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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)/Council
Subject: Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA
- General approach

I. BACKGROUND

1. On 12 July 2023, the Commission submitted to the Council and the European Parliament a proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA¹, which aims to address specific problems that require targeted improvements in the existing framework, in order to improve the exercise of victim's rights.

¹ 11840/23.

2. The draft Directive is based on Article 82(2)(c) of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).
3. The European Economic and Social Committee delivered its opinion on 13 December 2023².
4. The COPEN Working Party discussed the proposal at its meetings on 22 September 2023, 16 October 2023, 10 January 2024, 23 February 2024, 15 March 2024, 15 and 16 April 2024 and 17 May 2024, and has agreed on the text in the annex to this note.
5. In the European Parliament, the Committees on Civil Liberties, Justice and Home Affairs (LIBE) and Women's Rights and Gender Equality (FEMM) have the lead responsibility. María Soraya Rodríguez Ramos and Javier Zarzalejos were appointed rapporteurs. The report was tabled on 25 March 2024; the European Parliament adopted its negotiating mandate at the plenary session on 11 April 2024, and the proposal was referred to the Committee(s) on Civil Liberties, Justice and Home Affairs (LIBE) and Women's Rights and Gender Equality (FEMM) to start interinstitutional negotiations.

II. CONCLUSION

6. The Permanent Representatives Committee is therefore invited to:
 - (a) confirm agreement on the text of the general approach, as set out in the Annex³ to this note, and
 - (b) recommend that the Council reach a general approach as set out in the Annex to this note, through an 'A' item in one of its next meetings, to enable the Presidency to conduct those negotiations.

² OJ C, C/2024/1592, 5.3.2024, p. 1

³ Modifications in relation to the original proposal are indicated in **bold** or ~~strikethrough~~.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

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 Committee⁴,

Having regard to the opinion of the Committee of the Regions⁵,

Acting in accordance with the ordinary legislative procedure,

⁴ OJ C, C/2024/1592, 5.3.2024, p. 1

⁵ OJ C , , p. .

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 the Council⁶.
- (2) The Commission has assessed how victims have accessed their rights under Directive 2012/29/EU of the European Parliament and the Council and published its results in the evaluation report⁷. The evaluation shows that, although Directive 2012/29/EU has broadly delivered the expected benefits and positively affected victims' rights, specific problems related to victims' rights under this Directive persist. The identified shortcomings include insufficient ability to rely on victims' rights to access information, to support and protection in accordance with each victim's individual needs, to participate in criminal proceedings and to receive a decision on compensation from the offender during criminal proceedings. This revision of Directive 2012/29/EU of the European Parliament and the Council **aims to** responds to ~~the~~ shortcomings demonstrated in its evaluation and in numerous consultations.

⁶ 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).

⁷ Commission Staff Working Document, Evaluation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 (SWD/2022/0179 final).

- (3) In order to provide victims with seamless and modern means of exercising their rights, the Member States should make it possible for victims to communicate electronically with national competent authorities. Victims should enjoy the possibility of using, **where available**, electronic tools to receive information about their rights and about their case, report crimes and to otherwise communicate with competent authorities and with support services through **information and communication and information** technologies. Victims should be able to choose **between** the methods of communication **made available**, and the Member States ~~can~~ **should** provide for such **information and communication and information** technologies as an alternative to the standard methods of communication, without however replacing them ~~completely~~. **The in-person method of communication, including those with the competent authorities and with support services, should remain available to victims, if they wish so.**

- (4) In order to ensure comprehensive channels of communication taking into account the complexity of victims' needs in relation to their right to access information, all victims, independently of where in the EU and in what circumstances the crime took place, should be able to access victims' helplines by using the EU-wide 116 006 telephone number ~~or by connecting to the dedicated websites~~. **Member States can offer such services also through other secure and accessible information and communication technologies, including online applications and websites.** Under such helplines, victims should be able to receive the information about their rights, emotional support and be referred to the police or other services, including other specialised helplines – if needed. **The helplines can be operated by trained volunteers capable of providing emotional support which can be understood as being an empathetic approach towards victims to make them feel accepted, safe and enable them to express themselves freely.** Such helplines should also refer victims to other specialised helplines, referred to in Commission Decision 2007/116/EC⁸, such as the harmonised number related to child helpline “116 111”, missing children “116 000” and gender-based violence “116 116”. **The helplines should be available in the official language or languages, as determined by national law, of the Member State. Member States are however encouraged to provide this services also in at least one other language most used in the Member State which should be determined by each Member State on the basis of objective criteria. To facilitate offering this service in an additional language, Member States should consider using modern technologies, such as the translation and interpretation applications, as well as telephone interpreting. The helplines should operate under the general rules for victim support services and should be confidential, free of charge, in the interest of victims.**

⁸ Commission Decision 2007/116/EC of 15 February 2007 on reserving the national numbering range beginning with 116 for harmonised numbers for harmonised services of social value (OJ L 049 17.2.2007, p. 30).

