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COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT REPORT

Accompanying the document

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 Deicision 2001/220/JHA

{COM(2023) 424 final} - {SEC(2023) 270 final} - {SWD(2023) 247 final}

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Glossary

Term acronym or a key notion	Meaning or a definition
Child	Any person below 18 years of age.
Child-friendly justice	Refers to justice systems which guarantee the respect of the effective implementation of all children's rights at the highest attainable level (Council of Europe, Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice and their explanatory memorandum).
Criminal proceedings	The steps taken and methods used in bringing and conducting a criminal action. Under the Victims' Rights Directive the moment when a complaint with regard to a criminal offence to a competent authority is made is considered as falling within the context of criminal proceedings. It also includes the situations where authorities initiate criminal proceedings *ex officio.*
Family member of a victim	For the purpose of the Victims' Rights Directive, the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim.
Individual assessment of victims' needs	An assessment process by the competent authorities to identify vulnerability of victims and their specific protection needs to determine whether and to what extent they would benefit from the special protection measures.
Offender	A person who has been convicted of a crime. For the purposes of the Victims' Rights Directive; it also refers to a suspected or accused person before any acknowledgement of guilt or conviction, and it is without prejudice to the presumption of innocence.
Procedural rights	Rights of parties in the proceeding of civil, criminal or administrative justice. These may notably include rights to information, right to be heard, right to legal counsel and representation.
Physical protection measures/ protection	A decision by the competent judicial or equivalent authority in criminal or civil matters imposing one or more of the obligations

orders	on the person causing the risk to protect another person, when the latter person's physical or psychological integrity is at risk. The obligation can relate to a prohibition or regulation of entering certain places, prohibition of contact in any form or a prohibition of approaching the protected person closer than a prescribed distance.
Specialist support services	Support services which are available for victims who are particularly vulnerable or who have suffered considerable harm.
Stakeholder	Any individual citizen or an entity impacted, addressed, or otherwise concerned by an EU intervention.
Stakeholder consultation	A formal process of collecting input and views from citizens and stakeholders on new initiatives or evaluations/ fitness checks, based on specific questions and/or consultation background documents.
Victim support services	Organisations, governmental and/or non-governmental, general or specialist, which provide support services to victims, free of charge in accordance with each victim's individual needs. Support services may include (but are not limited to) the provision of information, legal counselling, translation and interpretation, psychological support, advice relating to financial or practical aspects of proceedings, advice and support on avoiding repeat, secondary victimisation or retaliation. Victims have a right to support service before, during and for an appropriate time after criminal proceedings.
Victim of crime	Under the Victims' Rights Directive, a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence, as well as family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death. Criminal offences are defined in the national criminal codes.
Victimisation	The process of becoming a victim because of crime. "Secondary victimisation" is a further harm suffered because of lack of respectful and professional treatment by institutions and individuals. "Repeat(ed) victimisation" is a harm suffered when the same crime or incident is experienced by the same victim more than once.
Vulnerable victim	Persons who have suffered considerable harm due to the severity of the crime, or a crime committed with a biased motive related to the personal characteristics or victims whose relationship to

	and dependence on the offender made them more vulnerable. Such person may be at particular risk of secondary and repeat victimisation, to intimidation, to retaliation. There is no closed list of vulnerable victims, but particular regard shall be paid to victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, exploitation, hate crime and victims with disabilities.
Victim-centred justice	The victim-centred justice aims at bringing the right balance to the criminal proceeding by ensuring that focus is not only on those who committed the crime but also on victims. It recognises victims as individuals whose fundamental rights were violated by a crime and who have a standing and a voice in criminal proceeding and are supported by their communities.

INTRODUCTION: POLITICAL AND LEGAL CONTEXT

Developing a victim-centred justice **has played an important role in the creation of a European area of freedom, security**, **and justice**. In 2001, the Union adopted the EU Framework Decision on the standing of victims in criminal proceedings[1], that codified the international standards developed in this area since the 1980's. In 2009, the Lisbon Treaty entered into application, it has abolished the "three pillars", integrated the area of freedom, security and justice into the Union law and provided for a new legal basis to adopt directives harmonising minimum standards on victims' rights. In 2010, in the Stockholm Programme (2010-2014)[2] the European Council called **for further action to place the needs of victims of crime at the centre of European justice systems**. This led to the adoption in 2012 of the current Directive establishing minimum standards on the rights, support and protection of victims of crime (the VRD).[3] To date, **the VRD is the core EU instruments in the area of victims' rights.**

In 2019, the Council[4] stressed the importance of **strengthening and further developing the existing EU framework on victims' rights and improving its implementation[5]**. The European Parliament also contributed to the debate, notably via a 2017 implementation assessment[6] and a 2018 study on criminal procedural laws across the European Union.[7] Furthermore, the Parliament's Resolution on minimum standards on the rights, support and protection of victims of crime, adopted in 2018[8] called on the Commission and the Council to further develop the rights of victims so that the EU could play a leading role in this area.

Moreover, numerous stakeholders have called for strengthening victims' rights and provided concrete recommendations in several reports, including those of former Commission President Juncker's Special Adviser on victims' compensation[9], the European Union Agency for Fundamental Rights (FRA)[10], and Victim Support Europe[11].

In June 2020, the Commission adopted the first ever EU strategy on victims' rights (2020-2025) ("the Victims' Rights Strategy").[12] The Strategy provides for a set of actions for the Commission, EU Member States, and other stakeholders, aimed at creating a safer environment for victims to report crimes, strengthening cooperation and coordination, and improving practical implementation of victims' rights. These are non-

[1] OJ L 82, 22.3.2001, p. 1.
[2] European Council, Secure Europe Serving and protecting citizens (2010/C 115/01).
[3] OJ L 315, 14.11.2012, p.57, replacing Council Framework Decision 2001/220/JHA.
[4] Council Conclusions on victims' rights adopted on 3 December 2019.
[5] The Council also underlined the importance of providing support to victims of terrorism in the 2018 Council Conclusions on Victims of Terrorism.
[6] The Victims' Rights Directive 2012/29/EU – PE 611.022 – December 2017.
[7] Criminal procedural laws across the European Union – a comparative analysis of selected main differences and the impact they have over the development of EU legislation. Study requested by the LIBE Committee, PE 604.977, August 2018.
[8] OJ C 76, 9.3.2020, p.114.
[9] Strengthening victims' rights: from compensation to reparation, Report of the Special Adviser, J. Milquet, to the President of the European Commission, Jean-Claude Juncker.
[10] European Union Agency for Fundamental Rights, Underpinning victims' rights: support services, reporting and protection, February 2023, Crime, Safety and Victims' Rights - Fundamental Rights Survey, published in February 2021, four reports on Justice for Victims of Violent Crime, April 2019.
[11] Victim Support Europe, Victims of Crime Implementation Analysis of Rights in Europe (VOCIARE), October 2019.
[12] COM(2020) 258 final, 24.6.2020.

legislative measures. As regards legislative measures, the Strategy called on the Commission to assess whether a revision of the VRD was necessary and if so, to present legislative amendments by the end of 2022.

The Commission has assessed the VRD and presented the results in **the Evaluation report adopted on 28 June 2022**[13] ("the Evaluation"). The Evaluation shows that a revision of the VRD is indeed necessary. The revision of the EU victims' rights acquis is included in the Commission Work Programme 2022[14].

1.1. EU acquis on victims' rights – the interplay between the horizontal and sectorial legislation

The VRD is **the main horizontal instrument on victims' rights**. It lays down rights for all victims of all crimes[15], including the right to information, the right to support and protection in accordance with victims' individual needs, procedural rights and the right to receive a decision on compensation from the offender at the end of criminal proceeding. It is applicable since November 2015 in all EU Member States, except for Denmark, who decided to opt-out and is not bound by the Directive.

In addition to the VRD, the EU acquis on victims' rights includes the 2004 Compensation Directive[16] and EU rules on protection orders[17]. These instruments are also of a **horizontal nature and are applicable to all victims of crime**.

Furthermore, the EU acquis on victims' rights **includes sectorial legislation composed of several instruments addressing the specific needs of victims of certain categories of crimes.** These comprise the Directive on preventing and combating trafficking in human beings and protecting its victims[18], the Directive against sexual abuse and sexual exploitation of children and child pornography[19], the Counter-terrorism Directive[20], and the Directive on combating fraud and counterfeiting of non-cash means of payment[21]. On 8

[13] Commission Staff Working Document, Evaluation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 SWD(2022) 180 final.
[14] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Commission work programme 2022 Making Europe stronger together COM(2021) 645 final.
[15] The Victims' Rights Directive does not provide for a definition of crime, it provides for a definition of a victim of crime and leaves a definition of criminal offences to national criminal codes (regular crimes) and EU sectorial legislation (Eurocrimes).
[16] Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, OJ L 261, 6.8.2004, p. 15 – 18.
[17] Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order (OJ L338, 21.12.2011, p.2) and 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 L181, 29.6.2013, p.4).
[18] Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. OJ L101, 15.4.2011, p.1.
[19] Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA. OJ L335, 17.12.2011, p.1.
[20] 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.
[21] Directive 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA, PE/89/2018/REV/3, OJ L 123, 10.5.2019, p. 18.

March 2022, the Commission adopted a proposal for a Directive on combating violence against women and domestic violence (the VAW proposal).[22] On 19 December 2022, the Commission presented a proposal for a Directive amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims[23].

The sectorial legislation criminalises certain acts and provides for additional rights to victims of such crimes that respond more directly to their specific needs. **The sectorial legislation does not replace the VRD in relation to victims of specific categories of crimes**. The provisions of the sectorial legislation **build on the VRD** and are applicable in addition to those of the VRD. It is important to highlight that the relationship between the VRD and of the sectorial legislation is not such as the one of *lex generis* and lex specialis where *lex specialis derogate generalis*. The sectorial legislation does not derogate from the VRD but provides additional rights for victims of specific categories of crimes covered by the sectorial legislation. Following the revision of the VRD, all victims, including those covered by the sectorial legislation will benefit from strengthened rules on victims' rights. The revision of the VRD will not require any revisions of the sectorial legislation.

1.2. Evaluation of the Victims' Rights Directive

The Evaluation has confirmed that **the VRD has broadly generated the expected benefits**. Victims' treatment by the competent authorities and the victims' ability to participate in criminal proceedings have overall improved. The Evaluation has shown that the VRD is internally and externally coherent to a satisfactory level. The VRD brought a positive impact on victims' rights to access information and improved victims' access to support services. It has enhanced access to generic support services that are now available to all victims of all crime. In general, the VRD has improved victims' safety.

However, in contrast to these positive developments, **in relation to each of victims' rights under the VRD, the Evaluation has demonstrated specific problems that require targeted improvement**. It is important to note that these specific problems do not stem from failures in the implementation of the Victims' Rights Directive into national legislation. In 2019, the Commission had 25 open infringements against the Member States for incorrect transposition of the Victims' Rights Directive. Since then, however, the Member States have made important efforts to remedy the gaps in transposition and the Commission has been able to close all infringements but one (against Bulgaria). The Commission has carefully scrutinised the transposition of the Victims' Rights Directive in the Member States and, on the basis of this scrutiny, confirmed that all essential elements of the binding provisions of the Directive have been transposed.

Evidence from the Evaluation shows that the problems are linked to the lack of clarity and precision with which certain rights are formulated and to the large margin of manoeuvre for the Member States. This led, in some cases, to the weakening of victims' rights in practice and to divergences in transposition.

- The lack of clarity and precision is particularly relevant when it comes **to the right to individual assessment** of victims' needs and to the **right to specialised support services.** In both cases the essential elements are left to the national procedures**.**

[22] COM(2022) 105 final, 8.3.2022.
[23] COM(2022) 732 final, 19.12.2023.

- Too large margin of manoeuvre exists in relation to victims' **rights to participate in criminal proceeding and** the right to receive a decision **on compensation.**

- **Discrepancies in Member States** judicial schemes **in relation to victims' status in criminal proceedings** obstruct the execution of EU level minimum rules in this area and hinder victims' active participation in criminal proceeding.

- The VRD misses the opportunity to adequately protect victims from **secondary victimisation when executing compensation from the offender**.

- The VRD puts a **disproportionate burden on the police** - in providing victims' information.

- The VRD does not respond to problems and victims' needs related to development in technology (**digitalisation**) that took place since the adoption of the VRD.

- Moreover, the minimum standards on what constitutes a child-friendly[24] and victim-centred justice[25] have risen in the past ten years.

Therefore, in order to ensure that victims can fully rely on their rights in accordance with their current needs in line with the recent developments in justice and in technology, this impact assessment considers **setting up of more far-reaching minimum rules than those adopted in 2012**. These are inspired by best practices from most or some Member States.

PROBLEM DEFINITION

2.1. What are the specific problems and their drivers?

Building on the Evaluation, this impact assessment further substantiated the problem analysis through desk research and broad consultations.

There are five key specific problems:

2.1.1. Victims do not always receive information or adequate information about their rights which makes it more difficult or impossible for them to exercise their other rights

Under Article 4 of the VRD, victims have a right to receive information about their rights **from the first contact with the competent authorities**, notably the police. Nonetheless, not all victims contact competent authorities. As demonstrated by the 2021 FRA Report and its previous survey data[26] and described more in detail in the point on consequences of problems below, in **most cases victims do not report the crime**. **Such victims are deprived from access to information**, including information about their rights to support and protection which are independent from whether they report a crime or not.

[24] See for instance the rapid growth of the Barnahus model (children houses) in the EU Member States.
[25] See for instance, Re-just project "Action plan for developing victim-centred and trauma informed criminal justice systems" published in 2021 that presents the recent standards on victims' access to information, including helplines, coordinated approach to support, victims' protection and participation in justice.
[26] Crime, Safety and Victims' Rights - Fundamental Rights Survey, February 2021, FRA, Second European Union Minorities and Discrimination Survey – Main results, December 2017; FRA, A long way to go for LGBTI equality, May 2020; FRA, Experiences and perceptions of antisemitism – Second survey on discrimination and hate crime against Jews in the EU, December 2018; FRA, Second European Union Minorities and Discrimination Survey – Being Black in the EU, November 2018; and FRA, Violence against women: An EU-wide survey – Main results, March 2014.

The Evaluation found that, although the VRD requires that information to victims is provided in accordance with a right to understand and to be understood (Article 3 of the VRD), in practice the competent authorities often use a language that is not adapted to victims' needs[27]. This is confirmed by the Vociare report[28]. According to the perception of professionals only 30 % of children, 26 % of persons with intellectual disabilities and 26% of illiterate persons receive information in a way which is adapted to their needs. So even if victims receive the information from the first contact, the police, **the quality of information is often not sufficient** as it is **not tailored to victims' specific needs**. Persons with disabilities, persons who don't speak the national language, children and elder people in most cases do not receive the information that is tailored to their needs. Also, since the first contact with the competent authorities often takes place at a crime scene, person who are in shock immediately after the crime are not able to comprehend the information they receive from the police.

Under Article 6 of the VRD, victims should also receive, **follow up information from the competent authorities** about the different stages of the criminal procedure, their role and the situation of the offender (e.g.: a release from detention). According to the 2019 FRA Report[29] a clear majority of victims asserted that the information they receive from the police and prosecution during the proceeding is *"difficult to understand, untimely and incomplete"* and they would have liked more information about their rights and their legal status in the criminal proceedings.

Box 1. Testimonies on the provision of adequate information, the 2019 FRA Report (p. II)

"[…] often victims come to us when everything is over, they are not informed about the outcome of the proceedings, they have not made any claims for compensation, nobody informed them about the fact that they can make claims for compensation [...] Nobody told them any of that, surely it is said somewhere on a sheet they got, but that's not enough." (Member of support organisation, Austria)

"[M]any things I didn't know before, such as [...] compensation, having a look at the case file, a lawyer. So, I would have definitely wished for more information on these things." (Victim, Germany)

Similarly, a great share of stakeholders consulted within the Evaluation (61 out of 95 respondents from the public consultation) considered that victims' right to information from the first contact with a competent authority is not sufficiently achieved under the VRD and should be strengthened.

Comprehensive channels of communications that would take into account the complexity of victims' needs in relation to their right to access information are still not available in all Member States. Indeed, many **victims still cannot rely on comprehensive Victims' helplines using the 116 006 telephone number**[30], where they would receive the

[27] As example in several Member States (including BG, PT, RO, SK.) the information provided by authorities in written form is a copy paste of the national provisions on victims' rights.
[28] Vociare Synthesis Report, published in 2019 by Victim Support Europe and Portuguese Association of Victims' Rights APAV.
[29] Fundamental Rights Agency Report on Justice for Victims of Violent Crime, April 2019, part II.
[30] Set up under Commission Decision of 30 November 2009 amending Decision 2007/116/EC as regards the introduction of additional reserved numbers beginning with '116'; in total 5 such numbers are reserved for different services, such as missing children "116 111" and victims of gender-based violence "116 116". The application of reserved numbers is not mandatary but recommended. Certain conditions must be fulfilled to

information they need, at the time that suits them, would be able to speak freely about their experience and be referred to the police or other services – if needed. Highlighted by Victim Support Europe[31], **helplines are now an essential part of the national response to mental wellbeing and support for victims**. Their main problem is that they are still not available in 13 EU Member States[32], even though they are promoted at the EU level since 2009. Even fewer victims can benefit from a more advanced form of helplines that uses a comprehensive website and allows for chats and e-mails in addition to phone calls[33].

Drivers of the problem:

- **Failure to address the complexity of the victims' needs to access information** in the VRD. The Evaluation demonstrates that, by requiring that the first contact authorities provide victims with an extensive list of information about their rights in line with their needs, the VRD puts **a burden on police that is disproportionate** in relation to the limited capacities of police. According to the VOCIARE report police often lack the necessary resources, is not educated enough about victims' needs and victims' wellbeing is not their priority. And as the 2019 FRA report showed, victims may not view the police as being unreservedly on their side and hence as a credible source of advice and information.[34]
- **Lack of mechanisms of cooperation**[35] among the police, support services, judicial and probation authorities that would ensure that victims receive adequate information about different stages of the procedure in accordance with their changing needs.
- **Untapped potential of the new technologies**, to improve victims' access to information (websites that provide for information in different languages and integrate chats, e-mails and online working tools to respond to different communication needs, such as age and disability).

2.1.2. Victims with specific needs do not always benefit from a timely assessment of their individual needs and are deprived from effective protection measures

Article 22 of the VRD provides for victims' right to timely and individual assessment of their protection needs. Its purpose is to determine whether a victim is in any way particularly vulnerable to secondary victimisation (harm from the criminal proceeding) and repeated victimisation, intimidation and/or retaliation (harm from the offender), so that adequate protection measures can be applied. Such protection measures are laid down in Article 23 of the VRD. **The conditions of individual assessment are left to national law**.

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use the numbers, for victims, the helpline "116 006" must provide information about victims' rights, refer to police and other services – if needed and provide for emotional counselling.

[31] VSE position paper "Establishing Victims helpline 116 006 across the EU", 2021.

[32] BE, BG,CY,EL,ES,HU,IT,LU,MT,PL,RO,SL, SK.

[33] Best example includes: the Irish Victims' helpline How We Help - Crime Victims Helpline, the Estonian helpline Avaleht | Palunabi, the Croatian helpline, the Latvian helpline, the Swedish helpline.

[34] FRA, Proceedings that do justice – Justice for victims of violent crime, Part II, p. 63, April 2019.

[35] The Evaluation demonstrates that he national coordination mechanisms for all victims are limited and usually set up for victims of certain categories of crime, for instance there are well functioning national cooperation schemes for victims of trafficking. There are however best practices of national cooperation schemes that exist for all victims of crime. In Austria, the Management Centre for Victim Assistance (MZ.O) ensures that all relevant actors coordinate their activities, develop and implement a common victim support policy. In France, the Inter-Ministerial Delegate for Victim Support DIAV coordinates the actions on the care and support of victims within France at governmental level and locally.

