is replaced by the following:

‘Article 13

Right to legal aid

1. Member States shall ensure that victims who have the right to become parties to criminal proceedings and who do not have sufficient means to pay for the assistance of a lawyer during criminal proceedings have access to legal aid, including, where applicable, for the purpose of claiming compensation.

Member States may apply a means test, a merits test or both to determine whether legal aid is to be granted.

Where a Member State applies a means test, it shall take into account all relevant and objective factors, such as the income, capital and family situation of the person concerned, the costs of the assistance of a lawyer and the standard of living in that Member State as well as the victim’s dependence on the offender.

Where a Member State applies a merits test, it shall take into account the seriousness of the criminal offence, the complexity of the case and the seriousness of the harm suffered by the victim.

The procedural rules governing victims' access to legal aid shall be determined by national law.

2. Notwithstanding paragraph 1, Member States shall ensure that certain categories of victims, as defined under national law, such as child victims or victims with disabilities, who have the right to become parties to criminal proceedings and who do not have sufficient means are entitled to legal aid.';

(10) in Article 16, paragraph 2 is replaced by the following:

- '2. Member States shall have execution or enforcement measures in place that aim to facilitate the payment by the offender, without undue delay, of the compensation awarded to the victim.
3. Where compensation has been awarded to a victim of a violent intentional crime, but the offender has not paid that awarded compensation to the victim within a reasonable time and the measures referred to in paragraph 2 have not been successful within a reasonable time, Member States may advance all or part of the awarded compensation to that victim in accordance with national law. Such payment shall not relieve the offender of his or her obligation to pay the compensation awarded and Member States shall have the right to recover that payment from the offender.';

(11) Article 17 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘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 in which the criminal offence was committed, particularly with regard to the organisation of proceedings. For that purpose, the authorities of the Member State where the criminal offence was committed shall be in a position to:

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

(b) hear victims who are resident in another Member State by videoconference or other audiovisual transmission in accordance with the Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union^{*}, signed on 29 May 2000, and with Directive 2014/41/EU of the European Parliament and of the Council^{**};

- (c) facilitate the participation in the criminal proceedings of victims who are resident in another Member State through videoconferencing or other distance communication technology, to the extent possible under Union and national law and in accordance with the victim's role in the criminal proceedings.

* OJ C 197, 12.7.2000, p. 3.

** Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1, ELI: <http://data.europa.eu/eli/dir/2014/41/oj>).';

(b) the following paragraph is added:

- ‘4. Member States shall ensure that the competent authorities can request assistance from Eurojust in accordance with Regulation (EU) 2018/1727 of the European Parliament and of the Council* and from the European Judicial Network set up by Council Decision 2008/976/JHA**, and can transmit to Eurojust and the European Judicial Network information for the purpose of facilitating cooperation with the competent authorities of other Member States in cross-border cases, in accordance with the mandates of Eurojust and the European Judicial Network.

* Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138, ELI: <http://data.europa.eu/eli/reg/2018/1727/oj>).

** Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130, ELI: <http://data.europa.eu/eli/dec/2008/976/oj>);

(12) the following article is inserted:

‘Article 18a

Additional right to protection

Member States shall ensure that access to support and protection measures under this Directive can be granted to victims who suffered additional harm, such as deprivation of dignity, resulting from the glorification of serious criminal offences as defined under national law, such as public provocation to commit a terrorist offence as defined in Article 5 of Directive (EU) 2017/541 of the European Parliament and of the Council*, or from paying tribute to the offenders.

* Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6, ELI: <http://data.europa.eu/eli/dir/2017/541/oj>).’;

(13) Article 19 is replaced by the following:

‘Article 19

Right to avoid contact with the offender

1. Member States shall establish the necessary conditions to enable, where necessary, contact to be avoided between victims and their family members and the offender within the premises where criminal proceedings are conducted, *ex officio* or upon the victim’s request, unless the criminal proceedings require such contact.
2. Member States shall ensure that new court premises have separate waiting areas for victims. Member States shall assess the possibility and feasibility of creating separate waiting areas for victims in existing court premises.
3. Member States shall ensure that, where necessary, victims are informed about measures that are available to avoid contact with the offender.’;

(14) Article 21 is amended as follows:

(a) the title is replaced by the following:

‘Right to protection of privacy and the non-disclosure of personal data’;

(b) the following paragraphs are added:

- ‘3. Member States shall ensure that the personal data concerning the victim’s place of residence or other equivalent contact details, such as the victim’s phone number and email address are not provided to the offender, unless disclosure is necessary for the purposes of Article 7 of Directive 2012/13/EU of the European Parliament and of the Council* or where the competent authorities, either upon request or *ex officio*, following a case-by-case assessment, have established that there is a legitimate interest in disclosure which outweighs the victim’s right to protection of personal data.
4. Paragraph 3 shall apply to criminal proceedings initiated after ... [three years from the date of entry into force of this amending Directive].

* Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1, ELI: <http://data.europa.eu/eli/dir/2012/13/oj>).’;

(15) Article 22 is amended as follows:

(a) the title is replaced by the following:

‘Individual assessment of victims to identify specific support and protection needs’; (b) paragraphs 1, 2, 3 and 4 are replaced by the following:

‘1. Member States shall ensure that an individual assessment of victims is carried out in a timely manner (the “individual assessment”) to identify throughout the proceedings specific support and protection needs and to determine whether and to what extent the victim would benefit from additional psychological support under Article 9(1), point (ca), from services provided under Article 9a or from special measures under Article 18, 18a, 23 or 24, due to the particular vulnerability of that victim to secondary and repeat victimisation, intimidation or retaliation.

Member States shall determine the practical organisation of the individual assessment of victims.

- 1a. The individual assessment shall be initiated at the earliest stage possible, such as at 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 that there is a need for an enhanced assessment, such an assessment shall be carried out, where appropriate, in collaboration or coordination with the relevant institutions and bodies, as well as with general and specialist support services, including by means of referrals to such services, depending on the victim's individual needs and on the stage of the procedure.

The individual assessment shall be carried out by appropriately trained persons, in the best interests of the victim, and while paying particular attention to avoid secondary or repeated victimisation.

Competent authorities, institutions, bodies and support services shall respond to victims' needs for support and protection without undue delay and in a coordinated manner.

2. The individual assessment shall take into account:
 - (a) the personal characteristics of the victim, including relevant experiences of discrimination, including discrimination based on intersectional grounds, such as gender, including gender identity, age, disability, residence status, religion or belief, language, racial, social or ethnic origin, and sexual orientation;
 - (b) the type or nature of the crime;
 - (c) the circumstances of the crime;
 - (d) the victim's relationship to and the risks emanating from the offender.
3. In the context of the individual assessment, particular attention shall be paid to:
 - (a) victims who have suffered considerable harm due to the severity or to repetition of the crime;
 - (b) victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics;
 - (c) victims whose relationship to and dependence on the offender make them particularly vulnerable.

For the purposes of the first subparagraph, victims of terrorism, victims of organised crime, victims of trafficking in human beings, victims of gender-based violence, including violence against women and domestic violence, victims of sexual violence, including child sexual abuse, victims of exploitation, victims of hate crime, victims of torture, victims of enforced disappearance, victims with disabilities and victims of genocide, crimes against humanity, war crimes or the crime of aggression as defined in Articles 6, 7, 8 and 8bis of the Statute of the International Criminal Court shall be duly considered. Particular attention shall be paid to, where applicable, victims of online forms of those crimes and to victims who fall under more than one of those categories.

Where relevant and appropriate, the individual assessment shall take into account the specific needs of the victim's family members.