- (5) The general helpline for victims should not affect the operation of the dedicated and specialised helplines such as child helplines and helplines for victims of violence against women and domestic violence as required under Directive (EU) .../...of the European Parliament and of the Council⁹ [on combating violence against women and domestic violence]. The general victims' helplines should function in addition to the specialised helplines.

⁹ Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).

(6) Crime reporting in the Union should be improved to fight impunity, avoid repeated victimisation and ensure safer societies. It is necessary to fight public insensitivity towards crime, by ~~encouraging people who witness the crime to report crimes and assisting~~ victims and by creating safer environments for victims to report crime. ~~For victims who are irregular migrants in the Union, safe environment to report crime means reducing fear of return procedures being launched as a result of contacts with law enforcement authorities. The personal data of victims who are irregular migrants in the Union should not be transferred to the competent migration authorities at least until the completion of the first individual assessment as referred to in Article 22 of Directive 2012/29/EU. Reporting the crime and participating in criminal proceeding under Directive 2012/29/EU do not create any rights regarding the residence status of the victim, neither have any suspensive effect when determining their residence status.~~ **It is important that Member states ensure that victims who are third-country nationals, irrespective of their residence status, are not discouraged from reporting and are treated in a non-discriminatory manner as regards their residence status in accordance with the objectives of this Directive. To protect all victims from repeat and secondary victimisation, it is important to apply a victim-centred approach. In particular, it should be ensured that the enforcement of the return procedure under Directive 2008/115/EC of the European Parliament and of the Council¹⁰ does not prevent victims from exercising their right to be heard under this Directive. Member States can, in accordance with Directive 2008/115/EC, decide to grant an autonomous residence permit or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a third-country national staying illegally on their territory and are to comply with the obligation under that Directive to take into account as far as possible the special needs of vulnerable persons during the period for voluntary departure, where such a period was granted pursuant to that Directive.**

¹⁰ **Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).**

All vulnerable victims, such as child victims or victims in detention, who are in a situation of intimidation, or are otherwise dependent from the offender or whose mobility is limited should be able to report crime in conditions that take into account their particular situation and in line with **any relevant protocols or guideline** specifically set up for this purpose. **It is important that Member States encourage any person who knows about or suspects, in good faith, that criminal offences have been committed, or that further acts of violence are to be expected, to report this to the competent authorities.**

- (6a) The Member States should facilitate the referral of the victims with a special need for additional psychological support, that has been demonstrated by an individual assessment, to the services that are able to provide such additional psychological support, taking into account the availability of resources and of these services.**

- (7) Targeted and integrated support services should be available to a broad range of victims with specific needs. Such victims may include not only victims of sexual violence, victims of gender-based violence and victims of domestic violence, but also victims of trafficking in human beings, victims of organised crimes, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism or victims of **crimes falling within the jurisdiction of the International Criminal Court** ~~core international crimes~~. In response to the shortcomings identified in the evaluation, Member States ~~should~~ **can** set up specific protocols or guidelines that will organise the actions of specialist support services to ~~comprehensively~~ **adequately** address the multiple needs of victims with specific needs. Such protocols **or guidelines** should be set up in coordination and cooperation between **relevant stakeholders, such as central authorities in accordance with the internal structure of or division of competences in the Member States**, law enforcement, prosecution authorities, **judicial authorities** ~~judges~~, detention authorities, **in consultation with** restorative justice services and victim support services.

- (8) To avoid serious consequences of victimisation in early age, that may negatively affect ~~entire~~ victims' **entire** life, it is crucial to ensure that all child victims receive the highest standard of support and protection. **All competent authorities should adopt a child friendly approach. Moreover, it is important that** ~~Most~~ **most** vulnerable child victims, **in accordance with their individual needs and especially** ~~including~~ child victims of sexual abuse, ~~child victims of trafficking in human beings and child victims who have otherwise been particularly affected by the crime due to the gravity of crime or to their particular circumstances~~ should benefit from the targeted and integrated support and protection services that includes coordinated and cooperat**ed** ~~ive~~ approach of judicial **authorities** and social services ~~within the same premises. Member States are encouraged where possible to provide for these services in the same premises. Such services should be provided in a dedicated space.~~ To ensure that the child victim is effectively protected in cases where a crime involves the holder of parental responsibility, ~~or there is~~ **in a way that includes** a conflict of interest between the child **victim** and the holder of parental responsibility, a provision has been added to ensure that ~~in~~ **eases for any act requiring consent in the conduct of criminal proceedings**, such as reporting of a crime, medical or forensic interviews, referral to support services or psychological support, ~~among others~~ **as determined by national law**, these acts should not be conditional upon the consent of the holder of parental responsibility, always taking into account the best interests of the child.