According to the Evaluation, the right to individual assessment is one of the most significant achievements of the VRD, however its quality is often hampered in practice.

In this regard, three shortcomings were identified:

- the assessment **comes too late in the procedure** (8 Member States do not have measures to ensure that the individual needs assessment is carried out at the first contact with the competent authorities[36]);

- it **does not involve psychologist and victims support services** who have the expertise to assess the psychological situation of each victim (13 Member States do not have measures to ensure the involvement of relevant actors, including support services and psychologists [37]);

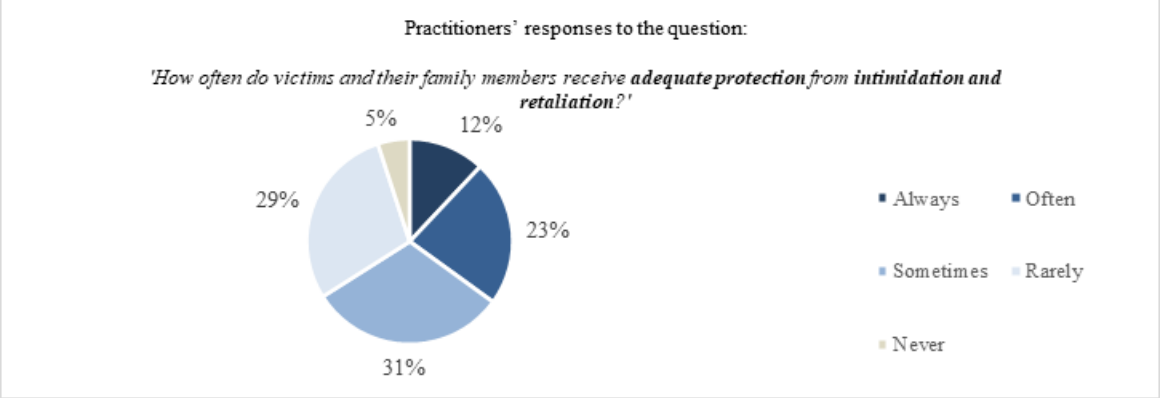
- **neglects the risks emanating from the offender[38]** who may be in possession of arms, abusing drugs or alcohol and pose higher risks to victims (in 11 Member States the individual assessment does not include evaluation of the risks emanating from the offender[39]).

Correctly done individual assessments of victims' needs are vital to ensure victims' adequate protection. Without such an assessment, victims cannot benefit from the special protection measures laid down in Article 23 of the VRD. The 2023 FRA Report results show considerable differences between Member States in how authorities apply these protection measures in practice.[40] Such measures include special interviewing techniques, avoidance of eye contact, avoidance of victims' presence in the courtroom but do not include measures of victims' protection from the offender (such as protection orders) – even though victims' rights to protection under the VRD includes protection from both the secondary victimisation and repeated victimisation. The Evaluation and consultations indicate that this gap in the VRD has not been filled by national law and practice. A great share of stakeholders consulted within the Evaluation (60 out of 95 respondents during the public consultation) found that **the victims' right to protection, is not sufficiently available and should be strengthened.**

The 2019 FRA Report confirms that in the majority of cases, victims are not adequately protected from the offender. The report also confirms that the Member States do not have routine mechanisms to assess the risk of victims being the target of retaliation by offenders.

[36] BG, CZ, EE, EL, IT, RO, SI, SK.
[37] BG, CZ, EE, FI, HU, IE, LU, LV, PL, PT, RO, SE, SI.
[38] Related to risks emanating from the offender, see also FRA's survey results presented in the report Crime, Safety and Victims' Rights, February 2021, which show that 11 % of victims of physical violence did not report the incident to the police because of fear of reprisal (revenge) by the perpetrator (p. 82 in the report, Figure 26).
[39] BG, CZ, DE, EL, FI, LU, LV, MT, NL, PT, SI.
[40] FRA, Underpinning victims' rights: support services, reporting and protection, February 2023.

Figure 1. Testimonies on the provision of adequate protection, the 2019 FRA Report (p. II)



Drivers of the problem:

- The VRD leaves **too large margin of discretion on conditions of individual assessmen**t and **fails to regulate victims' protection from the offender** (it does not require to assess the risks emanating from the offender as a part of the individual assessment and it does not list victims' physical protection together with other protection measures in Article 23 of the VRD).

- **Lack of mechanisms of cooperation** enabling the early involvement of support services, police, and judicial authorities in the individual assessment of victims' needs.[41]

- **Lack of awareness** about the victims' physical protection measures such as protection orders[42] at the national level even among the professionals and even in life threatening situations involving victims of violent crime, victims of hate crime, victims of organised crime or victims in detention[43].

2.1.3. Vulnerable victims often cannot rely on specialist support such as prolonged psychological treatment or targeted approach for child victims

Although Articles 8 and 9 of the VRD provide for a right to specialised, targeted and integrated support for victims with specific needs that is free of charge and includes psychological support where such support is available, the Evaluation has demonstrated that vulnerable victims, including children often cannot benefit from effective support[44].

The child-sensitive approach is still an issue in numerous Member States[45]. The Evaluation has demonstrated that there is a lack of common understanding on what is

[41] 90% of respondents during the public consultation found that coordination and cooperation between national authorities and organisations involved in individual needs assessments should be strengthened.
[42] As an example of a general lack of awareness, only half of the interviewed legal professionals in the five EU Member States assessed in the Artemis project were aware about the possibility of applying protection orders in cross border cases. See: Mediterranean Institute of Gender Studies. It confirms the findings of the FRA (2019), Proceedings that do justice – Justice for victims of violent crime: Part II, April 2019, that raised the issue in relation to protection measures at the national level.
[43] Protection measures with regard to victims of violence against women and domestic violence are included in the VAW proposal.
[44] About half of the stakeholders consider that victims with specific needs do not receive appropriate support.
[45] During the consultations, numerous problems related to video recording of children for evidence, child-friendly participation in trial, individual approach to the most vulnerable children were reported in several Member States including BE, BG, DE, EL, LT and PT.

required by targeted and integrated support for vulnerable victims – notably for children. As a result, not all children in the EU can benefit from high quality specialist support. For instance, the full **Barnahus model** ("Children house" in Scandinavian)[46] is not available in 15 Member States, and in 6 Member States, children cannot even benefit from its simpler version (centralized, multiagency approach but not under the same roof.)[47] **The Barnahus model is currently the most advanced example of a child-friendly approach to justice[48]**. In addition to child-friendly measures that are already in the VRD (such as video recording of testimonies, avoidance of eye contact, child-friendly interviews by the same person), its main advantage is that it provides for all services in relation to child victims' support and protection in an integrated way and under one roof. It is also **an example of the most complete coordination mechanism**. Instead of parallel and overlapping criminal and non-legal proceedings in relation to support and protection, it provides for a coordinated mechanism that includes provision of information, reporting, individual assessment of protection needs, psychological support, medical examination and videorecording of testimonies. All this is done in a child-sensitive setting that maximises the avoidance of secondary victimization. The Barnahus model serves mostly child victims of sexual abuse, but it is open to all child victims.

The Evaluation has also demonstrated **that in 12 Member States psychological support for victims is not always available free of charge[49]**. Victims are often asked to pay for psychological support after initial sessions. This is particularly problematic for vulnerable victims who usually cannot afford paying the support. The effects of crime can be long-lasting, and they are not influenced by how severe the crime was.[50] Moreover, as highlighted by the 2019 FRA Report (p. II), victims of violent crime will not be able to play any significant role in criminal proceedings, unless they **receive competent and empowering psychological support**.

Drivers of the problem:

- The VRD, by stating that free psychological aid is provided only "where available" leaves too much **discretion to the Member States as to ensuring the availability of such support. Similarly,** by not specifying what constitutes targeted and integrated support for vulnerable victims, **the VRD leaves too much discretion to the Member States as to the scope of such right.**

- Lack of **mechanisms of coordination** among the support services, police and judicial authorities. As highlighted by the Victim Support Europe report from 2018[51], the more organisations and bodies a victim must be in contact with, the greater the level of secondary victimisation. The framework for delivering a national system of access to justice and to support services involves a multitude of people operating in different spheres. Without their close cooperation, the changing

[46]Barnahus is a child-friendly office, where law enforcement, criminal justice, support services, and medical and mental health workers meet children under one roof and assess together the situation of the child and decide upon the follow-up.
[47] Please see Annex 6 for further reference.
[48] About Barnahus - Barnahus
[49] AT, CY, CZ, DE, EE, IE, LT, LV, MT, NL, PT, SI – see Annex 6.
[50] The psychological consequences of crime can include anxiety, depression, guilt, shame self-destructive behaviour and inability to act or think rationally, see Psychological Reactions of Victims of Violent Crime, Cambridge University Press, 2018.
[51] See the report by Victim Support Europe on "The role of civil society in the development of victims' rights and delivery of victims' service", October 2018.

victims' needs are not met, and victims are exposed to secondary victimisation. In relation to the lack of mechanisms of coordination among the support services, police and judicial authorities, the 2023 FRA report highlights the promising practice of setting up a coordination and networking hub for authorities, organisations and people involved in victim assistance and protection.[52]

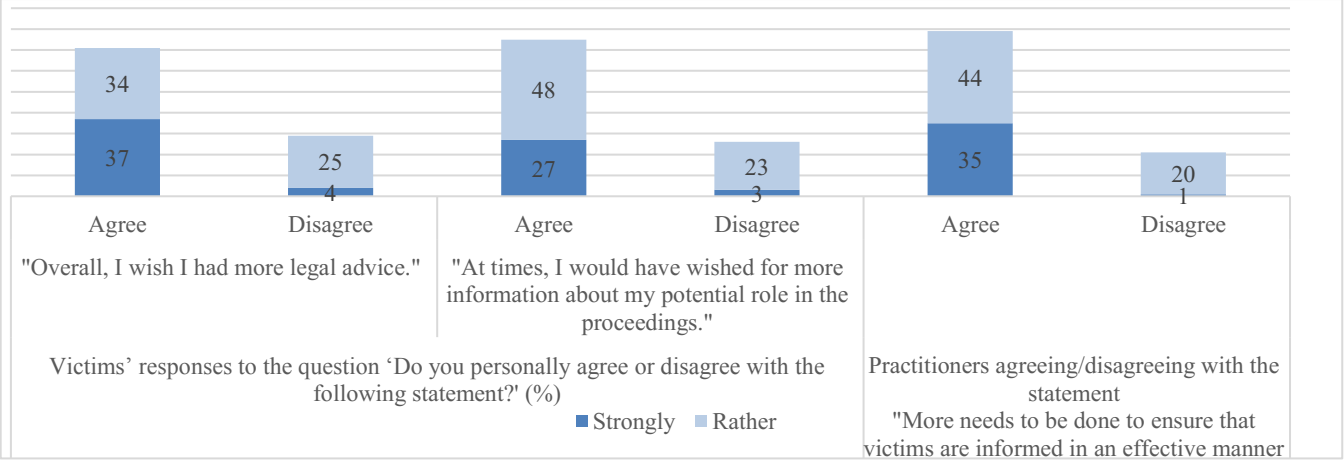
2.1.4. Victims' participation in criminal proceedings is often difficult or impossible

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 procedure.

The main rights that facilitate victims' participation in criminal proceeding include the right to be heard (Article 10 of the VRD), rights in the event of a decision not to prosecute (Article 11 of the VRD), right to legal aid (Article 13 of the VRD) as well as a set of rights aimed at protecting victims from secondary and repeated victimization during the proceedings (Articles 18 to 24 of the VRD). The Evaluation and consultations highlighted that victims' participation in criminal proceedings is difficult or even impossible without being **sufficiently accompanied and advised**. **Advice by a lawyer** who represents the victim in the court responds to most issues, notably those related to legal aspects. Nonetheless, not all victims have a right to a lawyer. Legal aid can be granted to those who have insufficient means (with extremely low means test in some Member States) or those who suffered from certain types of crime and only if they have a status of a party to criminal proceeding (Article 13 of the VRD). This is why for victims, it is also important to have the right to be **accompanied by a person other than a lawyer,** who could at least advise about the victims' role and rights during the proceedings and offer emotional support. Article 20 of the VRD provides for such a right but limited to the investigation stage (before the trial). The Vociare Report, highlights that the right to be accompanied by a person of choice is in some Member States limited to the victims' lawyer[53] and in other Member States bureaucratic hurdles[54] hamper the full enjoyment of this right.[55] The 2019 FRA Report also clearly indicates that victims are not adequately advised and assisted during the criminal proceedings.

Figure 2. Support provided to victims during criminal proceedings, the 2019 FRA Report

[52] FRA, Underpinning victims' rights: support services, reporting and protection, February 2023.
[53] BG, EE, LT, LU, PL and SI (in SI the victim can be accompanied by a lawyer or another person of trust).
[54] For instance, sufficient reasons for the request must be presented and the request must be documented. In some cases, law enforcement authorities are reluctant to allow the presence of a person of the victim's choice, justifying denial of this right on concerns that the victims' statement would be impaired.
[55] IE, LT and LV.



In this context it is essential to ensure that all victims in the EU have at least **a right to be accompanied by a person of choice other than a lawyer** during the trial (not only during the investigations) and receive adequate information from the court staff.[56] Victims in 6 Member States still cannot be accompanied during the trial by a person of choice other than a lawyer. This situation is particularly acute for the most vulnerable victims, such as child victims, victims with disability, victims of sexual violence, victims of trafficking, victims of hate crime or victims of core international crimes who especially need to be accompanied because of their personal characteristics or the gravity of the crime they suffered.

The Evaluation shows that another main problem with victims' participation in criminal proceeding is that in some Member States **victims do not have legal status as a party to the criminal proceeding**[57]. The victims' standing in criminal proceeding indeed differs from one Member States to another (from a party, to assisting prosecutor, civil party or a witness with a right to be heard). The VRD leaves it to national law. According to the 2019 FRA report (part II) **"being denied victim status** and forced into the role of a witness – a bystander unconcerned by the wrong done by the offender – is at the core of many negative experiences with justice".

Moreover, victims often **lack legal remedies to challenge** decisions that concern them directly.[58] The 2019 FRA Report (p. II) highlighted the gravity of the situation that under the current state of play, victims have rights but no remedies. According to FRA, this results in a de facto violation of the victims' right to access justice.

Drivers of the problem:

- **The VRD fails to ensure that victims receive legal or administrative support in criminal proceedings**. Without representation or advice, many victims are unaware of their rights, get lost in the complexity of the national criminal procedures and cannot effectively participate in criminal proceedings.

- **Discrepancy in victims' legal status as a party to criminal proceedings** that is rooted in the legal tradition of Member States and determines victims' role in

[56]Good practice exists for instance in IE, with V-Sac that provides victim support at court by trained volunteers to over one thousand of victims every year.
[57] At least in 8 Member States – see Annex 6 for further reference.
[58] In 13 Member States do not have adequate legal remedies to challenge decisions that concern them directly, it is mostly related to lack of legal standing as a party to the proceeding - see Annex 6.

criminal proceedings (important rights related to victims' participation in criminal proceedings such as the right to legal aid depends on whether victims have a status of parties to criminal proceedings).

2.1.5. Victims' access to compensation is difficult

As highlighted in the EU Strategy on Victims' Rights, in many Member States, victims' access to compensation from the offender and from the state remains difficult. According to the Milquet report[59] victims can claim state compensation only at the end of a long, often expensive, and time-consuming process, which starts with criminal proceedings and is followed by attempts to receive compensation from the offender. Under Article 16 of the VRD, all victims have the right to receive a **decision on compensation from the offender** during criminal proceedings, with the exception where national law provides for such a decision to be made in other legal proceedings. As demonstrated by the Milquet report and confirmed by the Evaluation, this right is often ineffective[60] since in some Member States the criminal proceedings often end up without a decision on compensation[61]. Moreover, even after a process leading to the judgement imposing an obligation on the perpetrator to compensate, the victim is often not compensated because it is difficult to execute the compensation from the offender. In this case, access to state compensation is important but cumbersome to obtain.

The lack of victims' effective access to compensation from the offender within the criminal proceeding leads to victims having to engage in multiple cumbersome and lengthy proceedings in separate civil proceedings or from the state under the national schemes of compensation.[62] Those who become victims of crime when travelling abroad find it even more difficult to access compensation. Indeed, not all victims can benefit from the national schemes on compensation in which, following a decision on compensation from the offender at the end of the criminal proceedings, they receive, without a delay, the compensation from the state. The state afterwards recuperates the compensation from the offender. Such good practice exists in several Member States, such as NL, FR, FI. In these Member States it showed that it provides an optimal protection against secondary victimization and intimidation from the offender. Compensation schemes based on such upfront payment is highlighted in the Milquet report as a main recommendation to strengthen victims' rights to compensation. Today, victims in several Member States cannot benefit from this approach[63].

Drivers of the problem:

- **The VRD lacks an obligation for** Member States **to assist victims** in enforcing compensation from the offender.

- The offender may not have the means to compensate the victim (or may hide his assets) and the execution of judgements imposing compensation is too difficult for the

[59] The report of the Special Adviser Joelle Milquet to the Former President of the Commission Jean-Claude Juncker on: Strengthening victims' rights: from compensation to reparation, March 2019.
[60] Most consulted stakeholders believe that access to victims' right to compensation from the offender is ineffective and should be strengthened.
[61] See in particular the practice of the judges in CZ, SK, AT.
[62] Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims requires that Member States provide access to compensation to victims of violent, intentional crime including in cross-border cases. The conditions for such access to compensation are left to the national procedures.
[63] See Annex 6 on possibility for the State to advance payment of compensation.

victim; it is costly, often requires hiring a bailiff and exposes victims to traumatizing contacts with the offender.

- **The national criminal judges often do not deal with compensation in criminal procedures and leave it to a separate civil process** (even if under national law they are competent to deal with compensation)[64].

- **Many national compensation schemes are not victims' friendly** as they require that victims first seek compensation from the offender (in a criminal or civil procedure) and secondly from the state (in yet another civil or administrative procedure) which is costly, time consuming and emotionally challenging for victims**.**

2.2. Horizontal problem drivers

The above five specific problems and their specific drivers are underpinned by 3 horizontal drivers that are to a varying degree, pertinent to all specific problems and their consequences.

First, **the current regulatory framework is not sufficient**. Although the VRD provides for a set of binding rights for all victims and corresponding obligations for the Member States, still not all victims in the EU can effectively benefit from their rights.[65] Incorrect transposition of the VRD is not the reason for this situation. The Commission has closely worked with Member States to overcome the identified difficulties in the transposition of the Victims' Rights Directive. As a result, all essential elements of the Directive's binding provisions have been transposed. The Commission has closed all but one infringement proceedings. As highlighted above, one of the main conclusions from the Evaluation is that the identified problems are to a large extent caused by a lack of clarity and precision with which some rights are formulated, and too large margin of manoeuvre left to the Member States in the transposition of some of the obligations.

Secondly, there is still **persistent lack of awareness about victims' rights and needs within our societies.** It is often combined with a lack of empathy and it is closely linked to the insufficient training of practitioners, including law enforcement, judicial authorities, and support services[66] and to a general lack of education about victims' rights and needs within our societies. The impact of this lack of awareness is even exacerbated in the case of vulnerable victims (such as child victims, victims with disabilities, victims of hate-crime or victims of core international crime), who require particular attention from all actors coming into contact with them.

Finally, **developments in society and technology as well as the geopolitical situation has led to new types of problems and needs of victims**. The pandemic crises have put victims of domestic violence particularly at risk.[67] The lockdown of society also saw a rise

[64] See Annex 6 on victims' possibilities in Member States to apply for and receive compensation as part of the criminal proceedings.