- 3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender referred to in paragraph 2, point (d), such as:
 - (a) the risk of violent behaviour;
 - (b) the risk of bodily harm;
 - (c) the risk of the use of weapons;

- (d) links to or involvement in a group of organised crime;
 - (e) drug or alcohol abuse;
 - (f) child abuse;
 - (g) mental health issues;
 - (h) behaviour of stalking; or
 - (i) expression of threats or hate speech.
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 18, 18a, 23 and 24, child victims shall be subject to the individual assessment. The individual assessment of child victims shall be organised within the framework of targeted and integrated support services referred to in Article 9a and shall take into account any specific needs that child victims without parental care might have as a result of a crime.’;

(c) paragraphs 6 and 7 are replaced by the following:

- ‘6. Individual assessments shall be carried out with the close involvement of the victim and shall take into account the victim’s wishes including where they do not wish to benefit from special measures as provided for in Articles 8, 9, 9a, 23 and 24.
7. Member States shall ensure that the individual assessment is reviewed according to the individual needs of the victim and that, where relevant, new measures are taken or ongoing measures are adapted to reflect the individual needs of the victim 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.’;

(16) Article 23 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Without prejudice to the rights of the defence and in accordance with rules of judicial discretion, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of the individual assessment, may benefit from the measures provided for in paragraphs 2, 3 and 4 of this Article. Where operational or practical constraints make it impossible to provide a special measure envisaged following the individual assessment, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings, Member States may, as an exception, decide not to provide the envisaged special measure.’;

(b) in paragraph 2, point (d) is replaced by the following:

‘(d) all interviews with victims of sexual violence or of gender-based violence, including violence against women and domestic violence falling within the scope of Directive (EU) 2024/1385, unless conducted by a prosecutor or a judge, being conducted by a person of the same sex as the victim, if the victim so wishes, provided that the course of the criminal proceedings will not be prejudiced.’;

(c) in paragraph 3, point (c) is replaced by the following:

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

(d) the following paragraphs are added:

‘4. Member States shall ensure that their competent authorities are granted the power to take appropriate measures during criminal proceedings and for as long as necessary to provide physical protection to victims with specific protection needs as identified in accordance with Article 22, including the following measures:

- (a) continuous or temporary presence of law enforcement authorities or other bodies providing physical protection in accordance with national law;
- (b) barring, restraining or protection orders to provide protection for victims against any acts of violence, in accordance with national law;
- (c) access to shelters and other appropriate interim accommodation, in accordance with national law.

5. Member States shall ensure that, where relevant for the safety of the victim, the competent authorities inform the victim of the possibility to apply for barring, restraining or protection orders and the possibility to seek the cross-border recognition of protection orders in accordance with Directive 2011/99/EU of the European Parliament and of the Council* or protection measures pursuant to Regulation (EU) No 606/2013 of the European Parliament and of the Council**.

* Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order (OJ L 338, 21.12.2011, p. 2, ELI: <http://data.europa.eu/eli/dir/2011/99/oj>).

** Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters (OJ L 181, 29.6.2013, p. 4, ELI: <http://data.europa.eu/eli/reg/2013/606/oj>).’;

(17) Article 24 is amended as follows:

(a) in paragraph 1, the following point is added:

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

(b) the following paragraph is added:

- ‘3. Where the offence involves the holder of parental responsibility in a manner that includes a conflict of interest between the child victim and the holder of parental responsibility, Member States shall take into account the best interests of the child and ensure that any act requiring consent under national law is not conditional upon the consent of the holder of parental responsibility.’;

(18) Article 25 is replaced by the following:

‘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, to enable them to deal with victims in an impartial, respectful, non-discriminatory and professional manner and, where relevant, in a trauma-sensitive, gender-sensitive, disability-sensitive and child-sensitive manner and to avoid secondary victimisation. Training shall also be provided in relation to victims of cybercrime.