(8a) Participating in a trial can be an emotionally difficult and challenging experience for the victims. For this reason, all victims who need information and emotional support at court premises where criminal proceedings are held, with a special focus on serious crimes, should be provided with the appropriate information regarding organisational aspects of the trial phase in criminal court proceedings, as well as emotional support. Emotional support can be understood as being an empathetic approach toward the victim to make them feel accepted, safe and enable them to express themselves freely. Emotional support can be offered, for instance, by the court staff, by trained volunteers, or by competent authorities as defined by Member States. Such assistance does not require the provision of additional facilities or the permanent presence of victims support services in these court premises.

- (9) For victims to sense that justice is done and to be able to defend their interest, it is important that they are present and able to actively participate in the criminal proceedings. That is why all victims in the Union, independently of their status in the criminal proceeding, which is established by the national law, should have a right to an effective remedy under national law in the event of a breach of their rights under this Directive. In addition, aAll victims in the Union, independently of **in accordance with** their status in the criminal proceeding, should have a right to **receive information on** request a review of decisions that were taken during court proceedings and affect them directly. Such decisions should include at least decisions on interpretation during court hearings and decisions on **regarding** special protection measures available to victims with special protection needs. **National law can offer the possibility for victims to request a review of such decisions taken during court proceedings.** The procedural rules under which victims may request a review of such decisions taken during court proceedings should be determined by national law, which should provide for the necessary guarantees that such a possibility of revision would not disproportionately prolong the criminal proceeding.

(9a) Protecting the personal data of the victim can be an important means of preventing secondary and repeat victimisation, intimidation and retaliation. The victim can indicate a possible concern regarding a risk for themselves or a third person to be exposed to threats or violence when certain personal contact details would be disclosed to the offender, based on which the competent authority will make a final assessment. If the competent authorities, as determined by national law, assess ex officio or at the request of the victim that there could be a risk that the victim or a third person may be exposed to threats or violence, certain personal contact details should not be provided to the offender unless not disclosing the information would prejudice the rights of defence.

(10) All victims should be assessed in a timely, adequate, efficient and proportionate manner, **in accordance with national procedures**. 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 it should be done in stages, **some victims will only have a contact with a police service, other victims will go through further stages of individual assessment**. Victims needs for support and protection may change in the course of the criminal proceedings. ~~Within the first stage, a~~All victims should be assessed **at the earliest stage possible such as from the first contact with the competent authorities, for instance law enforcement and prosecution authorities**, to ensure that the most vulnerable victims are identified at the very early stages of the proceeding. As of the next stages, victims who need such enhanced assessment should be assessed **by the competent authorities or any other institution, organisation or body, such as** victim support services **and where possible by** psychologists. Such services are best placed to assess the state of ~~victims' well-being~~. **The contact with helplines should not be considered as the first contact with competent authorities**. The individual assessment should also take into account, **on the basis of the available information**, the situation of the perpetrator, who may have a history of violence, be in a possession of arms or abusing drugs and as such pose higher risks for victims. The individual assessment of victims' needs should also include the assessment of victims' needs of support, not only of protection. It is essential to identify victims who are in need of special support, so a targeted support such as ~~prolonged free of charge~~ psychological aid is provided to those who need it. **Member States can determine the practical organisation of the individual assessment via any relevant protocol or guideline as provided for in this Directive**. **Member States should ensure that any personal data is dealt with in accordance with the Union law on data protection, which may require the provision of legislative measures if necessary.**

- (11) As a result of the enhanced assessment of victims' needs for protection, victims who are in need of physical protection should be able to receive it in a form adapted to their particular situation. Such measures ~~should~~ **can, in accordance with national law**, include the presence of law enforcement authorities, **or other bodies providing physical protection**, or **to keep being kept away from the offender away from the victim** on the basis of national protection orders. Such measures may be of a criminal, administrative or civil law nature.
- (12) ~~All victims should be able to obtain a decision on compensation from the offender within the criminal proceedings to avoid their engagement in multiple cumbersome and lengthy proceedings in separate civil proceedings. All victims should benefit from the schemes on compensation in which, following a decision on compensation from the offender at the end of the criminal proceeding, they receive, without a delay, the compensation from the state. The state afterwards should be able to recuperate the compensation from the offender. Such approach to compensation saves victims from the risks of secondary victimisation, since victims do not have to contact offenders when receiving compensation. Such facilitated access to compensation from the offender during criminal proceeding does not affect the Member States obligations to ensure the existence of a scheme on compensation to victims of violent intentional crimes committed in their respective territories, which guarantees fair and appropriate compensation to victims under Council Directive 2004/80/EC^{††}.~~

^{††} Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims (OJ L 261, 6.8.2004, p. 15).