[65] Most stakeholders who replied to the consultation consider that victims do not receive appropriate information, support and protection and are not sufficiently able to participate in criminal proceedings. In addition, most consulted respondents do not see a progress with regard to victims' recognition and treatment in a respectful, sensitive, tailored, professional and non-discriminatory manner by competent authorities.

[66] The Evaluation highlights the problem in relation to the quantity of trained professionals and to the quality of the training, also stressed in FRA, Proceedings that do justice – Justice for victims of violent crime, Part II, April 2019.

[67] The VAW proposal includes measures to address this.

in child sexual abuse and cybercrime[68]. The vulnerability of migrant groups (particularly if they have already been victims of war crime in the country they are fleeing from) exposes them to certain types of crime, such as trafficking, sexual or labour exploitation. Moreover, the recent crises have exposed the fragility of the structures for victims' rights that without strengthening cooperation and coordination of all people in contact with victims will not become more resilient to future crises[69]. In relation to developments in technology, victims in the EU still do not benefit from the potential of new technologies, as adequate digital tools facilitating their access to justice are missing.[70]

2.3. Consequences of problems

The problems are amplified by the scale of victimisation in the EU. In fact, everyone can become a victim of crime. According to Eurostat in 2019, over 7 million serious offences were recorded in the EU[71], and most crimes are never reported as demonstrated by the 2021 FRA survey.[72] Many of these offences involve more than one victim, and people close to a victim also suffer indirectly from the crime. This leads to a qualified estimate that there are likely over 20 million direct victims[73] and over 60 million indirect victims per year[74].

The consequences of the problems are particularly serious for the smooth functioning **of the European area of freedom, security, and justice, they include:**

- **lower trust in other Member States judicial schemes** that risks hampering mutual recognition of judgements and decisions in criminal matters,
- **lower trust in national justice schemes**[75] **resulting in systematic underreporting of crime** and
- lack of **sufficient recognition of victims and treatment with dignity, respect, in a tailored, professional and non-discriminatory manner** (by police, prosecutors, courts, support services).

Victims of crime are among the most vulnerable members of the society. If they cannot effectively rely on information about their rights, if they are not adequately supported and protected in accordance with their needs, cannot participate in criminal proceeding or

[68] Europol, Pandemic profiteering: how criminals exploit the COVID-19 crisis, March 2020, see: https://www.europol.europa.eu/publications-documents/pandemic-profiteering-how-criminals-exploit-covid-19-crisis.

[69] See for example, the FRA 2022 October bulletin, 'The Russian war of aggression against Ukraine — The broad fundamental rights impact in the EU - Bulletin 2', on the on the practical application of the temporary protection and provided to UA refugees in the EU.

[70] See the impact assessment accompanying the Commission proposal on digitalisation of justice SWD(2021) 392 final, 1.12.2021, p. 14.

[71] In 2019 Eurostat indicated the data of EU 27 on reporting serious offences that include homicide, child sexual exploitation, assault; kidnapping, sexual violence including rape and sexual assault and robbery.

[72] FRA 2021, Crime, Safety and Victims' Rights – Fundamental Rights Survey, Chapter 4.

[73] This is a conservative estimation, based on the findings in FRA 2021, Crime, Safety and Victims' Rights – Fundamental Rights Survey that roughly only one third of crimes are reported to the police, the figure does not take into account that some offences involve more than one victim.

[74] This is based on the estimation that an average victim has roughly three close persons (family and friends) that are indirectly affected by the crime.

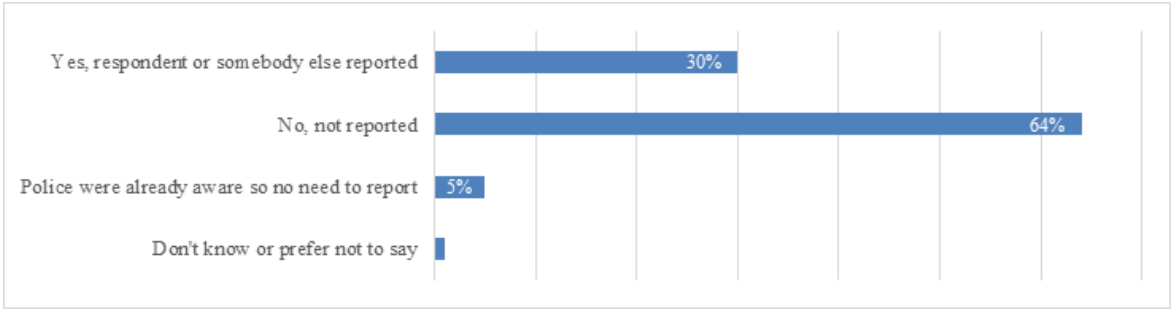
[75] European Social Survey, Trust in justice, 2011 defines trust in justice as the belief that the police and criminal courts can be relied upon to act competently, to wield their authority in ways that are fair, and to provide equal justice and protection across society.

receive the compensation from the offender - they do not see "justice done" for themselves and loose trust in justice. Similarly, the national authorities will lose trust in the justice schemes of other Member States, without effective minimum standards on victims' rights at the EU level.

Such **trust in the national and EU justice schemes** is crucial for the well-functioning of the European area of freedom, security, and justice. **Trust in other Member States justice schemes** is essential for the mutual recognition of judgements and decisions in criminal matters. National authorities must have a trust that those who participate in criminal proceedings (as suspects, accused or victims) in other Member States are treated well and their fundamental rights are respected. Without such trust, the mutual recognition is hampered.[76] Trust in **the national judicial schemes** is also essential for crime reporting. As indicated by the 2021 FRA survey, among those who did not report an incident of physical violence18 % have indicated that they did not report it due to lack of conviction that police would do anything – that is, lacking trust in police taking relevant action - and 9 % did not report due to an overall lack of trust in police.[77]

The same 2021 FRA Survey has demonstrated that we face a high level of underreporting in the EU. 64% of the people in the EU who experienced a violent incident in the five years before the survey did not report it to the police.[78]

Figure 3. Reporting of the most recent incident of violence to the police (EU-27), 2021 FRA Survey



Underreporting of crime to this extent has serious further implications on health, society, and security. This is particularly alarming as those who do not report the crime are the most vulnerable victims[79]. Underreporting allows for a continuation of victimisation, results in impunity for offenders, leads to a lower level of security in the EU and hinders the European area of freedom, security, and justice.

[76] See ex.: we observe numerous interruptions in the mutual recognition of European Arrest Warrants (EAW), where the executions of the EAWs are being refused because of the risks of violation of the fundamental rights of the persons subject to surrender to another Member States, see judgment of the Court of 25 July 2018 C-216/18 and following case law.

[77] FRA 2021, Crime, Safety and Victims' Rights – Fundamental Rights Survey, p. 84.

[78] FRA, 2021, Crime, Safety and Victims' Rights - Fundamental Rights Survey, pp. 77-78.

[79] According to a 2019 report by Victim Support Europe, victims least likely to report a crime to the police are usually those most in need of protection: children, migrants, people with disabilities, and victims of human trafficking. See: Victim Support Europe: A Journey from Crime to Compensation, 2019, p. 14. https://victim-support.eu/wp-content/files_mf/1574261567A_Journey_From_Crime_To_Compensation_2019.pdf. In addition, irregular migrants, often do not report a crime because of a fear of being deported. Oxford University COMPAS (the Centre on Migration, Policy and Society) project Safe reporting of crime for victims and witnesses with irregular status in the US and Europe" published in 2019.

2.4. How likely is the problem to persist?

The problems are very likely to persist without EU intervention. The Evaluation and consultations have demonstrated the failures of the VRD to ensure victims' adequately effective access to their rights. The geopolitical situation and development of society and technology have shown the fragility of the current structures on victims' rights, and bring new challenges and new victims' needs. As explained below in section 5.1. on the baseline scenario, the actions under the EU Victims' Rights Strategy are expected to address the problems to a certain extent. Also, the VAW Proposal addresses the problems in relation to victims of violence against women and domestic violence. **Nonetheless, the problems stemming from the failures in the VRD and relevant for all victims of all crime**, including vulnerable victims other than those covered by the VAW Proposal, are expected to persist if the EU does not revise the VRD. Similarly, the issues relevant for all victims of all crime that arise from developments of new standards in justice and technology that were not included in the VRD a decade ago are likely to persist.

WHY SHOULD THE EU ACT?

3.1. Legal basis

The legal basis for this action is Article 82(2)(c) of the TFEU, under which the EU can establish minimum rules on victims' rights to the extent that it is necessary to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension. In addition, this legal basis stipulates that minimum rules may be established provided that differences between the legal traditions and systems of the Member States are taken into account. Establishing minimum rules on the rights of victims of crime is not limited to cross-border situations. Similar to minimum standards for suspects and accused, the EU can establish minimum standards for rules at national level to increase mutual trust in the judicial systems of other Member States and thus improve the functioning of the mutual recognition of judgements and decision in criminal matters with a cross-border dimension.

3.2. Subsidiarity: Necessity and added value of EU action

For mutual recognition and judicial co-operation to fully work **there must be mutual trust in other Member States' criminal justice systems**. This means that justice systems should have faith in each other's standards of fairness and justice, and EU citizens should have confidence that the same level of minimum rules will be applied should they travel or live abroad. As acknowledged in the Treaty, setting up the minimum standards on the rights of suspects and accused and on the rights of victims is the key factor that facilitates mutual recognition. **The Treaty requires the Union to act in these areas in advance in order to build the necessary trust** that facilitates the functioning of the mutual recognition.

The VRD and the sectorial legislation already harmonised victims' rights to an important extent and have thus contributed to raising trust in national and EU justice schemes. However, as detailed in the Evaluation and demonstrated in the consultations, despite the progress in setting minimum standards on victims' rights, some **Member States have not been able to ensure the effectiveness of these rights within the room for manoeuvre the VRD has left**. Furthermore, the minimum standards as such have evolved in the past 10 years since the adoption of the VRD. This is linked to the developments in justice (child- friendly and victim-centred justice), society (e.g., increased need for coordinated

approach to ensure availability of the victims' support services during crises[80]) and developments of technology (digitalisation, raise of on-line crime and availability of new technologies to victims' support, protection, and access to justice). In this context, it is necessary to come up with more far-reaching minimum standards to ensure the effectiveness of the VRD and to keep up with the mutual trust among national authorities.

Moreover, the fact that the Member States have completed their implementation of the VRD indicates that the instrument in its current version has largely reached its potential. **The necessary corrections require an amendment to the VRD, which can be achieved only at the EU level.**

The EU added value should be mainly seen from the perspective of facilitating judicial cooperation in criminal matters and ensuring the smooth functioning of the European area of freedom, security and justice. For that, **trust in equal access to victims' rights independently of where in the EU the crime happened is essential**. One example where the trust has been already broken in the area of victims' rights with negative consequences for smooth functioning of the mutual recognition is the current suboptimal use of the mutual recognition of European protection orders, mostly caused by a lack of awareness and complexity of national measures on victims' physical protection[81]. Other examples where a high level of trust in victims' rights is required is the decision of judicial authorities on a transfer of proceedings[8283] to another Member State or when competent national authorities enter a Joint Investigation Team (JIT)[84].

Moreover, the EU added value lies in dealing with the scale and the nature of the problems that can't be dealt by Member States alone. In particular, the recent increase in online crime[85] with a cross-border dimension demonstrates the growing need for

[80] FRA, The Russian war of aggression against Ukraine — The broad fundamental rights impact in the EU - Bulletin 2, October 2022 or FRA, Director's Speech Upholding fundamental rights in times of crisis | European Union Agency for Fundamental Rights (europa.eu), 13 October 2022.

[81] See the Report from the Commission to the European Parliament and the Council on the implementation of Directive 2011/99/EU on the European protection ordered COM (2020)187 final that indicates that only 37 European protection orders were issued and only 15 were executed in the period 2015 - 2018 and highlights the lack of awareness and complexity of the national protection orders as the main cause.

[82] Under Framework Decision 2009/948/JHA , the competent national authorities contact each other when they have reasonable grounds to believe that parallel proceedings are being conducted in another Member State, which may result in a transfer of proceedings to another Member States. When deciding on such transfer, the national authorities take into account the extent to which the victims in the proceeding can rely on their rights in the Member State of transfer.

[83] The Commission has proposed a Regulation on transfer of proceedings in criminal matters, COM (2023) 185 final 2023/0093 (COD) that was adopted on 5 April 2023.

[84] A JIT is a form of close cooperation between competent judicial and law enforcement authorities of two or more Member States to deal with complex, often large scale cross- border cases (based on Council Framework Decision of 13 June 2002). Such cases often involve vulnerable victims from numerous Member States such as victims of trafficking, victims of child sexual exploitation or victims of war crime and require a high level of trust that victims involved in investigations will receive adequate treatment by all partners and their rights will be respected in all countries concerned. JIT on alleged core international crimes committed in Ukraine (with 8 Member States participating) is a recent example of such JIT involving Ukrainian victims of war crime who are refugees in different EU Member States.

[85] According to FRA's bulletin: Coronavirus pandemic in the EU - Fundamental Rights Implications - Bulletin 1, April 2020, development of new technologies amplified by the lockdown of society during the pandemic saw a rise of, for example, racist and xenophobic incidents against people of (perceived) Chinese or Asian origin, including verbal insults, harassment, physical aggression and online hate speech. Earlier FRA research already revealed how 1 in 5 women were victims of cyber harassment. Online victimisation also applies to the issue of cybercrime and consumer fraud, an area of growing concern for European consumers, as FRA's Fundamental Rights Survey shows. Over 1 in 2 Europeans worries about fraudsters or

common action at EU level. Likewise, the pandemic crisis, economic crisis and the Russian war of aggression against Ukraine strike the entire Union and thus affect victims' rights in all EU Member States resulting in a need for EU action.

OBJECTIVES: WHAT IS TO BE ACHIEVED?

4.1. General objectives

The general objective of this initiative is to contribute to a well-functioning area of freedom, security, and justice based on:

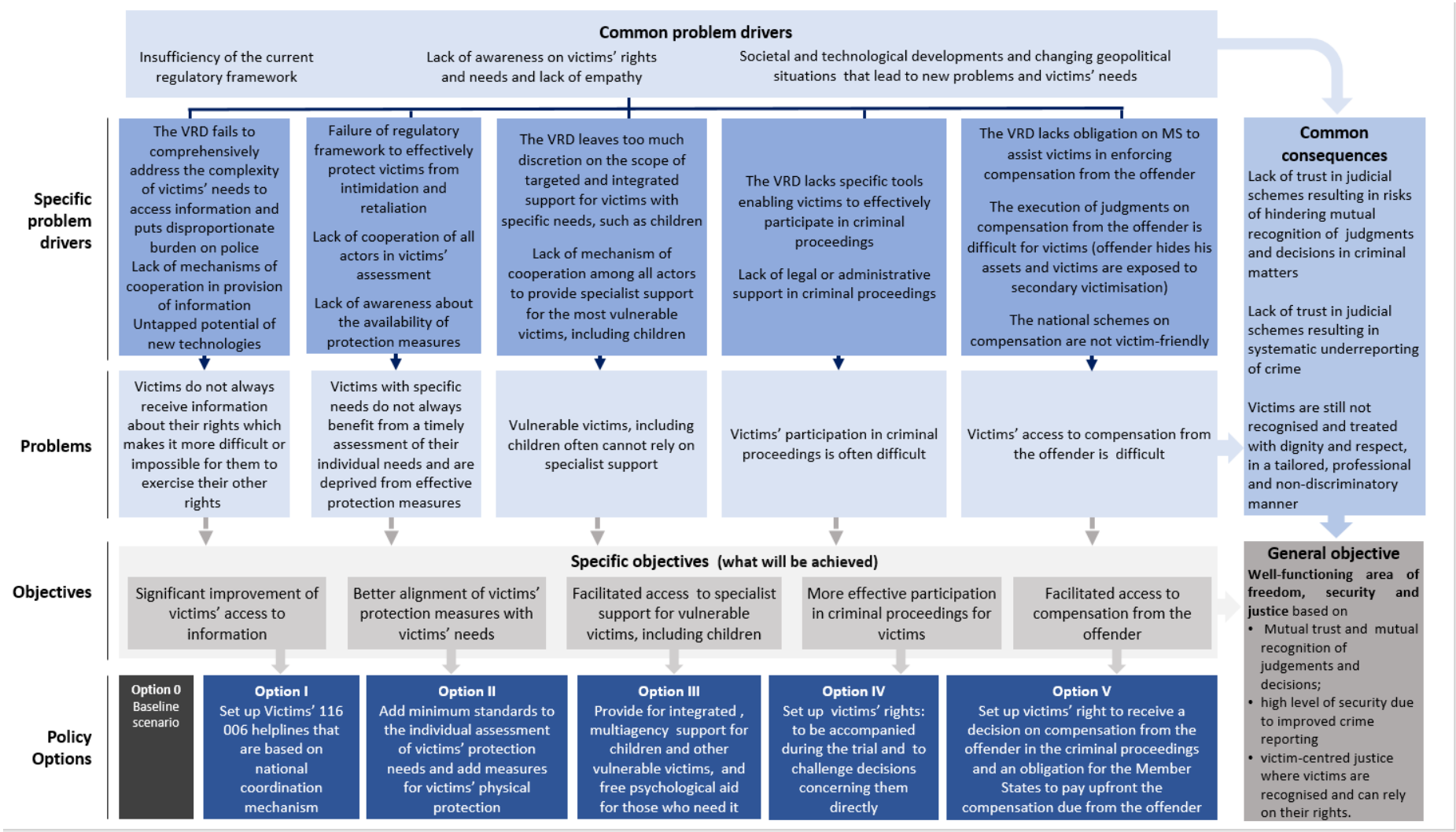
- The smooth recognition of judgements and judicial decisions in criminal matters,
- A high level of security due to improved crime reporting[86] and
- Victim-centred justice, in which victims are recognised and can rely on their rights.

It will be achieved by strengthening the minimum standards on the rights of victims of crime, and addressing the shortcomings identified in the VRD and not covered by the sectorial legislation (existing or proposed). It will result in increased trust in the national and EU justice schemes, improved awareness about victims' rights and needs and better recognition of victims in the justice schemes. Our point of reference for how success would look like is presented in the assumptions used in assessment of options in Chapter 6.5.

criminals misusing their online data and nearly 1 in 4 worries about misuse of their online bank account or payment card details.

[86] We expect that as a result of the proposed amendments based on combined options that 10-20% of victims that indicated not reporting crime due to fear of reprisal will do so.

Figure 4. Intervention logic



4.2. Specific objectives

The following specific objectives aim at contributing to the achievement of the general objective indicated above:

- significant improvement of victims' access to information, including those who do not report crime,
- better alignment of victims' protection measures with their needs to ensure safety of vulnerable victims not covered by other Union legislation (existing or proposed),
- facilitated access to specialist support for vulnerable victims, including children,
- more effective participation in criminal proceedings for victims,
- facilitated access to compensation from the offender.

These specific objectives are interrelated and reinforce each other. In particular, the specific objective on ensuring victims' access to information is crucial as it is related to other objectives on access to all other victims' rights.

WHAT ARE THE AVAILABLE POLICY OPTIONS?