2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall take the necessary measures to ensure that both general and specialist training is provided for judges and prosecutors involved in criminal investigations and criminal proceedings with regard to the objectives of this Directive and appropriate to the functions of those judges and prosecutors. Such training shall be human rights based, victim-centred and gender-, disability- and child- sensitive.
3. Without prejudice to 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 and to enable them to treat victims in a trauma-, gender-, disability- and child-sensitive manner.
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, non-discriminatory, child-sensitive and professional manner.

5. In accordance with the duties involved, and the nature and level of contact the practitioner, including relevant health practitioners, 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.
6. Training referred to in this Article shall take into account the protocols or guidelines referred to in Article 26a(1).
7. Training referred to in this Article, which is under the responsibility of Member States, shall be carried out regularly. Each Member State shall take measures to support bodies and organisations responsible for such training to develop, deliver and ensure the receipt of such training as well as its quality and availability throughout the territory of that Member State.’;

(19) the following article is inserted:

‘Article 25a

Awareness raising and communication of victims’ rights

1. Member States shall take appropriate action, including through information and communication technologies, to raise awareness of the rights set out in this Directive, reduce the risk of victimisation and minimise the negative impact of crime and the risks of secondary and repeat victimisation, of intimidation and of retaliation, in particular by targeting groups at risk such as children and victims of gender-based violence. Such action may include information and awareness raising campaigns and research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders, as well as measures to increase the awareness of victims of where to obtain help and how to exercise their rights, including by making available public registers of accredited support organisations.
2. Member States shall provide information to the public on reporting a crime, victims’ rights, available general and specialist victim support services, the functioning of the justice system as well as relevant procedures and application processes. Such information shall be easy to access, user-friendly, provided in a plain language and readily available, such as on a website.

Member States shall ensure that the content of the information provided to the public is developed, where relevant, in collaboration with civil society organisations, is not contradictory and is regularly updated to ensure accuracy.’;

(20) in Article 26, paragraph 2 is replaced by the following:

- ‘2. Member States shall ensure that their competent authorities are able to process the personal data of victims, including transmit those personal data to the competent authorities of the Member State of residence of the victim, where the victim consents, or where the victim is incapable of giving consent, without such consent, in accordance with applicable Union law.’;

(21) the following articles are inserted in Chapter 5:

‘Article 26a

Protocols or guidelines for coordination and cooperation in the Member States

1. Member States shall establish and implement specific protocols or guidelines, binding or non-binding in nature depending on national law, on the organisation of services and actions under this Directive of the competent authorities and persons coming in contact with victims. The protocols or guidelines shall be drawn up in coordination and cooperation with relevant stakeholders, such as central authorities, in accordance with the internal structure of, and division of competences in, the Member States, law enforcement, prosecution authorities, judicial authorities, detention authorities, restorative justice services and victim support services, in consultation with relevant professional organisations and civil society organisations, with a view to responding to the victims’ needs.

The protocols or guidelines shall, as a minimum, provide general instructions on how:

- (a) to provide to victims all the necessary information adapted to their needs in accordance with this Directive;
 - (b) Article 5a of this Directive is to be applied by the competent authorities;
 - (c) the individual assessment as referred to in Article 22 and provision of support services for victims with specific needs is carried out, taking into account the victims' individual needs at different stages of the criminal proceedings;
 - (d) cooperation between general and specialist support services is carried out, including targeted and integrated support services for child victims as referred to in Article 9a.
2. Member States shall ensure that the protocols or guidelines referred to in paragraph 1 are reviewed where necessary to ensure their effectiveness, such as in the event of significant changes in national law.

Article 26b

Use of information and communication technologies

1. Member States shall ensure that victims can exercise their rights provided for in Article 3a, Article 5(1) and Article 5a(1) insofar as online reporting is concerned, by means of information and communication technologies.
2. Member States shall ensure that victims can exercise their rights provided for in Article 4(1), Article 5(3), Article 5a(6), Article 6(1), (2), (4), (5) and (6), and Article 10b by means of, where available, information and communication technologies in accordance with national law.
3. Member States shall ensure that victims are not prevented, on the basis that they are residents of another Member State, from exercising their rights referred to in paragraph 1 by means of information and communication technologies.