(13) Victims cannot effectively benefit from their rights to information, to support and protection in accordance with their individual needs if they are faced with the national justice schemes that lack cooperation and coordination among those who come into contact with victims. Without close cooperation and coordination of **relevant stakeholders such as central authorities in accordance with the internal structure of or the division of competences in the Member States, the national law enforcement, prosecution authorities, judiciary judicial authorities, detention authorities, in consultation with restorative justice services, compensation services and victim support services**, it is difficult for victims to effectively ~~execute~~ **exercise** their rights under **this** Directive ~~2012/29/EU~~. Other authorities, such as healthcare, education and social services, are encouraged to be part of this cooperation and coordination. This is particularly valid in relation to child victims.

(14) National ~~Pr~~ **protocols or guidelines** are essential to ensure that **for example** victims receive information about their rights and about their case and that victims are adequately assessed to enable them to receive the support and protection that corresponds to each victims' individual needs that change in time. **Protocols or guidelines of a non-binding nature** should be established ~~by legislative measures~~ in a way that corresponds best to national legal orders and the organisation of justice in the Member States. ~~This should~~ **These protocols or guidelines can cover regulate** the actions on provision of information to victims, facilitating crime reporting for the most vulnerable victims, including those in detention and the individual assessment of victims' needs. **When it comes to the provision of information to victims, the protocols can ensure that such information is simple and easy to understand, provided in a timely manner, repeated over time, in multiple formats including orally, in writing and digitally. With regards to victims in detention, the protocols can specify victims' access to information about their rights, methods of crime reporting and access to support and protection in accordance with their needs.** ~~The legislative measures setting up the protocols should specify essential elements necessary for the processing of data including the recipients of the personal data and the categories of data that will be processed in the context of operation of the protocols.~~ The protocols **or guidelines** ~~should~~ **can** provide for general instructions on how to deal with services and actions under **this** Directive ~~2012/29/EU~~ in a comprehensive manner without however dealing with individual cases. **In this context, it is important that Member States take, where appropriate, the necessary measures to allow for collection and sharing of information, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims. The setting up of the protocols or guidelines should be without prejudice to the already existing methods of cooperation and coordination among the competent authorities and other persons coming in contact with victims in the Member States.**

- (14a) Information and communication technologies could include, for instance, emails, internet messaging 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. The information from the first contact with a competent authority can be provided electronically in a standard format. The in-person method of communication, including those with the competent authorities and with support services, should remain available to victims, if they wish so. Where Member States' national systems necessitate specific electronic identification and signature methods, those systems should afford victims residents of other Member States equitable access opportunities in accordance with the e-IDAS Regulation.**
- (15) Member States should allocate sufficient human and financial resources to ensure an effective compliance with the measures set out in **this** Directive ~~2012/29/EU~~. Special attention should be paid to the establishment of victims' helplines, ensuring smooth functioning of specialist support services and individual assessment of victims' needs for protection and for support, including where such services are provided by non-governmental organisations.

- (16) The Union and the Member States are parties to the UN Convention on the Rights of Persons with Disabilities¹² and are bound by its obligations to the extent of their respective competences. Under Article 13 of that Convention the States Parties are obliged to ensure effective access to justice for persons with disabilities on an equal basis with others, hence the needs to ensure accessibility and provide reasonable accommodation so that victims with disability enjoy their rights as victims on equal basis with others. **As defined by Article 2 of the UN Convention on the Rights of Persons with Disabilities, “reasonable accommodation” means 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 set in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council¹³ can facilitate the implementation of that Convention and ensure that the victims’ rights laid down by ~~this Directive 2012/29/EU~~ are accessible for persons with disabilities.
- (17) 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.

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).

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).**

- (18) The collection of accurate and coherent data and the timely publication of collected data and statistics are fundamental to ensure full knowledge on the rights of victims of crime within the Union. Introducing a requirement for Member States to collect and report to the Commission data **when available at central level** on the application of national procedures on victims of crime every three years in a harmonised way is expected to constitute a relevant step to ensure the adoption of data-informed policies and strategies. The Fundamental Rights Agency should continue to assist the European Commission and Member States in the collection, production and dissemination of statistics on victims of crime and in **reporting data available at central level showing** ~~on~~ how victims have accessed the rights set out in this Directive.
- (19) The principle of effectiveness of Union law requires that Member States put in place adequate and effective remedies in the event of a breach of a right conferred upon individuals by Union law. **On the basis of the Charter of Fundamental Rights of the European Union**, an effective remedy should be available where the rights under **this** Directive ~~2012/29/EU~~ are undermined or refused in full or in part.
- (19a) As a horizontal Directive, this Directive does not affect more far reaching provisions contained in other Union acts which address the specific needs of particular categories of victims, such as victims of trafficking in human beings, victims of sexual abuse, and sexual exploitation of children, including child sexual abuse material, victims of violence against women and domestic violence and victims of terrorism, in a more targeted manner.**

- (20) 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 no matter where in the EU the crime happened, 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. 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.
- (21) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

(22) ~~{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 Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified {by letter of 27 October 2023---,} its wish to take part in the adoption and application of this Directive.}~~

~~OR~~

~~{In accordance with Articles 1, 2 and 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 Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.}~~

(23) 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 and delivered an opinion on [XX XX 2023]¹⁶,

(24) 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).