5.1. What is the baseline from which options are assessed?

The baseline against which the options are assessed comprises elements which are expected to affect the development of victims' rights even if the Commission does not propose any amendments to the VRD. In particular, the Commission and Member States will continue with the implementation of the actions under **the Victims' Rights Strategy 2020-2025.** These actions aim at improving victims' access to information, to support and protection, facilitating access to compensation and strengthening cooperation and coordination at the EU and national level. The most notable actions under the Strategy include:

- An **EU-wide victims' rights campaign** was launched at the beginning of 2023 and is expected to raise awareness of victims' rights, notably among the young population in the 10 EU Member States on which it will focus. The Commission and the Member States will also continue working on improving **the e-Justice Portal**[87] providing for information about victims' rights in all EU Member States in all EU languages. These actions will therefore contribute to achieving the **objective of improving victims' access to information about their rights.** As it will raise awareness about victims' rights and needs, it will also have an indirect positive impact on other objectives, such as access to support services for vulnerable victims.
- **The implementation of the EU rules on victims' rights**, notably the VRD, EU rules on protection orders and the Compensation Directive. The respective implementation reports[88] have demonstrated that despite significant advances, further progress was needed to reach the full potential of these instruments. In relation to the VRD, the Commission was able to close all but one infringement case since the adoption of the

[87] European e-Justice Portal - Victims' rights - by country (europa.eu).
[88] COM(2020) 188 final, 11.5.2020; COM(2020) 187 final, 11.5.2020; COM(2022) 127 final, 28.3.2022.

implementation report. However, the Evaluation has shown that problems with the Victims' Rights Directive result from enforcement issues related to the practical application of the correctly transposed Directive in the Member States. For example, even where the national law correctly transposes an obligation in relation to victims' rights, the national authorities may not always comply with the rules, because they are not aware of them or because they are overburdened and have other priorities.

- **Improving cooperation and coordination.** At the EU level, the Commission will continue with the activities of the Victims' Rights Platform,[89] the EU Centre of Expertise for victims of terrorism[90], the activities of the European Network on Victims' Rights. The Network on contact points for compensation and the Network of national contact points for victims of terrorism are also expected to continue with the EU level cooperation on victims' rights. The EU network of Safer Internet Centres[91] will continue to provide helplines and hotlines under the renewed Better Internet for Kids Strategy (BIK+). All these actions are expected to indirectly contribute to all objectives. However, where the Evaluation has demonstrated insufficiency of mechanisms of cooperation at the national level amendments to the VRD are still necessary (assessed in Options I, II and III).

- **Strengthening training activitie**s, including through cooperation with the European Judicial Training Network, to reach actors who are in contact with victims, such as judicial authorities, lawyers, prosecutors, court staff and prison and probation staff. The EU agency for law enforcement training (CEPOL) will also assist in this area through courses for law enforcement officers. These activities will have a positive impact on how victims are treated. The Evaluation indicates that although still insufficient, all actions related to training activities and education about victims' rights do not require amendments to the VRD. All such action will contribute to improving victims' access to information, support, protection and access to justice.

- **Continue providing funding possibilities** for victim support organisations through the EU financial programmes, to contribute to the correct implementation of EU rules on victims' rights. This action will have an overall positive effect on all objectives, although limited to the scope of the funded projects.

In addition to the Victims' Rights Strategy, the Commission and the Member States will continue working on the implementation of other strategies that are relevant for victims' rights. These include the Gender Equality Strategy 2020-2025[92], the EU Strategy on the rights of the child[93], the Strategy on European judicial training[94], the LGBTI+ Equality Strategy[95], the EU updated framework for Roma equality, inclusion and participation[96], the

[89] Set up in 2020 and composed of the EU institutions, bodies and networks, EU non-governmental organisations relevant for victims' rights.
[90] The Centre helps to ensure the correct application of EU rules on victims of terrorism and promotes exchange of best practices and expertise sharing among practitioners and specialists: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/eu-centre-expertise-victims-terrorism_en
[91] https://digital-strategy.ec.europa.eu/en/policies/safer-internet-centres
[92] COM(2020) 152 final, 5.3.2020.
[93] COM(2021) 142 final, 24.3.2021.
[94] COM(2020) 713 final, 2.12.2020.
[95] COM(2020) 698 final, 12.11.2020.
[96] COM(2020) 620 final, 7.10.2020.

Security Union Strategy[97], the EU Strategy on Combatting Trafficking in Human Beings (2021-2025)[98] the Strategy for the Rights of Persons with Disabilities 2021-2030[99], the Strategy for a more effective fight against child sexual abuse[100] and the Better Internet for Kids Strategy (BIK+)[101]. As part of the baseline, implementing these strategies will also indirectly contribute to all objectives outlined in this impact assessment.

Significant improvements to the rights of victims of violence against women and domestic violence are expected **from the adoption of the VAW Proposal**. The proposal provides for concrete measures solving some of the problems mentioned in previous sections related to access to information, support, protection, and access to compensation to the extent that these relate specifically to victims of violence against women and victims of domestic violence. An improvement of the situation of child victims of sexual abuse, including on-line abuse is expected via the upcoming revision of the Directive on child sexual abuse. Under the BIK+ strategy, the Commission will continue to support the EU network of hotlines[102] to anonymously report and swiftly remove child sexual abuse material. Similarly, further developments in sectoral legislation may affect the rights of victims of certain categories of crime, such as terrorism and trafficking in human beings[103]. **Nonetheless, since all these provisions contain actions targeting problems specific to these groups, they will not improve the situation of all victims of all crimes.**

Moreover, in March 2023, the Council of Europe adopted a Recommendation on rights, services and support for victims of crime[104]. The Recommendation updates and replaces Recommendation from 2006 on assistance to crime victims[105]. The main objective of this revision is to update the text to the most recent binding standards in the area of victims' rights, including in particular the current version of the VRD.

In conclusion, without further action by the Commission on the VRD, positive impacts on the rights of victims can be expected from the actions described above at Member State and Union level. However, these actions would not be sufficient to address the specific problems identified in this impact assessment. Some of them would indeed contribute to reaching the objectives. The outcome nonetheless would be always partial – as tailored to the specific needs of certain group of victims only and insufficient to address concrete gaps in the VRD. **Their combined effects would not generate impacts equivalent to the changes to the general legal instrument establishing the minimum standards for all victims at EU level.** These impacts are analysed further below under section 6, leading to the preferred policy option presented in section 7.

[97] COM(2020) 605 final, 24.7.2020.
[98] COM(2021) 171 final, 14.4.2021.
[99] COM(2021) 101 final, 3.3.2021.
[100] COM(2020) 607 final, 24.7.2020.
[101] COM/2022/212 final, 11.05.2022.
[102] www.inhope.org
[103] For instance, see the Commission's proposal for a Directive amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, COM(2022) 732, 19.12.2022.
[104] Recommendation of the Committee of Ministers to Member States of the Council of Europe on rights, services and support for victims of crime CM/Rec(2023)2 adopted on 15 March 2023.
[105] Recommendation Rec (2006)8 of the Committee of Ministers on assistance to crime victims.

5.2. Description of the policy options

Specific objective	Low level intervention options	Mid-level intervention options	High-level intervention options into national law/individual rights
Specific objective I: Significant improvement of victims' access to information	**Option I. 1.** **Create an obligation to set up a national coordination mechanism** between law enforcement, judicial authorities (prosecutors and judges) and support organisation. They would work together to ensure that victims receive information that is adapted to their individual needs and that is adequate at different stages of the procedures. The coordination mechanisms should include specific protocols on the provision of information in situations where victims are in detention or other closed institutions.	**Option I. 2.** **Option I.1 +** Create an obligation **on national Victims' helpline** which would: • function as a first contact point for all victims of all crimes, provide for emotional support and refer victims to specialised support services if needed, • use the EU level "116 006" telephone number, • use a website with **state-of-the art technology** to offer optimal accessibility in other most spoken languages and for persons with disabilities.	**Option I. 3.** **Option I.1 +** Set up a mechanism through which **victims are proactively informed by victim support organisations** (unless they oppose to/opt-out approach). Once a victim reports a crime / is identified as a victim, the victim is contacted by a victim support organisation, which provides information about the victims' rights and availability of support services**.** **Set up an obligation on all persons or institutions in contact with victims** (victim support organisations, medical professionals, social/welfare professionals) to provide victims with information about their rights.
Specific objective II: Better alignment of victims' protection measures with victims' needs to ensure safety	**Option II. 1** Ensure that **the individual assessment of victims' protection needs** currently set up under Article 22 of the VRD is improved by adding the following elements: • assessment is carried out at the first contact	**Option II. 2** **Option II.1 + Enhance the use of protection measures aimed at victims' physical protection** such as protection orders by adding them to the list of specialist protection measures currently laid down in Article 23 of the VRD to be used by	**Option II. 3** **Option II.2 +** Impose **minimum standards on constitutive elements and condition of application of the physical protection** measures such as protection orders and witness protection measures to be used following individual

of vulnerable victims	with the competent authorities. • with the involvement of support services, law enforcement and the judiciary. • focuses also on the evaluation of the risks emanating from the perpetrator (such as alcohol abuse or possession of weapons); and includes the assessment of individual needs for support.	competent authorities following individual assessment[106].	assessment.
Specific objective III: Facilitated access to specialist support for vulnerable victims, including children	**Option III. 1** Ensure the availability of specialist support services **for all child victims at the same premises in the form of the Barnahus model**. It would include coordination at national level of support services, law enforcement and judicial authorities. It would include the provision of age-appropriate support and protection necessary to comprehensively address the needs.	**Option III. 2.** **Option III.1 +** Ensure the availability of specialist support services for **all vulnerable victims**. It would include coordination at national level of support services, law enforcement and judicial authorities (not necessarily at the same premises). For **all vulnerable victims,** the specialist support services would include **psychological support free of charge as long as necessary**, where the individual assessment demonstrates a need for such psychological support. It would build on the current provision of Article 9(1) of the VRD which provides for such services where available.	**Option III. 3.** **Option III.1 +** Ensure the availability of specialist support services (**at the same premises or through a central contact point in the form of the Barnahus model**) **for all vulnerable victims** (not exclusively for children). Ensure that specialist support services provide **free psychological support as long as needed to *all* victims of crime who wish to receive such support** not only to vulnerable victims identified during the individual assessment of support needs.
Specific objective IV: More effective participation in	**Option IV.1** Establish a right for victims **to be accompanied by legal/administrative assistance** and **a**	**Option IV. 2** **Option IV.1 + The current right** under Article 13 of the VRD **to legal aid currently limited to**	**Option IV. 3** Provide for the victims' right to **participate as a formal party to the criminal proceedings independent of the current limitations by**

[106] Victims' physical protection, including protection orders will be listed in Article 23 of the VRD as special protection measures available for victims with specific needs identified in accordance with the individual needs assessment (together with current 8 measures). This option will notably result in raising awareness about the availability of the national protection measures, including protection orders. It will also improve the current complexity related to their application as it will provide for routine mechanisms for their application.

criminal proceedings for victims	**person of their choice** throughout the criminal proceedings, irrespective of whether the victim is a formal party to such proceedings. The current right under Article 20c) of the VRD to be accompanied by a legal representative and a person of their choice during the investigations would be extended to the entire criminal proceedings; such possibility would be also extended to administrative assistance (for instance from the court staff). Establish a right for victims to **challenge the criminal proceedings' decisions concerning them directly.** Member States would have to ensure that victims can challenge such decisions independently of their status in the criminal proceedings and in accordance with the principle of judicial review.	**victims who are parties to criminal proceedings,** would be extended to ensure legal aid for victims depending on their level of income **when challenging decisions taken concerning their rights during criminal proceedings**. The conditions or procedural rules under which victims have access to legal aid **will** continue to be determined by national law.	**national law**. Therefore, the current rights under the VRD associated with victims' participation in criminal proceedings such as including access to the case file and access to legal aid would apply to victims during criminal proceedings.
Specific objective V: Facilitated access to compensation	**Option V. 1** Provide for victims the right to receive a **decision on compensation from the offender in the course of the criminal proceeding**, without the current exception under Article 16 of the VRD where national law provides for such a decision to be made in other legal proceedings.	**Option V. 2** **Option V.1. +** Set up an **obligation for Member States to pay upfront the compensation due from the offender** to the victim immediately after the judgement and then seek the reimbursement of the compensation from the offender.	**Option V. 3** **Impose minimum standards on state compensation by amending the 2004 Compensation Directive.** It would include **extending the scope of the Compensation Directive** to include all crimes (not limited to violent, intentional crimes). **Impose minimum standards on the conditions on receiving state compensation by amending the 2004 Compensation Directive.** It would include setting up minimum standards on modalities and conditions of victims' state compensation (including administrative time

			limits to deal with cases within reasonable time, and conditions on how to establish the amount of compensation).

These options have emerged from the Evaluation and consultations and are assessed in relation to specific objectives. Given the nature of the proposed interventions, options differ in level of ambition where higher ambition means a stronger or more invasive obligation imposed on Member States (a higher minimum standard). As these different levels of ambition reflect different budgetary implications, they represent real political choices.

5.3. Options discarded at an early stage

The first option that was discarded at an early stage was to comprehensively **review all the general instruments on victims' rights**, i.e. in addition to the VRD. This option was presented in the call for evidence published in December 2021 but found little support from respondents. Such an initiative would also have included a review of the 2004 Compensation Directive and of the EU rules on mutual recognition of protection orders. In general, their preference was to focus on a broad review of the VRD.[107]

The second option discarded at an early stage was to adopt **non-legislative measures to address the identified problems**. The Victims' Rights Strategy already sets the agenda for non-legislative measures to be implemented within 2020-2025. The effects of the implementation have been considered in the baseline (section 5.1.). Other non-legislative measures could not adequately address the problems identified in the Evaluation which stem from a lack of clarity and precision of some of the provisions of the VRD and from the new developments in society, technology and justice.

Finally, different options were considered with respect to the legislative approach, including **a complete redraft of the VRD**. However, the Evaluation has demonstrated that the main elements of the VRD are fit for purpose. As such, the identified problems do not justify a complete overhaul of the VRD and targeted amendments are more appropriate.

WHAT ARE THE IMPACTS OF THE POLICY OPTIONS?

6.1. General considerations on the impact of the options

All the options presented in section 5 aim at improving the level of minimum standards on victims' rights in the EU and aim at diminishing the negative societal impacts and improving the quality of life of victim; they differ however as to the extent of improvements.

Moreover, the implementation of different options will necessarily continue to vary across Member States. This is due to the very nature of the instrument - a directive, which must leave leeway to the Member States on the methods of its implementation. It implies that some Member States may choose to go beyond them, but also that in those Member States where the minimum standards are already exceeded, no major effects will be achieved at national level through the amendment of the VRD. The impacts of the options will therefore differ across the EU. All available data on the implementation of certain elements of the options has been taken into account, notably when considering the costs and benefits of options.[108] In any case, in all Member States positive impacts can be

[107] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13096-Criminal-justice-EU-rules-on-victims-rights-update-_en, see also Annex 2, section 4.
[108] See Annex 6 for an overview of the implementation of the different measures in the Member States.

expected through enhancing trust in national and other Member States judicial schemes and in facilitating judicial cooperation in criminal matters.

The methodology to compare and score the options assesses their effectiveness, efficiency and coherence.

Under effectiveness, we assess the impact of each option **on fundamental rights and on society** in relation to the baseline. These are the two categories which are most relevant for victims' rights. The societal impacts, such as emotional harm caused to victims, the costs of repeated victimisation, the psycho-social benefits related to legal assistance and to psychologists' fees are assessed according to the benefits they will have **on victims, on the justice system, and on society** at large.

Under efficiency, in addition to the same benefits that were identified under effectiveness, we monetise also the **costs** of each option in order to compute the benefit/costs ratios. The costs are estimated for compliance and enforcement of each option. The monetised benefits are estimated for **victims and their families** and for **society**.

When it comes to the **method of calculation**, in relation **to effectiveness and coherence,** we use a mixture of **qualitative and quantitative analysis,** whereas in relation **to efficiency, we use only quantitative analysis**. The scores for the effectiveness criterion have been established through a combination of a comprehensive experts' system and the monetisation of benefits. The scores for the efficiency criterion reflect entirely the outcome of the monetisation of costs and benefits. Finally, to establish the scores for the coherence criterion, a part of the experts' system has been used, given the legal nature of the analysis.

Proportionality is assessed throughout the impact assessment. It is reflected in the level of intervention into national legal systems that is expressed through the three alternative solutions in relation to each of the five specific objectives (from the least to the most onerous for the Member States, from level 1 until level 3). Proportionality of the measures was also carefully assessed and tested with the stakeholders during the consultations. Stakeholders' opinions on the different options have been considered in the overall assessment.

All the elements of quantitative and qualitative analysis **are summed up with a final scoring** that ranges from very limited positive impact (+) to a very high positive impact (+++++). It reflects the **final scoring** without any additional assessment. This is a purely mathematical exercise by which we put together the results of all previous quantitative and qualitative assessments and present them in a visually simple and concise manner.

6.2. Effectiveness

6.2.1. Fundamental rights impacts

All options are seeking to reduce discrimination by providing equal **access to information, protection, support, justice and compensation** and by ensuring adequate minimum standards for all victims of crime without differentiation, while taking due account of victims' specific needs. Concretely, with respect to equal **access to information** on victims' rights, it was considered how to ensure better access to **victims in closed institutions.** The comprehensive website (which is an integral part of the Victims' helpline) will improve access to information for victims with different linguistic skills, and

the accessibility function will enhance its use by persons with disabilities. Through setting up conditions of application of **individual needs assessment**, victims' individual needs can be better assessed, which eventually will result in **more equal and effective protection** of victims including the most vulnerable victims. With respect to victims' support, the initiative envisages, amongst other things, an **extension of free psychological support** to a wider group of victims (it is currently reserved to victims of terrorism). In addition, the revision plans to grant all victims of crime **more rights throughout criminal proceedings regardless of their formal status** as a party. Thus, the possibility to be accompanied throughout proceedings is likely to encourage all victims to claim their rights. Improved execution of the lawful penalty/victims' compensation by the offender ordered by a court will reduce victims' exposure to secondary victimisation and retaliation. At the same time, it is fully in line with the presumption of innocence and cannot be regarded as harmful to the offenders' fundamental rights. All these changes aim to reduce inequality and produce a positive impact on fundamental rights.

The fundamental rights, as safeguarded in the Charter of Fundamental Rights, that are impacted positively include the right to life (Art. 2), the right to the integrity of the person (Art. 3), the right to liberty and security (Art. 6), the right of respect for private and family life (Art. 7), the protection of personal data (Art. 8), the right to equality before the law (Art. 20), the right of non-discrimination (Art. 21), the rights of the child (Art. 24), the right to social assistance and healthcare (Art. 35), the right to good administration (Art. 41), and the right to an effective remedy and to a fair trial (Art. 47).

All options discussed in this impact assessment have also been assessed **in light of the rights of offenders** (suspect and accused person) including the right to access justice (Art. 47), presumption of innocence (Art. 48), right of defence and principles of legality and proportionality of criminal proceedings (Art. 49) and the right not to be tried or punished twice in criminal proceedings for the same criminal offence (Art. 50) as well as the EU rules on procedural rights of suspects and accused. The options do not have any negative consequences on fundamental rights of suspects and accused.

All the options proposed are expected to strengthen the fundamental rights of victims. Nevertheless, for some options the direct effect on fundamental rights will be more pronounced than for other options. Since it is impossible to quantify these impacts, a qualitative analysis has been chosen as methodology. This is done by assessing for each option the degree to which they could provide improvements to the baseline.

6.2.2. Social impacts

The assessment of the different options has not led to the identification of any negative social impacts. The social impacts are **assessed according to the benefits they will have on victims**, on **the justice system**, and **on society**. A simple scale is used to indicate how the options compare between each other. The assessment of wider societal effects of the measures will in any case be more speculative in nature.

As indicated above, the main social impacts are related to the extent to which the options contribute to better **outcomes for victims**. The assumption is that better outcomes for victims will lead to positive social impacts: less secondary and repeat victimisation, lower levels of sick leave by victims, sooner integration within the society. Better understanding of victims' needs by responsible authorities and support organisations will contribute to better treatment of victims in practice, and therefore impact positively their quality of life.