Member States shall ensure that victims are not prevented, on the basis that they are residents of another Member State, from exercising their rights referred to in paragraph 2 by means of information and communication technologies where such technologies are available in the Member States.

4. Where national systems offering information and communication technologies require the use of electronic identification, signatures and seals, Member States shall allow the use of European Digital Identity Wallets, notified electronic identification schemes, qualified electronic signatures and qualified electronic seals of any other Member States as provided for in Regulation (EU) No 910/2014 of the European Parliament and of the Council*.

Article 26c

Rights of victims with disabilities

1. Member States shall ensure that victims with disabilities benefit, on an equal basis with others, from the information and communication technologies referred to in Article 26b of this Directive by complying with the accessibility requirements set out in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council**.
2. Member States shall ensure that victims with disabilities can access, on an equal basis with others, any procedure, support service and protection measure falling within the scope of this Directive in accordance with the accessibility requirements set out in Annex I to Directive (EU) 2019/882.

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

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- * Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73, ELI: <http://data.europa.eu/eli/reg/2014/910/oj>).
- ** Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70, ELI: <http://data.europa.eu/eli/dir/2019/882/oj>).’;

(22) Article 28 is replaced by the following:

‘Article 28

Provision of data and statistics

1. Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims.

The statistics shall, as a minimum, include the following data, available at central level, disaggregated by sex and age group (child/adult) of the victim and, where possible and relevant, the relationship between the victim and the offender and the type of offence:

- (a) the number of victims;
- (b) the number and type of reported crimes.

The statistics shall also include data available at central level showing how victims have accessed the rights set out in this Directive. For the purposes of this paragraph, Member States may use data collected on the basis of relevant Union acts.

2. Member States shall endeavour to collect the statistics referred to in this Article on the basis of common disaggregation developed in cooperation with, and in accordance with the standards developed by, the Commission (Eurostat) in cooperation with national authorities. They shall transmit the data to the Commission (Eurostat) every three years. The transmitted data shall not contain personal data.
3. The European Union Agency for Fundamental Rights shall support Member States and the Commission in the collection, production and dissemination of available statistics on victims of crime and in reporting available data showing how victims have accessed the rights set out in this Directive.
4. The Commission (Eurostat) shall support Member States in the collection of data referred to in paragraph 1, including by establishing common standards .
5. The Member States shall make the collected statistics available to the public in an accessible and user-friendly manner. The statistics shall not contain personal data.’;

(23) the following article is inserted:

‘Article 28b

Resources

Without prejudice to the budgetary autonomy of the Member States, Member States shall ensure sufficient human and financial resources for the effective application of the measures set out in this Directive.’;

(24) Article 29 is replaced by the following:

‘Article 29

Reporting by the Commission and review

By ... [six years from the entry into force of this amending Directive], the Commission shall submit a report on the application of this Directive to the European Parliament and the Council. The report shall assess the extent to which the Member States have taken the necessary measures to comply with this Directive, including the technical implementation, and in particular the way the Member States implement Article 9a(3). In its report, the Commission shall take into consideration the findings of the European Union Agency for Fundamental Rights and Eurostat.

The report shall be accompanied, if necessary, by a legislative proposal.’.

Article 2
Transposition

1. Member States shall take the necessary measures to comply with this Directive by ... [two years from the date of entry into force of this amending Directive] with the exception of the measures necessary to comply with Article 1, point (21), of this Directive, only concerning Article 26b of Directive 2012/29/EU, which shall be adopted and published by ... [four years after the entry into force of this amending Directive]. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

Article 3
Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Directive is addressed to the Member States in accordance with the Treaties.

Done at ...,

For the European Parliament
The President

For the Council
The President