¹⁶ [OP: Footnote once available]

Article 1

Directive 2012/29/EU is amended as follows:

- (1) the following Article is inserted:

Article 3a

Victims' helpline

1. Member States shall take the necessary measures to establish easily accessible, user friendly, free of charge and confidential victims' helplines which:
 - (a) provide victims with the information referred to in Article 4(1);
 - (b) offer emotional support;
 - (c) refer victims to specialised support services and/or specialised helplines if needed.
2. Member States shall ensure the provision of helplines referred to in paragraph 1 through a telephone helpline ~~connected to~~ **reachable via** the EU harmonised number "116 006", **which may operate in addition to any existing national numbers, and may provide such services also** through other **secure and accessible** information and communication technologies, including **online applications and** websites.
3. Member States shall take appropriate measures to ensure the availability of the services referred to in paragraphs 1 and 2 in ~~either~~ **the official language or** languages, **of the Member States as determined by national law. Member States shall strive to ensure the provision of those services in** ~~including~~ at least **one other** the languages most used in the Member State.
4. Helplines may be set up by public or non-governmental organisations and may be organised on a professional or voluntary basis.?

- (2) the following Article 5a is inserted:

Article 5a

Reporting of crime

1. Member States shall ensure that victims can report criminal offences to the competent authorities, **where appropriate and in addition to already existing methods of crime reporting**, through easily accessible, user friendly information and communication technologies. Such possibility shall include submission of evidence where feasible. **Such possibilities shall be without prejudice to national procedural rules regarding formalisation of online reporting and submission of evidence.**
- ~~2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that criminal offences have been committed, or that further acts of violence are to be expected, to report this to the competent authorities.~~
- ~~2.3.~~ Member States shall ensure that victims can effectively report crimes committed in detention facilities. Detention facilities shall include in addition to jails, detention centres and holding cells for suspects and accused, **and** specialised detention facilities for applicants of international protection and pre-removal centres, ~~and~~
The possibility to effectively report crimes also applies to accommodation centres where applicants and beneficiaries of international protection are located.
- ~~3.4.~~ 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 in accordance with their age and maturity.

5. ~~Member States shall ensure that the competent authorities coming in contact with a victim reporting crimes are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the first individual assessment referred to in Article 22.’;~~
- (3) Article 8 is amended as follows:
- (a) paragraph 2 is replaced by the following:
- ‘2. Member States shall ensure that victims are contacted by the relevant general or specialised support services if the individual assessment referred to in Article 22 demonstrates the need for support and the victim consents to be contacted by support services or if the victim requests support.’;
- (b) the following paragraph is added:
- ‘6. **Member States shall aim to ensure that v**~~Victim support services shall remain operational in times of crisis, such as health crises, significant migratory situations or other states of emergency~~ **with a view to address at least the victims’ basic needs.’;**

(4) Article 9 is amended as follows:

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

‘(c) emotional and, where available, psychological support ~~once they become aware of a status of a person as a victim~~. If the special need for **additional** psychological support has been demonstrated by individual assessment referred to in Article 22, **Member States shall facilitate the referral of victims to services able to provide additional psychological support shall be available to victims in need of such support for as long as necessary, as determined by national law, taking into account any relevant protocol or guideline referred to in Article 26a(1).**’;

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

‘(b) targeted and integrated support, including trauma support and counselling, for victims with specific needs, such as victims of sexual violence, victims of gender-based violence, including violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council¹⁷ [*on combating violence against women and domestic violence*], victims of trafficking in human beings **covered by Directive (EU) .../... of the European Parliament and of the Council (amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims)**, victims of organised crimes, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism, victims of **crimes falling within the jurisdiction of the International Criminal Court** ~~core international crimes~~.’;

¹⁷ Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’;

(c) the following paragraph is added:

‘4. Member States shall provide the protection and specialist support services necessary, **in accordance with national procedures referred to Article 22 paragraph 1, to adequately** ~~comprehensively~~ address the multiple needs of victims with specific needs **taking into account** ~~in line with the~~ **any relevant protocols or guideline** referred to in Article 26a(1), point (c).’