In relation to **the justice system**, the options will result in more balanced and **victim-centred justice schemes** where victims are recognised and can rely on their rights. Special attention is also paid to **child-friendly justice**. The possibility to challenge decisions affecting their rights, will give victims a better opportunity to obtain judicial outcomes in line with their rights and needs. Better access to victims' rights to legal aid will ensure that victims' voices are heard throughout criminal procedures. Taken together, these will increase the quality of justice procedures and will impact the effectiveness of justice and the fairness of the outcomes generated. As part of the improvement in judicial procedures, easier compensation through simplified procedures will result in less burden on judicial authorities. Fewer civil cases needed to establish compensation will mean shorter waiting periods in civil courts – even if there will be an increase in the work of criminal courts.

Creating a safer environment for victims to report crime, by ensuring better access to information, support and protection will result in the improved functioning of judicial systems and better security for all citizens in the EU. Lower rates of underreporting due to increased trust in justice schemes will lead to more offenders being brought to justice; this will result in reduced impunity for crimes and lower criminality by the same offender, as well as other offenders – due to a deterrent effect. More effective execution of compensation from the offender may equally have a preventive effect. Overall, better support for those who have suffered under crime will have a **positive effect on social cohesion**. This is particularly valid as the considered option aims at protection of all victims of crime, without discrimination and focus on special protection and support to the most vulnerable victims who are often already disadvantaged on other grounds. One can say that **the way a society treats victims of crime is an indicator of its state of social advancement and sense of solidarity**.

6.3. Efficiency - Cost and benefits

The main costs and benefits of each option are presented below, in table format per option. The efficiency analysis is based on solid data on costs and benefits collected under the support study that the Commission launched[109]. The methodological caveats are presented in Annex 4. For each option, we outline the costs and benefits that are assumed to be incurred by Member States in addition to the baseline. For the costs, the emphasis has been on estimating compliance and enforcement costs for each option. For the benefits, two broad categories of beneficiaries were considered[110]:

- **Benefits to the victims and families:**
    - **reduced harm (economic, psychological, health, etc) from crimes**, as a result of increased access to support services and participation in justice;
    - **reduced secondary and repeated victimisations of victims** and associated harms;
    - **other non-economic benefits**: strengthened protection of the fundamental rights of victims, (as indicated above in section 6.2, access to justice).
- **Benefits to society in general:**

[109] ICF (2023), Study to support the impact assessment for the revision of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report.
[110] For the purpose of this impact assessment, we are not considering the number of victims of incidents that are not physical violence, harassment, burglary, theft, and card/consumer fraud. We are focusing on victims of violent crimes.

- **reduces the overall costs of the crimes for the society** due to improved access to victim support services, and lower harm to victims;

- **reduced societal economic costs of crime from possible future victimisations:** as a result of reduced repeated victimisation and increased reporting of crimes, more crimes will be detected and more crimes will be **prevented;**

- **efficiency gains** because of more efficient judicial procedures and reduction of the burden to the system if victims do not need to initiate separate civil proceedings.

The efficiency analysis includes the limitations in the calculations, stemming from the policy area[111]. In particular, such limitations are related to the complexity of the phenomenon of victimisation and of the systems in place in each Member State to address it; the quantification of the number of victims; the availability of unit costs; difficulties in quantifying the current status/baseline in each Member State; lack of data on how each option will quantitatively impact the behaviour of the various actors, and of the system.

The review of the academic literature and policy studies has shown that **there are no studies to confirm in quantitative terms** the scale or magnitude of expected benefits for the proposed options. Nevertheless, various **qualitative** studies exist. This impact assessment refers to them wherever possible.

As indicated above, one of the main indirect benefits expected to result from the improved access to victim support services and protection measures (implementation of the measures under specific objectives I, II, and III) is the lowering of victimisation rates/overall criminality and the related costs and quantifiable harm. In economic terms, such benefits are most significant. While estimates of costs of crime exist only in PL, HU, FR, IE, NL, SE, DE (very limited), as well as in third countries such as the UK and NO, some estimates were not detailed enough and could not be used in the current calculation.

Due to a lack of evidence for quantifying the benefits of each policy option directly, three scenarios were tested: low, medium, and high impact.[112] The benefits were estimated for each scenario using a combination of a bottom-up approach for benefits related to the reduction of emotional harm and a top-down approach for benefits related to the reduction of repeated victimisation and new crime. The results (i.e., estimated yearly benefits) are presented per option in the tables below.

No significant impacts on businesses/SMEs, competitiveness or the innovation potential were identified for any of the options considered (as reported in Annex 5).

6.4. Coherence

Coherence with EU law, and notably the EU acquis on victims' rights has been carefully assessed. In addition to the coherence with instruments already discussed in the Evaluation, the VAW proposal is the main novel element to be considered. Coherence with this proposal is especially relevant, as several options in this impact assessment pursue the same, or similar, objectives as those of the VAW proposal, but for all victims of all crimes. Other coherence checks include notably: coherence with the EU rules on

[111] ICF (2023), Study to support the impact assessment for the revision of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report.
[112] See Annex 4 for a detailed description of each scenario.

protection orders and on compensation when assessing options addressing the specific objectives related to protection of victims and their possibilities for obtaining compensation; coherence with the Counter-terrorism Directive, Anti-trafficking Directive against sexual exploitation of children have been taken into account when addressing specialist support and protection measures.

6.5. Assessment of options per specific objective

The meaning of the qualitative scores used in the assessment below is as follows:

1 (or +): very limited positive impact
2 (or ++): some limited positive impact
3 (or +++): significant positive impact
4 (or ++++): important positive impact
5 (or +++++): very high positive impact

6.5.1. Specific objective I: Significant improvement of victims' access to information

Effectiveness

	Impacts	Score (1-5)
Option I.1.	**Victims:** A coordinated and regularly evaluated provision of information means that victims will receive more adequate information at all stages of the proceeding and will have an overall better experience of their contact with justice. Since currently the national coordination mechanisms for all victims of crime are limited to a few Member States, victims in almost all Member States will benefit from a more coordinated and coherent approach. Key benefits that victims will experience are related to the reduction or avoidance of emotional harm as they will be better informed and supported, and less likely to experience secondary and repeated victimisation (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option).	3
	Justice: Police and judicial authorities would participate in the national coordination mechanism together with victim support services, and detention services which would result in benefits from the expertise of support services on victims' needs and from overall improved coordination of all actors involved and will result in burden reduction. The best practices from Austria and France[113] demonstrate that such coordinated approach is beneficial for the functioning of justice.	2
	Society: Positive social impacts strengthened by including services that work with those victims who are difficult to reach such as victims in detention.	2
	Fundamental Rights: Improved access to justice for victims, including vulnerable	1

[113] The Austrian Management Centre for Victim Assistance (MZ.O) and the **French Inter-Ministerial Delegate for Victim Support DIAV** successfully coordinate the actions of the relevant actors . The Austrian MZ;O ensures that all that all relevant actors at the governmental and local level work together to develop and implement a common victim support; the **French Inter-Ministerial Delegate for Victim Support DIAV** organises meetings of the cross-government committee to aid victims and ensures coordination and support of local committees. It is supported by the Victim Rights, Justice and Assistance Service (SADJAV) at the French Ministry of Justice, and its Office for Victim Support and NGO Policy (BAVPA), which delegates budgets to the courts and participates in victims' support services.

	victims (such as persons in detention) thanks to the provision of information through a more coordinated approach between the organisations involved in supporting victims and authorities.	
Total score		**8**
Option I.2.	**Victims:** The Victims' helpline will greatly facilitate victims' access to information – and thus victims' access to their other rights. It will be particularly beneficial to those victims who do not report crime (and are not in contact with police) in 10 Member States where currently there are no general helplines. Thanks to the helplines with integrated websites and possibility to chat, skype and send emails, victims will be able to get the information they need when they need it. See for example the Irish How We Help - Crime Victims Helpline or the Swedish helpline that offer the possibility to call, e-mail or chat, the Swedish helpline and the interactive Estonian helpline Avaleht | Palunabi may be particularly helpful to vulnerable victims from other countries such as victims of core international crime as they are available in several languages. Helplines will be also beneficial for other vulnerable victims, including child victims, victims with disabilities, victim of hate crime as they will be able to refer victims to the specialist support services or agencies - thanks to cooperation mechanisms from option I.1 that will underpin the helplines. State of the art technology, based on the EU standards of accessibility (see EU Accessibility Act) should enable the accessibility for persons with disabilities. Benefits that victims will experience by having access to a helpline are the reduction or avoidance of emotional harm as they will be better supported and less likely to experience secondary and repeated victimisation (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option).	5
	Justice: A higher number of victims exercising their rights through the justice system is expected, including improved crime reporting and more active participation in criminal proceeding. The helpline will be **critical to build a set of data on victimisation, criminality and provided support**. The outcomes will help to evaluate the effectiveness of the system by gathering data on the number and nature of crimes reported and on the extent to which general and specialised support services are necessary in the EU.[114] Thanks to improved access to information and use of a single EU telephone number, the trust in national and other Member States justice schemes will increase. In addition, a higher number of victims exercising their rights through the justice system will lead to benefits for society stemming from the avoidance of costs of crime (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option).	4
	Society: Single Victims' helplines will improve awareness on victims' rights, facilitate access in cross-border cases (linguistic accessibility and single EU telephone number). The society will also benefit from the data gathered through the single helplines. Victims' helpline may also play an important societal role as they employ volunteers. See for instance the Croatian National Call Center for Victims of Crime - Udruga za podršku žrtvama i svjedocima (pzs.hr) which is strongly integrated in the life of the local community.	4
	Fundamental Rights: Increase in the number of victims who contact support	2

[114] It is unlikely that all relevant layers of a support system will function optimally at any point in time. However, the systematic feedback tool would provide objective evidence that will allow national authorities to identify the most pressing areas where either skills/competence, funding or staffing needs must be addressed urgently.

	services thanks to the facilitated access to information and referral to specialised services. Indirect positive effect on the right of access to justice. Thanks to websites and state of the art technology to offer optimal accessibility for persons with disabilities.	
Total score		**15**
Option I.3.	**Victims:** A coordinated and regularly evaluated provision of information mean that victims are more likely to get the information they need at different stages of the proceeding. All victims would be contacted by victim support organisation (unless they oppose), even if they do not actively search for support. Victims in most Member States will be able to benefit from this option, as currently victims in only 5 Member States (AT, BG, DE, RO, SE) can benefit from being proactively contacted by support services. Key benefits that victims will experience by being proactively contacted by these organisations are similar to those of Option I.2 (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option).	5
	Justice: The police would refer all victims to victim support organisations, the justice system would benefit from the participation of better supported victims, but the police, already overwhelmed with the obligation on provision of information, would have additional tasks. As a part of Option I.1 police and judicial authorities would participate in the coordination mechanism together with victim support services, and detention services which would result in benefits from the expertise of support services on victims' needs.	1
	Society: Positive societal effects from improved awareness and better informed victims are comparable to those of the helpline. As in Option I.2, a higher number of victims exercising their rights through the justice system will lead to benefits for society stemming from the avoidance of costs of crime (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option). However, this option would bring a considerable burden on all who would be obliged to inform victims, detrimental for core functions such as medical and social/welfare work. The persons concerned would need to be trained to acquire the necessary skills to recognise victims and inform them about their rights.	2
	Fundamental rights: indirect positive effect on the fundamental rights of the victims concerned (such as the right of access to justice), but concerns over a right to privacy since victims will be directly contacted by support services without seeking it actively (although with their consent).	2
Total score		**10**

Efficiency (costs/benefits)

	Benefits (million EUR) Scenario medium – 5 years; social discount rate 3%[115]	Costs (million EUR) Average low and high limits – 5 years; social discount rate 3%	Cost-benefit ratio (i.e. A/B, present value of benefits divided by the present value of the costs for a total of 5 years)
Option I.1	701	43	16.4
Option I.2	1,388	231	6.0
Option I.3	1,846	1,834	1.0

Coherence

All options are coherent with the EU acquis on victims' rights, they build on the VRD and strengthen victims' right to access information (Art. 4 and 6). In addition, option I.2 strengthens the right to understand and be understood (Art. 3) and the right to interpretation and translation (Art. 7), thanks to the state-of-the-art website with accessibility tools and translation options. The introduction of the obligation to operate under the EU single harmonised telephone number will have a positive impact on the rights of victims who are residents in other Member States (Art. 17). Options I.2 and I.3 also improve victims access to support (Art. 8 and 9).

The options are also coherent with the VAW proposal, including its Article 31 which sets up a dedicated helpline for victims of violence against women and domestic violence. Although both helplines are based on a similar idea of a service for victims that operates under an EU-wide telephone number, these are different solutions, operating different telephone numbers[116]. Option I.2 will function as a first contact point for all victims of all crimes, and if necessary, refer them to the helpline and support services for victims of violence against women and domestic violence. This general helpline can exist in parallel to specialist helpline[117], as is already the case in a number of Member States. Option I.2 will thus complement and strengthen the solution of the VAW proposal.

Stakeholder opinions

A vast majority of the respondents (89%), mostly NGOs and EU citizens, agreed or strongly agreed with setting up of a general Victims' helpline and with a requirement to coordinate access to information through state and non-state actors. Only three respondents (4%), two NGOs and one public authority, disagreed or strongly disagreed respectively with the helpline and with the requirement for coordination in provision of information. Member States were generally in favour of establishing a general helpline for victims, provided that it does not replace the existing helplines. On the cooperation and coordination between state and non-state actors in providing information, Member States acknowledged the importance of non-state actors and several[118] mentioned that they already have procedures on cooperation in place. Member States face challenges with the complexity and the high amount of information to be provided by the police and notably to vulnerable groups.

Overall assessment

[115] This is the social discount rate recommended in the Tool#64 of the Better Regulation Guidelines.
[116] "116 006" for all victims of all crime and "116 016" for victims of domestic violence.
[117] In fact, all 5 helplines with a reserved 116 telephone number were originally planned to coexist under the Commission Decision from 2009 that recommended their setting up.
[118] AT, IT, DE.

All options on access to information score positive on all three criteria and are considered to be effective in improving victims' access to information. Option I.2 scores particularly high as it appears to be the most effective in responding to the VRD failure to comprehensively address the complexity of victims' needs to access information. In this regard it should be mentioned that considered options do not intend to eliminate any existing helplines or prevent any new helping from being set up in the future. The Victims 116 006 helpline already functions in half of Member States and coexists with other helplines at the national level, including those using other EU-reserved telephone numbers (116 111[119] for children, 116 000 for missing children, 116 016 for victims of domestic violence). In addition, the Victims' helpline makes good use of the available technology to address victims' linguistic needs and accessibility needs. In comparison to Option I.3 it scores high as it reduces the burden on police in providing the information.

Moreover, the function of gathering data on victimisation through the helplines and ensuring a coordinated and regularly reviewed policy on how to provide information to victims would further increase the effectiveness of this measure. Option I.2 is considered the most effective and efficient, as the additional elements will not bring much higher costs, while bringing considerable benefits. Although, the net benefits of option I.2 are lower than those of option I.3, the effectiveness and coherence are higher. Option I.2 is best in achieving the general objective. Victims in all Member States will be able to use the same telephone number and benefit from the modern way of accessing information. This will enhance trust in national and other Member States justice schemes and thus facilitate the mutual recognition of judgements and judicial decisions in criminal matters.

	Effectiveness	**Efficiency**	**Coherence**
Option I.1	+	+++	+++
Option I.2	++++	++	+++
Option I.3	+++	+	+

6.5.2. Specific objective II: Better alignment of victims' protection measures with victims' needs

Effectiveness

	Impacts	**Score (1-5)**
Option II.1.	**Victims:** Enhancing the assessment procedure by ensuring that it starts from the first contact with competent authorities, involves support services and includes an assessment of the risk emanating from the offender is crucial to ensure that victims' protection needs are adequately evaluated. This is the first and indispensable step to provide for protection that is better aligned to victims' needs. It will improve the situation of victims in at least 13 Member States where such complete assessment currently is missing. It does not however improve the accessibility of the protection measures as such.	4

[119] Under the BIK+ Strategy the Commission will ensure that the 116 111 harmonised number addresses cyberbullying, in cooperation with the EU co-funded Safer Internet Centres helplines.

	Key benefits that victims will experience by having their needs better evaluated and a response that is better aligned with their needs are stemming from the reduction or avoidance of emotional harm as they will be better protected and less likely to experience secondary and repeated victimisation (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option).	
	Justice: Positive effect is expected from an improved assessment of victims' protection needs, which should lead to the application of the better aligned protection measures. Justice schemes will benefit from such improved environment for victims to report the crime and hence participate in criminal proceedings. Justice schemes will benefit from increase of trust.	2
	Society: The society will indirectly benefit from an improved assessment of victims' safety needs, which particularly important for the most vulnerable members of the society whose physical safety is at risk (victims of hate crime, victims of organised crime, victims of war crime). Having protection measures better aligned with the needs of victims means that victims are less likely to fall victim of repeated victimisation and more likely to access justice. This will lead to benefits for society stemming from the avoidance of costs of crime (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option).	2
	Fundamental Rights: This measure will have a direct effect on the fundamental rights of victims as it will impact victims' safety (the right to life, the right to the integrity of the person, the right to liberty and security and the right of respect or private and family life). The rights of suspects and accused will not be affected.	2
Total score		**10**
Option II.2.	**Victims:** It is the second step that completes the improved assessment of victims' needs (the first step described in Option II.1). This option composed of the combination of these two steps will make a significant difference for vulnerable victims in need of protection. It will improve the assessment and provide for special protection resulting in improved safety for those at risk. In some cases it may save lives. Key benefits that these vulnerable victims will experience by being better protected are the reduction or avoidance of emotional harm as they will be better protected and less likely to experience secondary and repeated victimisation (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option).	4
	Justice: The positive effect from option II.1 is enhanced by the addition of the protection measures t. It will respond to the current lack of awareness of protection measures, present even among the justice professionals. Increased awareness about the national protection measures and their availability following the improved assessment will enhance the trust in other Member States justice schemes and improve the mutual recognition of judicial cooperation in criminal matters – notably in relation to issuance and recognition of European protection orders.	4
	Society: Society will benefit from a lower number of victims being subjected to repeated victimisation, lower level of victimisation, and improved perception of justice system within society. The benefits of the avoidance of costs of crime are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option.	3

	Fundamental rights: The fundamental rights of victims subject to these protection measures will greatly improve (the right to life, the right to the integrity of the person, the right to liberty and security and the right of respect for private and family life). The rights of suspects and accused will not be affected.	4
Total score		**15**
Option II.3.	**Victims:** In addition to the benefits from the previous option, under this option, victims will benefit from protection measures of equal minimum quality, independently of where in the EU the crime takes place. The measure would benefit victims of hate crime, victims of organised crime, victim of core international crime and any other victims in need of physical protection from the offender. Victims of domestic violence are already covered by the VAW proposal. Key benefits for victims by being equally protected across the EU, are similar to those described for Option II.2 but of a higher scale (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option).	5
	Justice system: National justice scheme would benefit from improved awareness on protection orders and increased use of quality protection measures based on harmonised standards. However, taking into account the fact that a large group of victims is already covered by the VAW proposal and a high level of intervention that the measure would bring into the national legal orders to cover the complexity of the protection needs of a diverse group of victims, the option scores low on proportionality and necessity.	2
	Society:. The society would benefit from a lower number of victims being subjected to repeated victimisation, lower level of victimisation, and improved perception of justice; however, this counterbalanced by the issues with legality of the option mentioned above. The benefits of the avoidance of costs of crime are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option.	2
	Fundamental Rights: Positive effects as for option II.2, but counter balanced due to the issues with legality of the option as above. The rights of suspects and accused will not be affected.	2
Total score		**11**

Efficiency (costs/benefits)

	Benefits (million EUR) Scenario medium – 5 years; social discount rate 3%	**Costs (million EUR) Average low and high limits – 5 years; social discount rate 3%**	**Cost-benefit ratio (i.e. A/B, present value of benefits divided by the present value of the costs for a total of 5 years)**
Option II.1	1,470	25	58.6
Option II.2	1,488	25	58.7

Option II.3	1,846	64	28.6

Coherence

All options are coherent with the VRD and the EU rules on protection orders. Option II.1. would ensure a more targeted assessment of victims' needs for protection and thus strengthen victims' rights to individual assessment in Article 22 of the VRD.[120] The addition of victims' physical protection measures to the list in Article 23 of the VRD via Option II.2 would further align victims' protection with their needs. It is coherent with Article 23 of the VRD and will have a positive impact on issuance and recognition of the European protection orders.[121] Option II.3 would be even more positive for the mutual recognition of European protection orders, but it scores low due to its high intervention in national legal schemes. Option II.2 comes out therefore with the best score.