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

Article 9a

Targeted and integrated support services for children

1. Member States shall take the necessary measures to ensure the availability of child-friendly targeted and integrated **support** ~~specialist~~ services for children to provide for age-appropriate support and protection necessary to comprehensively address the multitude of needs of child victims.
2. Targeted and integrated support services for child victims shall, **in accordance with paragraph 4**, provide for a coordinated multi-agency mechanism that includes the following services:
 - (a) the provision of information **as referred to in Article 4**;
 - (b) medical examination;
 - (c) emotional and psychological support;
 - (d) possibility of crime reporting;
 - (e) individual assessment of protection and support needs referred to in Article 22;
 - (f) video recording of testimonies referred to in Article 24(1)(a).

3. ~~Some or all of t~~The services referred to in paragraph 2 ~~shall~~ **may** be provided within the same premises.’;
4. **The services referred to in paragraph 2 shall be provided in accordance with victims’ individual needs. Particular attention shall be paid to the seriousness of harm suffered by child victims, especially harm from sexual offences.**
- (6) the following Articles 10a and 10b are inserted:

‘Article 10a

Right to ~~assistance~~ **receive information and emotional support** at the court ~~premises~~

Member States shall take the necessary measures to ~~establish assistance~~ **ensure that victims receive** at the court premises ~~to provide~~ **general information on organisational aspects of the trial phase in criminal court proceedings** and emotional support ~~to victims~~. **Such information and support shall be provided if needed in accordance with victims’ individual needs.**

Article 10b

Right to ~~a review of~~ **information on** decisions taken during court proceedings

1. Member States shall ensure that victims, **in accordance with their status in the criminal proceedings as defined under national law**, are informed without delay of a decisions **provided for in article 23 (3)**, taken in court proceedings ~~that affect them directly and have the right to a review of such decisions~~. **Member States may provide the possibility for victims to request a review of decisions pursuant to Article 23(3)**. ~~Such decisions shall include at least decisions pursuant to the following provisions:~~
- (a) ~~Article 7(1) in relation to decisions on interpretation during court hearings;~~
- (b) ~~Article 23(3).~~

2. **Where victims may request a review of a decision under Article 23 (3),** ~~the procedural rules under which victims may request a review of a decisions referred to in paragraph 1 for such a review shall be determined by national law.~~

~~Member States shall ensure that the judicial decisions on the request of such a review are taken within reasonable time~~ **Decisions under article 23(3) and any consideration of a review of such a decision shall not unreasonably prolong the criminal proceedings.’;**

- (7) ~~Article 16 is amended as follows:~~

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

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

~~(b) paragraph 2 is replaced by the following:~~

~~‘2. Member States shall ensure that their competent authorities pay directly to the victim the adjudicated compensation without undue delay. The competent authorities shall be subrogated to the right of the victim in relation to the offender for the amount of the adjudicated compensation.’;~~

(78) Article 17 is amended as follows:

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

‘(b) to have recourse to the extent possible **in accordance with Union and national law** to the provisions on video conferencing ~~and telephone conference calls~~ to facilitate participation in criminal proceedings of victims who are resident abroad, **in accordance with their status under the applicable procedural rules.**’;

(b) the following paragraph is added:

‘4. **In accordance with Regulation (EU) 2018/1727,¹⁸** Member States shall ensure that the competent authorities may request assistance from Eurojust and transmit to Eurojust the information aimed at facilitating cooperation with the competent authorities of other Member States in cross-border cases.’;

(89) in Article 21, the following paragraph is added:

‘3. Member States shall **take the necessary measures to ensure that, if the competent authorities, ex officio or based on a request of the victim, assess that there could be a risk that the victim or a third person may be exposed to threats or violence,** personal data concerning a victim ~~allowing the offender to identify the victim’s place of residence or to otherwise~~ **other equivalent contact details** ~~the victim in any way is~~ **are not provided to the offender either directly or indirectly unless not disclosing the information would prejudice the rights of defence.**’;

¹⁸ **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.**

(910) 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) paragraph 1 is replaced by the following:

‘1. Member States shall ensure that victims receive a timely and individual assessment, **in accordance with national procedures**, to identify specific support and protection needs and to determine whether and to what extent they would benefit from special measures provided for under Article 9 (1), point (c), **in relation to additional psychological support, 9a** and Articles 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.’;

(c) the following paragraph 1a is inserted:

‘1a. The individual assessment shall be initiated ~~upon~~ **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 the need to continue the assessment, such assessment shall be undertaken **where appropriate** in **coordination** ~~collaboration~~ with the institutions and bodies depending on the stage of the procedure and victims’ individual needs in accordance with **any relevant** ~~the~~ protocols **or guideline** referred to in Article 26a.’;

- (d) paragraphs 2 and 3 are replaced by the following:
- ‘2. The individual assessment shall take into account:
- (a) the personal characteristics of the victim, including relevant experiences of discrimination, also when based on a combination of several grounds such as ~~sex~~, gender, age, disability, religion or belief, language, racial, social or ethnic origin, sexual orientation;
 - (b) the type or nature of the crime;
 - (c) the circumstances of the crime;
 - (d) the relationship to and the ~~characteristics of~~ **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 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.

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

- (e) the following paragraph 3a is inserted:
- ‘3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender, **as referred to in 2, d). That risk may include including** the risk of violent behaviour and of bodily harm, the use of weapons, involvement in a group of organised crime, drug or alcohol abuse, child abuse, mental health issues, behaviour of stalking, expression of threats or hate speech.’;
- (f) paragraph 4 is replaced by the following:
- ‘4. For the purposes of this Directive, child victims shall be presumed to have specific support and protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article. The individual assessment of child victims shall be organised within the framework of targeted and integrated support services referred to in Article 9a.’;
- (g) paragraph 6 is replaced by the following:
- ‘6. Individual assessments shall be carried out with the close involvement of the victim and shall take into account their wishes including where they do not wish to benefit from special measures as provided for in Articles 8, 9 ,9a, 23 and 24.’;
- (h) paragraph 7 is replaced by the following

~~‘7. Competent authorities shall update~~ **Member States shall ensure that the individual assessment at regular intervals is reviewed according to the individual needs of the victim** to ensure the support and protection measures relate to the victim’s changing situation **individual needs**. 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.’;

(10) In Article 23, paragraph 1 is replaced by the following:

‘1. Without prejudice to the rights of the defence and in accordance with rules of judicial discretion, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment provided for in Article 22(1), may benefit from the measures provided for in paragraphs 2, 3 and 4 of this Article. A special measure envisaged following the individual assessment shall not be made available if operational or practical constraints make this impossible, or where there is a an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.’

(11) in Article 23, paragraph 2, point (d) is replaced by the following:

‘(d) all interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council¹⁹ [*on combating violence against women and domestic violence*], unless conducted by a prosecutor or a judge, being conducted by a person of the same sex as the victim, if the victims so wishes, provided that the course of the criminal proceedings will not be prejudiced.’;

¹⁹ Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’

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

~~‘4. The following m~~Measures to ensure victims’ physical protection shall be available for victims with specific protection needs identified in accordance with Article 22(1) during criminal proceedings. **Those measures may include:**

(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** ~~including by prohibiting or restraining certain dangerous behaviour of the offender.’;~~

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

‘3. Where the offence involves the holder of parental responsibility, ~~or there could be any other~~ **in a way that includes a** conflict of interest between the child victims and the holder of parental responsibility, Member States shall take into account the best interest of the child and ensure that, **as determined by national law**, any act requiring consent is not conditional upon the consent of the holder of parental responsibility.’;

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

Protocols **or guidelines** through ~~national~~ coordination and cooperation **in the Member States**

1. Member States shall establish and implement specific **non-binding protocols or guidelines** on the organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols **or guidelines** shall be drawn up in coordination and cooperation between **relevant stakeholders, such as central authorities, in accordance with the internal structure of or division of competences in the Member States**, law enforcement, prosecution authorities, ~~judges~~ **judicial authorities**, detention authorities, **in consultation with** restorative justice services and victim support services **with a view to respond to the victims' individual needs. Member States are encouraged to ensure that, as a minimum, through t**~~The specific protocols or guidelines shall aim as a minimum at ensuring that:~~
 - (a) ~~victims receive information that is adapted to their changing individual needs; whereas such information shall be simple and easy to understand, provided in a timely manner, repeated over time, in multiple formats including orally, in writing and digitally;~~
 - (b) ~~victims who are in detention facilities or in accommodation centres where applicants and beneficiaries of international protection are located, as referred to in article 5, paragraph 3, including jails, detention centres and holding cells for suspects and accused, as well as specialised detention facilities for applicants of international protection and pre-removal centres or in other institutions, including accommodation centers where applicants and beneficiaries of international protection are located:~~
 - (i) ~~receive the information about their rights;~~
 - (ii) ~~can rely on facilitated crime reporting;~~
 - (iii) ~~have access to support and protection in accordance with their individual needs;~~

- (c) individual assessment of victims' needs for support and protection as referred to in Article 22, and provision of support services for victims with specific needs, take into account the victims' individual needs at different stages of the criminal procedure.
- (d) **the protection and specialist support services necessary to adequately address the multiple needs of victims with specific needs as referred to in Article 9(4) are provided.**
2. Member States shall ensure that the protocols **or guidelines** referred to in paragraph 1 are reviewed ~~at regular intervals~~ **where necessary** to ensure their effectiveness, **such as in case of significant changes of national law** ~~and at least once every two years.~~
- ~~3. Member States shall take the necessary legislative measures to allow for collection and sharing of information, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.~~

Article 26b

Use of ~~electronic means of communication~~ information and communication technologies

1. Member States shall ensure that victims of crime may exercise their rights provided for in Article 3a, Article 4(1), Article 5(1), Article 5a **(1) and (4)**, , Article 6(1), (2), (4), (5) and (6) ~~and~~ **as well as Article 10b in relation to informing victims about decisions taken in court proceedings, by using, where available** ~~electronic means of communication information and communication technologies.~~
2. Victims of crime shall not be prevented from accessing or otherwise using, **where available, the services provided by** national systems offering the **information and communication technologies** ~~electronic means of communication~~ referred to in paragraph 1 on the basis that they are residents of another Member State.