Option II.2 is coherent with the VAW proposal, including its Article 18 on individual assessment to identify protection needs of victims of violence against women and domestic violence and its Article 21 on emergency, restraining and protection orders for such victims. They cover to a large extent similar issues, but Option II.2 is addressed to **all** victims whose safety is at risk.

The VAW proposal looks specifically at ensuring the safety of victims of domestic violence and the need to use specific protection orders – such as barring orders that require the offender to leave immediately the household. In this regard, Article 21 of the VAW proposal provides for detailed conditions on the application of emergency barring, restraining and protection orders for victims of violence against women and domestic violence.

Option II.2 however proposes to strengthen the individual assessment of protection needs of all victims who may be in need of protection. It will be done by harmonising conditions of application of individual assessment of victims' needs (amendment to Article 22 of the VRD). In addition, under this option victims' physical protection, including protection orders will be listed in Article 23 of the VRD as special protection measures available for victims with specific needs identified in accordance with the individual needs assessment (together with current 8 measures). In this sense, the VAW proposal complements Option II.2 as it brings detailed conditions on the application of emergency barring, restraining and protection orders for victims of violence against women and domestic violence. Member States will be given a discretion on the conditions of the application of other victims' protection measures aimed at other victims in need of such protection (such as victims of hate crime, organised crime or any other victim whose safety may be at risk).

Stakeholder opinions

Stronger coordination and cooperation between national authorities and organisations within individual needs assessments was broadly welcomed by the respondents (90%), all NGOs and EU citizens. Four public authorities disagreed (6%) however with no strong

[120] Individual assessment procedures are in place in all Member States. The conditions of its application however differ largely between Member States. In 11 Member States, the individual assessment is triggered by the first contact with competent authorities. In 11 Member States, the individual assessment also includes the evaluation of the risks emanating from the perpetrator - see Annex 6 for further details.

[121] While protection orders are available in most Member States, there is a divergence in how and when they are applied. See Annex 6 for further detail on Member States' implementation.

disagreement. Member States[122] are mostly reluctant to a mandatory cooperation in individual assessment with non-governmental organisations. Some Member States pointed to the risk of delaying the assessment and argued for a voluntary cooperation. The FRA further expressed the need for more guidance on how to carry out individual assessments and highlighted the importance of involving experts.[123] On the addition of physical protection measures, respondents overall endorsed the option. As to the establishment of minimum standards on physical protection measures, Member States[124] have various minimum standards in place at national level but no objections were raised on this option.

Overall assessment

More targeted individual assessment (option II.1) would bring positive effects to all victims, ensuring that the need for protective measures is assessed to high standards. This is equally important for the efficiency of this option, as the implementation of protection measures can be far-reaching and costly. The assessment of the risks emanating from the offender in Option II.1 is crucial for getting the full picture of the victims' protection needs. Option II.2 would add to option II.1 the availability of protection measures when such measures are necessary – precisely addressing the problem of lack of adequate protection due to lack of awareness and their use in the national schemes. Option II.3 is not retained as it is more intrusive into national schemes and has little added value compared to the VAW proposal Option II.2 can be effectively implemented without adding the minimum standards under option II.3. Moreover, Option II.2 scores high because it has a positive impact on the general objective. It will facilitate mutual recognition of European protection orders by improving the application of protection orders at the national level (thanks to raising awareness about their availability and provision of mechanisms for their application).

	Effectiveness	**Efficiency**	**Coherence**
Option II.1	+++	++++	++++
Option II.2	++++	++++	++++
Option II.3	+++	+++	++

6.5.3. Specific objective III: Facilitated access to specialist support for vulnerable victims, including children

Effectiveness

	Impacts	**Score (1-5)**
Option III.1.	**Victims**: very positive impact for all child victims. Key benefits for child victims (in particular those that are poorly covered by support services) by having more and better access to these services in the form of the Barnahus model are the reduction or avoidance of emotional harm as they will be better supported, protected and less likely to experience secondary and repeated	3

[122] BE, LT, FI, SK, DE.
[123] FRA, Underpinning victims' rights: support services, reporting and protection, February 2023 and FRA, Proceedings that do justice – Justice for victims of violent crime, Part II, April 2019, p. 92.
[124] See Annex 6 for further reference.

	victimisation (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option).	
	Justice system: some positive impact from increased support to one category of victims. Increased trust in other Member States justice schemes and benefits for the mutual recognition but limited to the situation concerning child victims. The justice schemes would have costs related to setting up Barnahus model services involving police and judiciary however these are limited to 6 the Member States[125] where the system does not function yet.	2
	Society: Positive societal effects are expected from increased support to the most vulnerable victims – children and from more child-friendly justice. A higher number of child victims being better supported, protected and exercising their rights through the justice system will lead to benefits for society stemming from the avoidance of costs of repeated victimisation and other crime (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option).	2
	Fundamental Rights: The Barnahus model would create an entirely rights-based approach to how we care for young people in the justice system, limiting the amount of trauma they would normally endure and setting them up for healthy and healing futures ahead. Very positive effects are expected, especially for children.	3
Total score		**10**
Option III.2.	**Victims:** In comparison to option III.1, the positive results of this option would not be limited to child victims. Additional positive effects can be expected from free psychological support available for as long as necessary for victims in 14 Member States[126] that currently do not provide for such extensive support. These benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option.	4
	Justice system: An indirect positive effect is expected from a more active participation in the proceedings by better supported vulnerable victims that is not limited to child victims.	3
	Society: In addition to the benefits from Option III.1 free psychological advice for victims including those who otherwise would not be able to afford it, will lead to victims recovering more quickly and their better integration in the society. These benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option.	3
	Fundamental Rights: In addition to positive effects for child victims as in the previous option, improved effectiveness of support services for vulnerable victims, would result in positive impacts on the fundamental rights of the victims concerned (right to life, the right to the integrity of the person, the right to liberty and security, and the right of respect for private and family life).	4
Total score		**14**

[125] Specialist support services in the form of Barnahus are not available in 6 Member States - see Annex 6 for further reference.

[126] 12 Member States do not provide psychological support that is free of charge and in 2 Member States there are conditions for the provision of such support free of charge – see Annex 6 for further reference.

Option III.3.	**Victims:** Ensuring the availability of specialist support services at the same premises for all vulnerable victims is the most advanced support measure to ensure that victims are better supported. It sets the same right to a targeted and integrated support as option III.1 but for all vulnerable victims. Additional positive effects can be expected from free psychological support to all victims who feel that they need it. These benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option.	5
	Justice system: As under Option III.2, direct positive impact on justice is expected from improved participation in the criminal proceeding of better supported victims. The obligation to gather under one roof all persons in contact with victims would impose however a disproportionate burden on law enforcement and judicial authorities and would require an important reorganisation.	2
	Society: As under option III.2, the society would benefit from such extensive support to all vulnerable victims. It brings however important costs to the society. Free of charge psychological support to all victims who feel they need for it may lead to disproportionate use of the limited human resources in the field. The obligation to gather under one roof all persons in contact with victims would impose a serious burden on medical staff and social workers. These benefits and costs are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised costs and benefits of this option.	2
	Fundamental Rights: The fundamental rights of the concerned victims would be directly and positively influenced (the right to life, the right to the integrity of the person).	4
Total score		**13**

Efficiency (costs/benefits)

	Benefits (million EUR) Scenario medium – 5 years; social discount rate 3%	**Costs (million EUR) Average low and high limits – 5 years; social discount rate 3%**	**Cost-benefit ratio (i.e. A/B, present value of benefits divided by the present value of the costs for a total of 5 years)**
Option III.1	119	5	23.6
Option III.2	10,217	9,336	1.1
Option III.3	23,929	22,858	1.0

Coherence

All options are coherent with the EU acquis on victims' rights. They build on the current provisions of the VRD notably Articles 8 and 9 on general and specialist support services and on Articles 22 and 23 on individual assessment of victims' needs of protection and availability of special protection measures. The options are also coherent with sectorial legislation, including Article 24 of the Counter-terrorism Directive that provides for free psychological support for victims of terrorism for as long as necessary and with the VAW

proposal (notably Articles 27, 28 and 29 and 33) which provides for targeted and integrated support services, including services addressing the multiple needs at the same premises and psychological support for victims of violence against women and domestic violence, specialist support for victims of sexual violence, victims of female genital mutilation and child victims of sexual and domestic violence.

The added value of Option III.1 lays in that it provides for targeted and integrated support under the same premises (Barnahus model) for all child victims. The added value of option III.2 mainly lays in the strengthening of victims' rights to free psychological help for those vulnerable victims who need it (on the basis of individual assessment). Option III.3 provides for the right to specialist support services under one roof to all vulnerable victims (not only children) and free psychological support to all victims.

Stakeholder opinions

Almost all respondents (94%) in particular NGOs and EU citizens, agreed or strongly agreed to improve support for the most vulnerable victims (including those belonging to marginalised groups. A great majority (90%) respondents expressed their (strong) agreement to improve the availability of victim support services to victims who have not reported a crime. Almost all respondents (96%) indicated that more detailed provisions on legal counselling and psychological counselling were needed, 87% respondents opted for support in financial issues and housing, 82% for improved medical support and additional provisions on training and assistance in finding employment. Very few respondents expressed their disagreement or strong disagreement (between one and three per type of support service).

About nine out of ten respondents considered that vulnerable victims should receive free psychological support for as long as needed, in alignment with the provisions of the Counter-terrorism Directive. Strong agreement for these measures came namely from NGOs and EU citizens. Only three respondents disagreed with this proposal, two of them on free psychological support (one NGO, one EU citizen) and one NGO on free medical treatment. From the side of Member States, no objections were raised on the extension of free psychological to victims other than victims of terrorism, for whom this service already exists.

Overall assessment

Option III.2 scores highest on all three criteria. It brings the clarity to the scope of support for the most vulnerable victims, in particular children, for whom it sets a right to access to justice, including age -appropriate support in the same premises. For all vulnerable victims, it provides for a right to free psychological help for as long as necessary. In comparison to Option III.1 it is more complete as not limited to only one category of victims. In comparison to Option III.3 it is less costly and more proportionate as it increases access to support for vulnerable victims, without overwhelming the justice and social schemes. Option III.2 also scores high on achievement of the general objective as it improves trust in the national and other Member States justice schemes, in particular in relation to high standards on victim-centred and child-friendly justice.

	Effectiveness	**Efficiency**	**Coherence**
Option III.1	+	+++	+++

Option III.2	++++	+	++++
Option III.3	++++	+	++

6.5.4. Specific objective IV: More effective participation in criminal proceedings for victims

Effectiveness

	Impacts	**Score (1-5)**
Option IV.1.	**Victims:** A right to be accompanied by a legal or administrative assistance or by a person of choice in the criminal proceedings will have a positive practical and psychological effect notably on victims in 5 Member States where currently such right is restricted to lawyers only. The most vulnerable victims will benefit most from this right as they are in the greatest need of support, counselling and advice during trial. A possibility to challenge decision that concern victims directly will also have positive impact on how victims perceive their role in criminal proceedings. It will be particularly beneficial to victims in 12 Member States where currently the right to challenge decision by victims is restricted (to varying extent). The reduction of emotional harm experienced by victims due to this option as well as potential savings with legal/administrative fees are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option.	2
	Justice system: Improving victims' experience in the criminal justice system will enable their voice to be heard, improve their testimonies, and facilitate their participation – which improves justice effectiveness. Best practice from Croatia, Ireland or Sweden shows that involving victim support services, including volunteers in the courts so they can take care of victims' wellbeing during the trial relives the prosecution and court staff from this task to a great extent.[127] Victims' right to challenge decisions that concern them directly may result in prolonging the proceedings. In order to avoid it, the proposal will leave a possibility to set up time-limits for challenging decisions to national law. This option increases the likelihood of victims exercising their rights through the justice system will lead to benefits for society stemming from the avoidance of costs of crime (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits for the monetised benefits of this option).	3
	Society: Societal impacts are positive, due to victims obtaining better outcomes and thanks to the engagement of civil society in ensuring victims' well-being during the criminal proceedings (the help of volunteers is particularly relevant here).	3
	Fundamental Rights: positive effect on the fundamental right to access justice, the right to an effective remedy and the right to a fair trial; setting of victims' rights to challenge decisions that concern them directly may negatively affect the right of suspects and accused, as they may see decisions favourable to them being challenged more often. The introduction of the victims' rights to challenge decisions seems however proportional and justified. The proposal will also specify that the right will	2

[127] In Croatia, Victim and Witness Support Service takes care of victims in court by providing information about the proceedings and emotional support, in Ireland V-SAC provides court accompaniment to victims in trials including information on procedures, the court setting, pre-trial visits to the court, assistance by trained volunteers. They are given access to a secure private area away from the general public where they can feel safe and have privacy. In Sweden, similar services are offered by Victim Support Sweden

	be exercised without prejudice to the rights of defence.	
Total score		**10**
Option IV.2.	**Victims**: In addition to the benefits from Option IV.1, victims will benefit from legal aid when challenging decisions concerning them directly. It adds effectiveness to the previous option. It is an effective tool to enable victims' participation in criminal proceeding. Notably in particular in those Member States[128] where they do not have the status of parties in the criminal proceeding. The reduction of emotional harm experienced by victims due to the additional aid considered in this option as well as potential savings with legal/administrative fees are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option.	4
	Justice system: Important step towards a more victim-centred justice. The option requires a change to national judicial systems that touches upon the right to legal aid, which is a large intervention into the national justice schemes, costly and seen as a national prerogative.	3
	Society: No major direct societal impacts are expected. Possibility to challenge decisions with free legal advice being available to those people who cannot afford it will lead to a more positive view of society on the justice system. This may lead to benefits for society stemming from the avoidance of costs of crime (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option).	2
	Fundamental rights: In addition to the benefits in Option IV.1, very positive impact on victims' access to justice as it will enable victims to challenge the decisions concerning them directly. No negative effects on the right of defence.	5
Total score		**14**
Option IV.3.	**Victims:** right to participate as a formal party to the criminal proceeding is the most far-reaching option to strengthen the position of victims in criminal proceeding. Particularly relevant for the victims in the Member States where currently their position is limited[129]. The key benefits for victims of this option are similar to those described for option IV.1 and IV.2 but expected to be to be more significant (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option).	5
	Justice system: Harmonisation of the victims' status in criminal proceedings would increase mutual trust and mutual recognition. However, it seems that the option exceeds the limits of the legal basis of Article 82.2 TFEU which requires taking into account the differences between the legal traditions and systems of Member States. Such an option would be particularly invasive to the tradition of the common law Member States (IE, MT and CY).	2
	Society: Positive impact as the possibility to participate in the criminal proceedings as a party would lead to a more positive view of society on the justice system – in	3

[128] In 8 Member States – see Annex 6 for further reference.
[129] In 8 Member States – see Annex 6 for further reference.

	particular in Member States where it does not exist. As with the previous options but more significantly, this option increases the likelihood of victims exercising their rights through the justice system and lead to benefits for society stemming from the avoidance of costs of crime (these benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option).	
	Fundamental rights: This option is the strongest in ensuring victims' right to an effective remedy and access to justice. As stated by the ECHR[130] a right to participate in the criminal proceedings with full fair-trail rights is one of the components of the victims' rights to access justice. No negative effects on the right of defence.	5
Total score		**15**

Efficiency (costs/benefits)

	Benefits (million EUR) **Scenario medium – 5 years; social discount rate 3%**	**Costs (million EUR)** **Average low and high limits – 5 years; social discount rate 3%**	**Cost-benefit ratio (i.e. A/B, present value of benefits divided by the present value of the costs for a total of 5 years)**
Option IV.1	266	255	1.0
Option IV.2	921	314	2.9
Option IV.3	4,859	3,834	1.3

Coherence

All options are in line with the VRD, which is the only instrument to deal with victims' rights to participate in criminal proceedings. All options are coherent with the EU rules on procedural rights of suspects and accused and they do not negatively affect these rights. All measures under this option are implemented to some extent in some of the Member States. Option IV.3 raises issues of legality with the legal basis in the Treaty, due to its invasive character to the legal traditions of the Member States.

Stakeholder opinions

Most of the respondents were in favour of a legal representative accompanying victims in criminal proceedings (85%). To a lesser extent, respondents agreed or strongly agreed that victims should be accompanied by an administrative assistant (57%). Agreement came mostly from NGOs and EU citizens. On the question whether victims should have the right to be accompanied by a representative of a victim support organisation, 86% of respondents agreed or strongly agreed, mostly NGOs and EU citizens. Member States acknowledged the importance for victims to be accompanied during trial.

[130] ECHR, Centre for Legal Resources on behalf of Valentin Campeanu v Romania, No. 47848/08, 17 July 2014, para. 149.

On free legal aid to victims throughout any legal proceedings and independent from their level of income, there was less of a consensus. 70% of respondents expressed agreement or strong agreement and 15 % of respondents (five NGOs, five public authorities, one academic institution) disagreed or strongly disagreed with this measure and 14% of respondents had no opinion. In several Member States[131], free legal aid regardless of income is already granted to victims of specific crimes. One Member State (EL) suggested to extend free legal aid to cover the costs of experts while another Member State (BE) raised the importance of keeping a balance between procedural rights granted to victims and to suspects.[132]

87% of respondents, mainly NGOs and EU citizens, were in favour of granting victims in all cases the possibility to participate as a formal party to the criminal proceedings so they could benefit from the rights associated with this status. 96% of the respondents, including NGOs, EU citizens and public authorities agreed on setting up victims' right to challenge decision concerning them directly.[133] However, some Member States[134] are reluctant to grant procedural rights to victims who are not a formal party to the proceedings.

Overall assessment

All options have largely positive effects, they all improve victims' participation in criminal proceedings and access to justice. Their efficiency is impacted mostly by the large differences in costs of implementation and legal difficulties of integrating them to the national legal orders. All measures will have a positive effect on fundamental rights and social impacts. All options require at least some Member States to amend their national legal orders. Option IV.3 however raises issues with legality in relation to the legal basis and IV.2 would be seen by the Member States as intervening too far in their national prerogatives related to legal laid. All measures also entail additional costs in supporting victims with specific expertise (from simple administrative support to expert legal advice and representation). Option IV.1 appears as the most proportionate one. It improves victims' participation in criminal proceedings and overall access to justice, while staying reasonable on costs and not invasive to the national justice schemes.

	Effectiveness	**Efficiency**	**Coherence**
Option IV.1	+++	+	++++
Option IV.2	++++	++	++
Option IV.3	++++	+	+

6.5.5. Specific objective V: Facilitated access to compensation from the offender

Effectiveness

[131] See Annex 6.
[132] In AT, legal aid is provided to all victims independent of their level of income – in all other Member States some form of legal aid is available, but subject to restrictions.
[133] In only 8 Member States, the victim does not have the possibility to participate as a formal party to the proceedings, although in all Member States, victims may participate to varying degree and with various conditions.
[134] AT, BE, FI.