3. Where national systems offering **information and communication technologies** ~~electronic means of communication~~ require the use of electronic identification, signatures and seals, Member States shall allow the use of 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 Council²⁰.

Article 26c

Rights of victims with disabilities

1. Member States shall ensure that victims with disabilities benefit on equal basis with others from **information and communication technologies** ~~electronic means of communication~~ as 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 Council²¹.
2. Member States shall ensure that victims with disabilities can access on equal basis with others, any procedure as well as the support services and protection measures covered by this Directive in line with the accessibility requirements set out in Annex I to Directive (EU) 2019/882.

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

²⁰ 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).

²¹ 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).

Article 26d

Remedies

Member States shall ensure that victims have an effective remedy under national law in the event of a breach of their rights under this Directive.²;

(15) the following Article 27a is inserted:

Article 27a

Specific obligations in relation to victims of violence against women and domestic violence

When Member States adopt the measures to comply with this Directive, they shall ensure that it is done without affecting the obligations under Directive (EU) .../... [*on combating violence against women and domestic violence*], which are applicable in relation to such victims in addition to the obligations set out in this Directive. In particular, Member States shall ensure that

- (a) the victims' helpline as referred to in Article 3a of this Directive does not affect the operation of dedicated and specialised helplines for victims of violence against women and domestic violence as required under Article 31 of Directive (EU) .../... [*on combating violence against women and domestic violence*];
- (b) the obligation to take measures pursuant to Article 5a(2) of this Directive does not affect Member States' obligation to take targeted measures to encourage the reporting of acts of violence against women or domestic violence set out in Article 16(1) of Directive (EU) .../... [*on combatting violence against women and domestic violence*];
- (c) the obligation to take measures pursuant to Article 5a(3) of this Directive does not affect Member States' obligation to take specialised measures to ensure the reporting of occurrences of violence against women or domestic violence in reception and detention centres set out in Article 35(4) of Directive (EU) .../... [*on combatting violence against women and domestic violence*];

- ~~(d) the obligation to take measures pursuant to Article 5a(4) of this Directive does not affect Member States' obligation to take targeted measures under Article 16(4) of Directive (EU) .../... [on combatting violence against women and domestic violence];~~
- ~~(e) as regards victims of violence against women or domestic violence, the provisions of [Articles 18 and 19 of Directive (EU) .../... [on combating violence against women and domestic violence] shall apply in addition to the rules set out in Article 22 of Directive 2019/29, as amended by this Directive²~~
- ~~(f) the protocols on individual assessment of victims' needs for support and protection as referred to in Article 26a in conjunction with Article 22 of this Directive do not affect Member States' obligations to issue guidelines and establish dedicated mechanisms for victims of violence against women and domestic violence provided for in Article 23, point (b), and Article 40(2) of Directive (EU) .../... [on combating violence against women and domestic violence].²;~~

(156) 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 of crime. The statistics shall include data, **when available at central level**, relevant to the application of national procedures on victims of crime, ~~including at least~~ **which may include** the number and type of reported crimes and the number, the age, sex of the victims ~~and the type of the offence~~. They shall also include ~~information on~~ **data available at central level showing** how victims have accessed the rights set out in this Directive. **For the purposes of the statistics referred to in this provision, Member States may use data collected on the basis of relevant Union instruments.**

2. Member States shall **endeavour to** collect the statistics referred to in this Article on the basis of common disaggregation developed in cooperation with the Commission (Eurostat). They shall transmit this data to the Commission (Eurostat) every three years. The transmitted data shall not contain personal data.
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** ~~on~~ how victims have accessed the rights set out in this Directive.
4. The Commission (Eurostat) shall support Member States in the data gathering referred to in paragraph 1, including by establishing common standards. ~~on counting units, counting rules, common disaggregation, reporting formats, and on the classification of criminal offences~~
5. The Member States shall make the collected statistics available to the public. The statistics shall not contain personal data.’;
6. ~~The collection of data under paragraph 1 shall not affect the dedicated data collection under Article 44 of Directive (EU) .../... [on combating violence against women and domestic violence].’;~~

(167) Article 29 is replaced by the following:

Article 29

Reporting by the Commission and review

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

The 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 after the entry into force*] with the exception of the provisions necessary to comply with Article 26b which shall be adopted and published [*by four years after the entry into force*]. 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 Brussels,

For the European Parliament

The President

For the Council

The President