	Impacts	Score (1-5)
Option V.1.	**Victims:** A strong positive impact is expected as victims would only need to go through one procedure (criminal) rather than two (first criminal and then civil) to have their compensation from the offender judged. Victims in at least 14 Member States[135] will benefit from this option that saves time, effort and costs for victims, and protect them from the risks of secondary victimisation from the offender in civil procedure. It should not become obligatory though, and remain only a victims' right, from which they may resign and ask for compensation in a civil court, if they wish so. The benefits for victims, related to a reduction or avoidance of emotional harm and to the higher likelihood to receive a compensation for the emotional harm experienced are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option.	4
	Justice system: Positive impact as it is more efficient to have compensation claims dealt with in one trial. However, justice systems in some Member States will need to be adapted that would include changes in judicial cultures, as in some Member States judges are not used to dealing with civil aspects of compensation during criminal procedure. It may result in an increased workload in criminal courts (and decrease in civil). The increase in the workload of criminal courts will be less substantial compared to the reduction of the workload of civil courts, as the adjudication of the compensation will take place in the context of existing criminal trials.	3
	Society: No strong direct societal impacts expected from this option, other than through the positive effects on victims themselves. May lead to a more positive view on justice systems and thus better social cohesion. Benefits, related to the avoidance of costs of crime are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option.	2
	Fundamental Rights: Right to be compensated on the criminal justice has been identified by the ECHR[136] as an integral component of victims' rights to access justice; with the exposure to secondary victimisation minimised - the right to the integrity of the person will improve.	3
Total score		**12**
Option V.2.	**Victims:** Strongest positive effect on victims of the available options, as victims would receive compensation directly from the state, in due time following the decision on compensation. It will lead to a reduction in uncertainly, costs and time to execute compensation from the offender. Victims in Member States where currently they cannot benefit from such scheme will benefit from this option which significantly reduces the risk of secondary victimisation.[137] Key benefits related to reduction of emotional harm and to receiving a compensation are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option.	5

[135] In 12 Member States, the compensation decision is a compulsory part of the criminal trial. In 6 Member States, the compensation decision is sometimes part of the criminal trial, if certain conditions have been fulfilled - see Annex 6 for further reference.

[136] ECHR, Centre for Legal Resources on behalf of Valentin Campeanu v Romania, No. 47848/08, 17 July 2014, para. 149.

[137] See Annex 6 for further reference.

	Justice system: More positive impact than from Option V.1 is expected, as it will improve the functioning of the compensation schemes, by making them more victim-friendly and more efficient. The justice schemes will not bear significant costs as the state would get the reimbursement of the compensation from the offender. According to statistical data from the Member States where the system functions, the state receives the compensation from the offender in almost all cases[138]. It would also have a positive impact on the functioning of state compensation schemes, which normally steps in only if victim has not received compensation from the offender, as fewer claims would have to be dealt with by such schemes.	4
	Society: No strong direct societal impacts, other than through the positive effects on victims. May lead to a more positive view on justice and society, where the victims' damage is better executed from the offenders. Benefits related to the avoidance of costs of crime are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option.	3
	Fundamental rights: Even more positive impact on victims' fundamental rights than option V.1.[139] This effect is strengthened further by including minimum standards on compensation from the offender. Improved execution of the lawful penalty/victims' compensation ordered by a court cannot be regarded as harmful to the offenders' fundamental rights.	5
Total score		**17**
Option V.3.	**Victims:** will benefit from improved rights to receive state compensation for all types of crime (currently limited to violent intentional acts, the 2004 Compensation Directive). Benefits from harmonised minimum standards on the conditions of state compensation independently where in in the EU the crime took place. These benefits are partially included in the efficiency analysis and in the results of the cost and benefits analysis for the monetised benefits of this option. However, this option deals only with compensation from the state, to be claimed in additional proceeding. It does not facilitate victims' access to compensation from the offender.	4
	Justice: Overall positive impact, although outside criminal procedure. It would increase the trust in other Member States justice schemes by improving state compensation in national and cross border cases. Such amendments however would fall outside the scope of Article 82.2 TFEU and would require a revision of the 2004 Compensation Directive, for which the EU currently does not have competence and relies on Article 352 TFEU.	2
	Society: More just outcomes for victims through an expanded state compensation scheme will lead to some positive effects on society. Benefits, related to the avoidance of costs of crime are partially included in the efficiency analysis and in the provided results of the cost and benefits analysis for the	2

[138] In 2017, the Dutch government made 3,531 payments under the advance payment scheme for sexual and violent crimes and 4,756 benefits for other criminal offences. For sexual and violent crimes, 2,795 compensation orders were collected in full and 93 in part in 2017. For other criminal offences, this concerned 2,194 fully and 89 partially collected compensation orders before an advance payment was made. See for reference: https://repository.wodc.nl/bitstream/handle/20.500.12832/2482/3094_summary_tcm28-471195.pdf?sequence=3&isAllowed=y

[139] See in particular the Milquet report cited above for the argument that the human-rights approach to victims' rights implies that the offender should compensate the damages, and if the offender is unable to compensate, the state owes compensation to victims of crime.

	monetised benefits of this option.	
	Fundamental rights: positive impacts on the rights of victims to receive compensation and victims' rights to fair trial – but to a lesser extent than in case of Option V.2.	3
Total score		**11**

Efficiency (costs/benefits)

	Benefits (million EUR) **Scenario medium – 5 years; social discount rate 3%**	**Costs (million EUR)** **Average low and high limits – 5 years; social discount rate 3%**	**Cost-benefit ratio (i.e. A/B, present value of benefits divided by the present value of the costs for a total of 5 years)**
Option V.1	2,661	2,238	1.2
Option V.2	9,732	8,897	1.1
Option V.3	31,467	31,031	1.0

Coherence

All options are coherent with the EU acquis, and notably Article 16 of the VRD on the right to a decision on compensation from the offender in criminal proceedings and with the 2004 Compensation Directive. Option V.1 builds on the current Article 16 and strengthens victims' right to receive compensation in criminal proceeding by eliminating the current exception in this provision that victims are entitled to the decision in criminal proceedings "except where national law provides for such a decision to be made in other legal proceedings". Option V.2 will improve this right even further as it will facilitate the execution of compensation from the offender. Option V.2 solves, to a large extent, the problem with a lack of victim-friendliness of the national compensation schemes without amending, or otherwise affecting the 2004 Compensation Directive. There are already Member States where Option V.2 is implemented and there are other Member States who currently consider changes to their national legislation to this effect.[140] Option V.3 requires an amendment to the 2004 Compensation, which cannot be done under Article 82.2 TFEU or under any other legal basis providing for a simplified legislative procedure (the Directive is adopted under Article 352 TFEU that requires unanimity).

Options V.1 and V.2 are coherent with the VAW proposal, which in its Article 26 provides for compensation from the offender for victims of violence against women and domestic violence. Option V.2 establishes a similar system but for all victims of all crime. In addition, it provides for an obligation for the state to pay upfront the compensation due from the offender to victims with a possibility to seeking the reimbursement from the

[140] See Annex 6 for further reference.

offender afterwards. This is applicable to victims of all crimes – including those covered by the VAW proposal and any other sectorial legislation. The difference with the system proposed by the VAW proposal is that the VAW proposal provides for minimum conditions on the amount of compensation to be imposed on offenders in cases of violence against women and domestic violence to take into account the specific needs of women, who often need to start a new life entailing significate costs.

Stakeholder opinions

Some Member States are reluctant to abandon the civil nature of compensation claims, arguing that rules on proof are different and that making compensation a criminal law matter would interfere with the independence of civil courts. One Member State presented a different compensation system in the form of a Criminal Injuries Compensation Tribunal. The scheme does not require legal proceedings to have been initiated before an application is made. Under the scheme, where applicants have received compensation from another source, they should inform the Tribunal and repay any money that amounts to double compensation.[141]

Overall assessment

Option V.2 scores highest on effectiveness and coherence. It is more costly than Option V.1 but this is counterbalanced by the two previous factors. Overall, it gets the highest score. It facilitates victims' access to compensation by improving the execution of compensation from the offender and by limiting the situations where victims are exposed to secondary victimisation. Overall, it adds to victims-friendliness of the national compensation schemes. The execution of compensation would be addressed much more effectively if the State is obliged to pay the compensation up front, and then reclaim that amount from the perpetrator. Option V.2 is already successfully functioning in several Member States and others are considering amending their schemes in this line. [142] Option V.2 also scores best on achieving the general objective. By bringing considerable improvement to victims' standards on compensation from the offender, it will raise trust in other Member States judicial schemes, improve the situation of victims in concrete cross-border cases, and will have positive impact on mutual recognition in general.

The third option scores least, as it is problematic from a point of view of coherence, as the Union currently lacks a clear legal basis to revise the Compensation Directive. This option is also particularly costly and does not facilitate victims' access to compensation from the offender. It therefore scores least overall.

	Effectiveness	**Efficiency**	**Coherence**
Option V.1	+++	+	+++
Option V.2	+++++	+	+++
Option V.3	+++	+	+

PREFERRED OPTION

7.1. Preferred options package

[141] See Annex 6 for further reference.
[142] See Annex 6 for further reference.

Looking at all elements of assessment, and taking the opinions of stakeholders into consideration, the preferred package of options:

Specific Objective I	Option I.2 (national coordination schemes and Victims' helpline)
Specific Objective II	Option II.2 (enhanced individual assessment and adding victims' physical protection to protection measures)
Specific Objective III	Option III.2 (Barnahus model for all children and psychological aid for those in need)
Specific Objective IV	Option IV.1 (victim rights to be advised during criminal procedure and accompanied by a person of choice during criminal proceeding and to challenge decisions that concern them directly)
Specific Objective V	Option V.2 (rights to decision on compensation in criminal proceeding and to receive offenders' compensation by the state, where state recuperates if from the offender later)

Preferred options	**Benefits (million EUR)** **Scenario medium – 5 years; social discount rate 3%**	**Costs (million EUR)** **Average low and high limits – 5 years; social discount rate 3%**	**Cost-benefit ratio (i.e. A/B, present value of benefits divided by the present value of the costs for a total of 5 years)**
Option I.2	1,388	231	6
Option II.2	1,488	25	59
Option III.2	10,217	9,336	1
Option IV.1	266	255	1
Option V.2	9,732	8,897	1
TOTAL	23,091	18,743	1.2

According to data taken from the support study for this initiative[143], the cost-benefit ratio of the preferred option is above 1 for all Member States, i.e. expected benefits of the preferred option outweigh expected costs in each Member State. However, the ratio varies across Member States with **Finland, Belgium, Hungary, Luxembourg, and Bulgaria** having the **highest cost-benefit ratios** (highest positive impact per euro spent) and **Lithuania, Cyprus and Romania** the **lowest** (lowest positive impact per euro spent).

Evidence collected through the support study shows that often the main **reason for the differences in expected impacts and relative costs across Member States** lies with different starting positions in terms of baseline. In particular, the level of effort (costs) that Member States must make depends on how far/close they are to the desired final situation (i.e. situation once the preferred option is implemented). A second factor is of course the

[143] ICF (2023), Study to support the impact assessment for the revision of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report.

differences in costs for different types of support measures (e.g. psychological support). Finally, numbers of victims differ across Member States even after controlling for differences in total population.

While not achieving the highest total benefits to cost ratio[144], the preferred combination of options scores the best on all relevant criteria (effectiveness, efficiency, coherence) and is therefore expected to bring optimal amount of benefits to victims across the EU subject to the limitations of the legal basis and the requirement of proportionality. Moreover, measures in the preferred options package build on best practise already in place (either in most Member States or in some Member States depending on the measure).[145] These measures also gained the highest support with stakeholders during the consultations. Last but not least, these measures score high on the coherence criterion - the coherence assessment confirmed that there is no contradiction between the preferred policy package and the existing (or currently planned) sectorial legislation.

It is important to stress that only the combination of the different measures will ensure combined effects from the implementation of all the options – as they were designed to reinforce each other. For instance, Option III.1 on prolonged psychological support for as long as necessary will benefit not only the group which currently uses such support, but also the "newcomers" – the victims who will start using it thanks to an easier access to information via the Victims' helpline set up by Option II.2. Similarly, thanks to Option IV.1 on the right to be advised and accompanied during the criminal proceeding, more victims will benefit from the decision on compensation at the end of criminal procedure set up in Option V. 2 as victims will be better advised on when and how they should request such compensation. More victims will make use of their right to challenge a decision that concerns them directly under Option IV.1, as victims' availability to actively participate in criminal proceeding will be increased thanks to strengthened psychological aid and improved targeted and integrated support services under Option III.2. There will be a cumulative effect on improving the situation of all victims in the EU. They will be better informed about their rights, better supported, more effectively protected, will have improved participation in criminal proceedings and facilitated access to compensation.

By facilitating equal access to information, protection, support, justice and compensation, the preferred policy package will provide more equal opportunities for all victims to exercise their rights. In this way it will significantly contribute to **Sustainable Development Goal (SDG) no. 10** aiming at **reducing inequalities**.

It is also likely to contribute to some extent to **SDG no. 5 related to gender equality** by introducing victim protection measures to victims of crime.

With its overall goal to increase trust in institutions and services supporting victims in crime, the policy package will contribute to promoting the rule of law and ensure equal access to justice addressed by **SDG no. 16 Peace, justice and strong institutions**.

Improvements would also be expected in the longer term as regards **SDG no. 3 on good health and well-being**. For instance, this will be achieved by better protecting victims and reducing secondary victimisation.

[144] The preferred combination has a slightly lower CBR compared to a combination where V.1 is used in place of V.2; however, the difference is very small and would not compensate for the expected loss in effectiveness.

[145] See Annex 6 for further details on the status of different measures in the different Member States.

This policy package is a convincing contribution to improving the rights of victims in the EU. All these elements combined are also expected to increase trust in judgements and decisions in criminal matters, improve security and make a big step towards victim-centred justice in the EU.

7.2. REFIT (simplification and improved efficiency)

The analysis of impacts suggests that the package of preferred options is anticipated to have an overall positive impact on burden on Member States, even if some expenditures will rise. The rise in expenditure would be more than compensated by the positive effects of the options package, as argued above.

Some simplifications for the national authorities will come from the anticipated positive impacts of different options, which will increase cooperation and coordination between those dealing with victims. This will result in a more efficient organisation of the justice schemes which will also benefit from enhanced cooperation with support services. In particular, the current burden on police from the obligation to provide all information on victims' rights in accordance with specific needs of each victim will be shared with others (also non-governmental organisations including volunteers). Further benefits have been identified in the functioning of the justice system of the Member States, notably services dealing with State compensation are expected to be relived to a great extent by full implementation of the preferred option on compensation from offender. Further simplification is also expected from the approach of dealing with all compensation issues within the criminal proceedings, rather than in both criminal and civil. This will reduce the number of civil cases and increase the efficiency of the court system.

On 5 December 2022, the Fit for Future Platform adopted its opinion for the Revision of the victims' rights acquis[146]. The suggestions are in line with the ongoing work in the area of victims' rights and the preferred policy options in the impact assessment.

7.3. Application of the 'one in, one out' approach

This initiative will not have any effects on either administrative cost or savings for the private sector. The private sector does not refer to citizens. Adjustment costs would mainly be borne by public authorities and non-governmental organisations involved in supporting victims of crime.

HOW WILL ACTUAL IMPACTS BE MONITORED AND EVALUATED?

To monitor the effective implementation of the revised legislation, the Commission will publish implementation reports on a regular basis, in accordance with the obligations to report data. The Commission will also evaluate the implementation of the new legal framework, no sooner than four years after the date of transposition of the instrument and present an evaluation report to the European Parliament and to the Council on the functioning of the legislative instrument. The report will include the stakeholders' consultation and an evaluation of how fundamental rights and principles recognised by the Charter of Fundamental Rights of the European Union have been respected. To ensure the

[146] https://commission.europa.eu/system/files/2022-12/Final%20opinion%202022_SBGR3_07%20Revision%20of%20the%20victims%20rights%20acquis_rev.pdf

effective implementation of the measures and to monitor their results, the Commission will work closely with the stakeholders, including national authorities, via the Victims' Rights Platform and the European Network on Victims' Rights, in line with the Victims' Rights Strategy 2020-2025. The Commission will also continue to work closely with FRA. Under the revision of the VRD, FRA will be required to continue its work in support of Member States and the Commission in collection and analysis of data on how victims have access to their rights under this Directive.

The list of indicators is based on the specific and general objectives pursued by the measures identified under the preferred option.

Specific objectives	**Key performance indicators**	**Target (at the point of data collection)**	**Data sources** and tools
Improved victims' access to information	The availability of Victims' helplines under "116 006" in all MS, Websites connected to the helplines with state-of- the- art technology to provide information to victims and refer them to support services. Website/helpline are fully accessible Is the information provided via hotline/websites to all victims on their rights and support services adequate to victims' needs?	Satisfaction survey integrated in the helpline/website (70% of responders satisfied) - the structure of data collected should allow to measure victims' experience with the helpline Does the helpline/website show among the first results in google	Member States survey – data collection integrated in the helplines/websites Web Content Accessibility Guidelines + tests. Victims' Rights Platform European Network on Victims' Rights European Union Agency for Fundamental Rights (FRA)
Better alignment of victims' protection measures with victims' needs	Percentage of cases in which the upgraded individual assessment is performed. The level of awareness about the availability of protection orders among the professionals (prosecution, judges, lawyers). Number of European protection orders issued and recognised.	Positive trend/increase, target of 80 % of reported cases. Positive trend/increase target, 90% of survey participants Positive trend/ increase in numbers (data collected from the Member	Member States survey Victims' Rights Platform European Network on Victims' Rights FRA

		States)	
Better support for victims by generic and specialist support services	Percentage of child victims who are assisted by targeted and integrated support services. Percentage of vulnerable victims who receive free psychological services for as long as necessary,	Positive trend/increase target 80% of cases involving children. Positive trend/increase target 80% of victims in need.	Member States survey Victims' Rights Platform European Network on Victims' Rights FRA
More effective access to justice for victims	Percentage of courts that provide for services to accompany and advice victims during criminal proceedings. Satisfaction of the victims with the access to legal/administrative assistance during proceedings	Positive trend/increase 80% of all courts. Positive trend/increase 70 % of victims satisfied.	Member States survey Victims' Rights Platform European Network on Victims' Rights FRA
Facilitated access to compensation from the offender	Percentage of victims that receive a decision on compensation from the offender at the end of the criminal proceedings if found guilty. Percentage of victims that receive offenders' compensation from the State in dues time following the court's decision. Percentage of cases in which the State recuperated the compensation from the offender.	Positive trend 80 % of case. Positive trend/increase (target 80 %) Positive trend/increase target 80 %	Member States survey Victims' Rights Platform European Network on Victims' Rights FRA
General objective	Percentage of victims satisfied with the way in which they were recognised and treated by the authorities.	Positive trend 70% of surveyed victims satisfied.	Member States survey Victims' Rights Platform European Network on Victims' Rights FRA

ANNEX 1: PROCEDURAL INFORMATION

1. LEAD DG, DECIDE PLANNING/CWP REFERENCES

The Lead DG for this initiative is the Directorate-General for Justice and Consumers (DG JUST).

The D*e*cide reference of this initiative is PLAN/2021/11420.

This revision of the victims' rights acquis is part of the Commission Work Programme 2022. The CWP 2022 calls for setting the focus on more effective access to victims' rights, including a right to compensation and better access to justice for victims of all crimes and states that further to the evaluation of the victims' rights Directive, a possible revision of the Directive or another legislative instrument may be proposed by the end of 2022.[147]

ORGANISATION AND TIMING

Chronology of the impact assessment:

- The impact assessment itself is based on an evaluation of the Victims' Rights Directive, which was carried out in 2021 and consisted of a study and an open public consultation lasting from 19 July to 25 October 2021.

- The work on the impact assessment began with a call for evidence, lasting from 10 December 2021 to 10 January 2022. In total, 59 responses were received.

- On 8 March 2022, the open public consultation was launched. The consultation lasted until 31 May 2022. In total, 72 responses were received.

- Targeted consultation meetings took place on 21 April 2022 (with Member State experts), on 26 April and 10 May 2022 (with members of the Victims' Rights Platform[148]) and on 13 May 2022 (with the Criminal Law Expert Group).

- The support study on the cost and benefits of the assessed policy options was launched on 4 May 2022[149].

- The first draft of the Impact Assessment was sent to the ISG on 24 October 2022.

- A revised draft of the Impact Assessment and a draft proposal for the revision of the Victims' Rights Directive was sent to the ISG on 19 December 2022. A meeting of the ISG to discuss both documents was held on 9 January 2023.

[147] COM(2021) 645 final, 19.10.2021, Annexes 1-5 to the Commission Work Programme 2022, p. 11.
[148] The Victims' Rights Platform is composed of 34 members that include representatives of EU level networks, agencies, bodies and civil society organisations relevant for the implementation of the EU Strategy on victims' rights.
[149] ICF (2023), Study to support the impact assessment for the revision of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report.

CONSULTATION OF THE RSB

The Regulatory Scrutiny Board (RSB) was consulted in an upstream meeting on 21 January 2022.

The draft impact assessment for the revision of the Victims' Rights Directive was submitted to the RSB on 3 November and discussed on 30 November 2022. The impact assessment was slightly revised after the hearing, in order to reflect more precisely the implementation costs and the methodology for the assessment of the options. On 1 December, the RSB issued a positive opinion without reservations on the draft impact assessment.

EVIDENCE, SOURCES AND QUALITY

The **main source of evidence** for the present Impact Assessment is the **evaluation of the Victims' Rights Directive**, which consisted of an open public consultation (19 July to 25 October 2021) and an external support study.

Further evidence comprises:

- **Stakeholder consultations** on specific options for the revisions, including a call for evidence, an open public consultation as well as targeted consultations with Member States, civil society and criminal law experts (see Annex 2);
- **Contributions** directly submitted to the Commission by stakeholders in the framework of the revision of the Directive (see list in Annex 2);
- **Reports and studies** on victims' rights and on the implementation of the provision of the Victims' Rights Directive in EU Member States, including several reports, which resulted from EU-funded projects;[150]
- **European case law**;
- A **cost-benefit study** carried out by an external contractor in order to assess the financial feasibility of the main options proposed.
- **Previous work carried out by the European Parliament**, including
    - A study on the implementation of the Victims' Rights Directive, carried out by the Research Service of the European Parliament in 2017;[151]
    - A study requested by the LIBE Committee on criminal procedural laws across the European Union;[152]

[150] See for example: Vociare Report or Artemis Report.
[151] Victims' Rights Directive 2012/29/EU – European Implementation Assessment. PE 611.022, December 2017. Available at: https://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf.
[152] Criminal procedural laws across the European Union – a comparative analysis of selected main differences and the impact they have over the development of EU legislation. PE 604.977, August 2018. Available at: https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604977/IPOL_STU(2018)604977_EN.pdf.

- European Parliament's Resolution on minimum standards on the rights, support and protection of victims of crime, adopted on 30 May 2018.[153]

- Previous **work carried out by the Commission**, including:

  - The **participation in conferences, panels and workshops**.

  - Several **projects funded under the Criminal Justice Programme**, including projects dealing with the overall implementation of the Victims' Rights Directive. Such projects are, for instance, "Promoting Rights of European Victims (PREVICT)" project, "Towards a more responsive victim-centered approach of the criminal justice system (RE-JUST)" project, Infovictims project, etc.

  - Several **plenary and ad hoc meetings with the Victims' Rights Platform**, organised by the European Commission (see list below).

Plenary meetings

Date	Topic
23 February 2021	1st Plenary meeting of the Victims' Rights Platform
15 December 2021	2nd Plenary meeting for the Victims' Rights Platform
26 April 2022	1st Meeting on the Revision of the Victims' Rights Directive
10 May 2022	2nd Meeting on the Revision of the Victims' Rights Directive

Ad hoc meetings

Date	Topic
16 December 2020	State of play of the EU Strategy on victims' rights
10 February 2021	Victims of terrorism
17 March 2021	Digitalisation
25 March 2021	Victims in detention
20 April 2021	Vulnerable adults
28 April 2021	Undocumented migrants
06 May 2021	Violence against women
10 June 2021	Cross-border cooperation
15 July 2022	Victims of war crimes
15 September 2022	Victims of war crimes

Overall, the evidence used **comprises qualitative and quantitative elements** and is based on desk research, consultation activities and a support study carried out by an external contractor.

The various consultation activities allowed the Commission services to obtain **external expertise.** Throughout these consultation efforts, **concrete experiences and inputs** were gathered from the public, victims, victims' relatives and/or friends, State representatives, relevant EU agencies, victim support services and criminal law experts.

[153] OJ C 76, 9.3.2020

For the targeted consultations with stakeholders, a **discussion note** including the main policy options was sent to the participants in advance, to allow them to prepare their comments and contributions. Detailed meeting reports of the targeted consultations were submitted **to the participants of the meeting for approval and further comments**. In addition, contributions submitted by stakeholders through the **meeting chat** or **via e-mail** have been **listed and duly taken into account**.

The **calculations of costs and benefits** was carried out by an external contractor, who consulted Member States and victim support organisations throughout a survey. Participants could submit their answers through writing or by phone in order to make the consultation more accessible and enhance participation. The Commission made significant efforts to collect data, or at least estimates, from public authorities and victim support organisations through the mentioned surveys.

For the present Impact Assessment effort was made to **reference all the sources**, **review their quality** and **include hyperlinks whenever possible**.

ANNEX 2: STAKEHOLDER CONSULTATION (SYNOPSIS REPORT)

1. CONSULTATION STRATEGY

The consultation strategy was built upon the information already collected as part of the evaluation of the Victims' Rights Directive, notably with a view to consider further legislative measures. More precisely, the consultation strategy in the framework of the Impact Assessment aimed at identifying and assessing possible policy options and assisting in calculating their costs and benefits. In this context, the views of stakeholders on elements to be included (or not) in a legislative proposal were collected to enable the Commission to table a good proposal.

The **objective of the consultations** in the context of the impact assessment on the revision of the victims' rights acquis was therefore twofold:

1. to collect the views of stakeholders about possible options to tackle the problems identified in the evaluation, including by seeking feedback on the recommendations that emerged from the evaluation exercise;
2. to gather information about possible additional problems that were not covered by the evaluation of the Victims' Rights Directive.

2. CONSULTED STAKEHOLDERS

The following key stakeholder categories have been identified for the consultation in the framework of the revision of the Victims' Rights Directive:

Professionals working with victims or having **contact with victims** in Member States' competent authorities:

- judicial Member States' authorities, including central authorities (Ministry of Justice), judges and prosecutors, and their associations;
- defence lawyers and their associations, bar associations;
- law enforcement Member States' authorities, including central authorities (Ministry of Interior), police officers, and their associations.

This stakeholder group is particularly relevant as it is directly involved in the implementation of the Victims' Rights Directive. The envisaged policy options for the revision of the Directive have a direct impact of the work of these professionals. Their views were therefore indispensable in assessing the relevance and feasibility of proposed options. This stakeholder group has been reached through a targeted consultation with Member States experts.

Members/representatives of civil society organisations working with victims or **having contact with victims**, namely victims support organisations and support services:

- victim support organisations and support services at national level;
- umbrella organisations and networks at EU level;
- helplines and hotlines.

This group of stakeholders has the most concrete insights into the specific needs of victims and the challenges they encounter when seeking enforcement of their rights. The consultation of this group of stakeholders was therefore crucial in order to collect evidence from the field and to ensure that proposed policy options meet the identified needs of victims of crime.

This stakeholder group was reached through a targeted consultation with the Victims' Rights Platform. The views of victim support organisations were further collected throughout the past years in the framework of meetings, conferences and workshops and throughout previous meetings of the Victims' Rights Platform. Additional written submissions from victim support organisations as well as their contributions to the Open Public Consultations were also taken into account in the framework of this Impact Assessment.

EU agencies providing **support to Member States in cross-border criminal cases**:

- Europol;
- Eurojust;
- the European Public Prosecutor's Office (EPPO);
- CEPOL.

Some EU agencies are involved in assisting Member States in dealing with cases involving victims coming from different countries. Therefore, receiving input on how handling cross-border cases can be further improved for victims and how far the proposed policy options respond to the need for better cross-border cooperation, was essential. Eurojust and CEPOL participated in the consultation of the Victims' Rights Platform. An additional meeting with Eurojust on assistance for victims in cross-border cases took place in May 2022.

EU agencies and networks providing an expertise on victims' rights and fostering the exchange of experience and good practices in this area at EU level:

- the European Network for Victims' Rights;
- the EU network of national contact points on compensation and the single contact points for victims of terrorism in the Member States;
- the European Judicial Network (EJN) in criminal matters;
- the European Union Agency for Fundamental Rights (FRA).

These EU agencies collect highly relevant data and information on victims' rights and their consultation was essential in order to further substantiate the proposed policy options with qualitative and quantitative data on the effective implementation of victims' rights within the EU. This stakeholder group was reached through the consultation of the Victims' Rights Platform. Further, written contributions submitted by these agencies as well as their replies to the Open Public Consultation were taken into account in the context of this Impact Assessment.

International standard setting organisations with **expertise on victims' rights** and fostering the exchange of experience and good practices in this area:

- Council of Europe;
- the United Nations' Office on Drugs and Crime;
- the OSCE/ODIHR.

These actors represent important stakeholders as they also deal with victims' rights on an international level. Harmonising and synthetising efforts with these actors is therefore crucial in order to raise the standards of victims' rights, protection and support on a greater scale. These actors have not been consulted explicitly but documentation published by these actors has been included in the Impact Assessment.

The general public, including victims

As victims' rights is an issue which concerns society as a whole, the contributions of the general public and especially of victims of crime were indispensable to define and assess policy options for the revision. The general public was reached throughout the call for evidence and the Open Public Consultation to which 17 victims of crime participated and submitted their opinions.

Research and academia

Taking into account findings from research and academia is highly relevant to substantiate contributions coming from the field. To take into account both elements from theory and practice for the revision of the Victims' Rights Directive, it was relevant to consult this stakeholder group. Criminal law experts, including academia, were reached throughout a targeted consultation meeting on 13 May 2022 and could provide input on technical questions, such as on the feasibility of certain options under the applicable legal basis.

Short description of the methodology and tools used to process the data

The consultation activities were focused on online surveys and virtual meetings. The following actions were carried out in the framework of the consultation:

- The Commission launched a **public consultation** in all 24 official EU languages. The consultation was questionnaire-based. The consultation period was twelve weeks. The outcome of the open public consultation was **analysed by an external contractor**.
- The Commission organised targeted consultations with **Member States experts**, the **Victims' Rights Platform** and a group of **criminal law experts**. The information gathered during these meetings is reflected in the present synopsis report.

3. TARGETED CONSULTATIONS

The following targeted consultations were carried out in the framework of the impact assessment:

Date	Consultation
13 December 2021 – 10 January 2022	Call for evidence
8 March – 31 May 2022	Open Public Consultation
21 April 2022	Expert Meeting with 27 Member States representatives
26 April 2022	Meeting with members of the Victims' Rights Platform (Part I)
10 May 2022	Meeting with members of the Victims' Rights Platform (Part II)
13 May 2022	Meeting of the Criminal Law Expert Group

13 September 2022	Workshop of the EU network of national contact points on compensation

In the context of the targeted consultations, the following documents were brought to the attention of the Commission.

Documents provided through the chats

Meeting with Member States experts on 21 April 2022

MS	Topic	Document
AT	Privacy Protection	Austrian decree of 16 February 2022 "Requests for information and deletion to Facebook, Instagram, WhatsApp and Google" Federal law taking measures to combat hate on the internet (Hass-im-Netz-Bekämpfungs-Gesetz – HiNBG)

Meeting with Victims' Rights Platform on 26 April 2022

Organisation	Topic	Document
Fair Trials	Access to Information manifesto of CSOs highlighting shortcomings of police, prosecution and incarceration as main responses for victim protection	Link
VSE	Individual Needs assessment	Link
ESWA	Protection measures	Link
VSE	Data protection and victim support	Link
End FGM European Network	Protection measures (German Letter of Protection)	Link
VSE	Victim support – funding of victim support services	Link
VSE	National Referral mechanism (THB)	Link

Meeting with Victims' Rights Platform on 10 May 2022

Organisation	Topic	Document
Eurojust	Access to compensation – best practices on how to facilitate the claim for compensation in cases of high number of victims	Link 1 Link 2 Link 3
ESWA	Compensation - equal compensation for lost wages	Link (p. 30)
EFRJ	Restorative Justice	Link 1 Link 2 Link 3
La Strada International	Victims of war crimes – risk of trafficking	Link 1 Link 2 Link 3

Contributions received from stakeholders in reply to targeted consultation

Organisation	**Document**
VSE	VSE recommendations Revision VRD_final
EFRJ	Background paper for Restorative Justice in the VRD CoE Venice Declaration of the Ministers of Justice on restorative justice Council of Europe Recommendation CM/Rec(2018)8 of concerning restorative justice in criminal matters

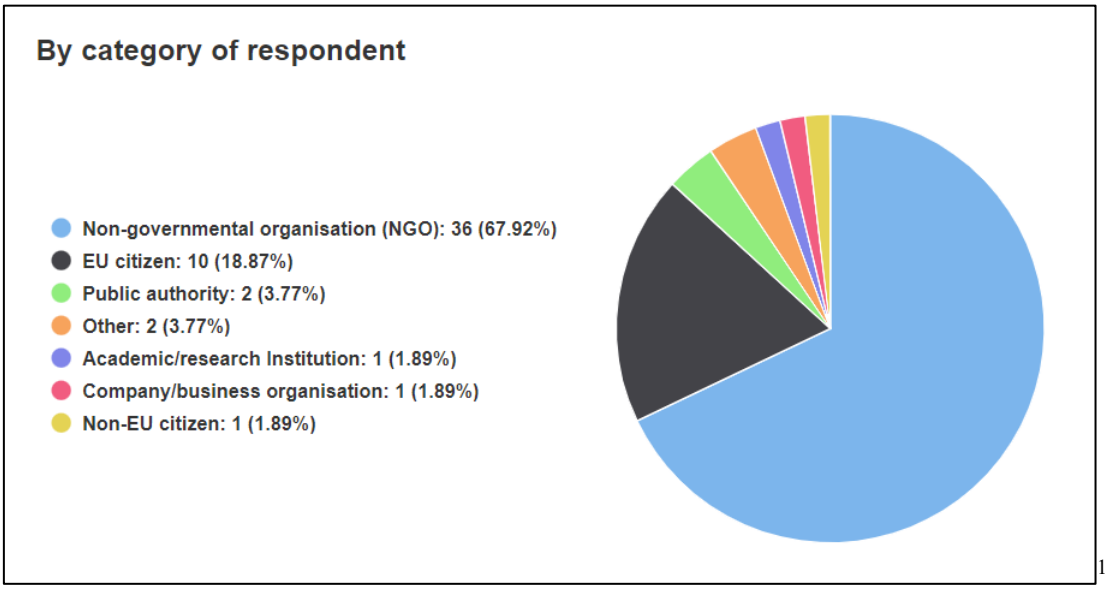
	Manual on Restorative Justice Values and Standards Restorative Justice Quality Review Toolkit Effectiveness of restorative justice practices. An overview of empirical research on restorative justice practices in Europe (2017) Using restorative approaches for domestic and sexual abuse: A personal choice. Restorative Justice for Victims (infographic) Practice Guide: Implementing Restorative Justice with Child Victims Victims of Road Traffic Offences The role of restorative justice in preventing and responding to violent extremism Joint position paper EFRJ – TDH to the EC on child-friendly restorative justice PROTECT project LetsGoByTalking Project iRestore Project
FRA	FRA input to Commission VRD open public consultation 31 May 2022
Victim Support Sweden	Document on referrals used by the Police to refer victims to victim support services Document on differences in municipalities' funding to local victim support services Maps demonstrating differences in funding and contracts to local victim support services
ENOMW	Article on womens' rights perspective on Restorative Justice Study on Restorative Justice in Cases of Domestic Violence 1st General Report of the GREVIO Committee UN Women Handbook and Framework on legislating on VAWG
ENOMW	Report on Mental Health and Wellbeing of Migrant Women EP recent study on trauma and refugee women Best practice principles on assistance of female migrant victims of trafficking
Eurojust	Report on Eurojust's casework on victims' rights - A contribution to the European Commission Coordinator for Victims' Rights mapping exercise

4. OUTCOMES OF THE CONSULTATIONS

Call for evidence

Throughout the call for evidence, 53 responses have been received. 67,92% of the contributions were submitted by non-governmental organisations, 18,87% of the responses came from EU citizens. A quarter of the responses was submitted by German stakeholders (13 replies), followed by contributions from Belgium (7 replies).

Figure 5. Contributions by category of respondent

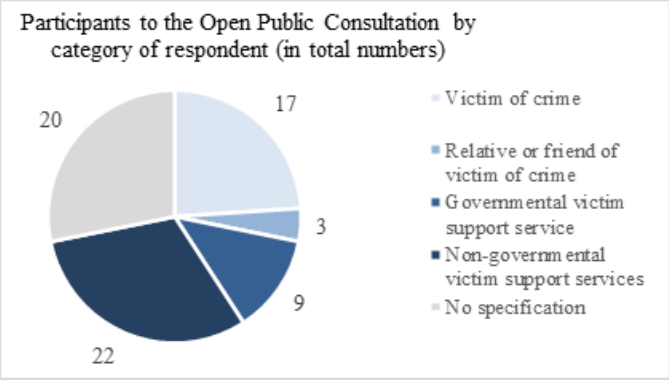


[154]

Open public consultation

Among the 72 replies, 17 were from victims of crime (23,6%) and three from friends or relatives of victims of crime (4,2%). A total of 31 replies came from victim support services (43,1%), of which 22 indicated to be non-governmental victim support services (30,6%).

[154] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13096-Criminal-justice-EU-rules-on-victims-rights-update-/feedback_en?p_id=27583278.



Feedback by stakeholder type

Stakeholder type	Replies
EU citizen	19
Non-governmental organisation based in the EU	25
Non-governmental organisation based out of the EU	3
Public authority	14
Business association	4
Academic/research institutions	2
Non-EU citizen	1
Other	4

Feedback per country of origin

Albania	1	Italy	4
Austria	2	Lithuania	1
Belgium	6	Luxembourg	1
Bulgaria	1	Malta	2
Croatia	1	Netherlands	3
Czechia	1	Portugal	1
Finland	1	Romania	3
France	9	Slovenia	6
Germany	12	South Africa	1
Hungary	3	Spain	7
Iran	1	Sweden	1
Ireland	3	Switzerland	1

Summary of the replies

Access to information

63 respondents (89%, 63 out of 71) - mostly NGOs and EU citizens, agreed or strongly agreed with the establishment of a general Victims' helpline as well as with a requirement to coordinate the provision of information through state and non-state actors. Only three respondents (4%), two NGOs and one public authority, disagreed or strongly disagreed respectively with an establishment of the helpline and with a requirement for coordination in information provision.

Asked for further suggestions to adequately provide information to victims, seven respondents out of 41, mainly NGOs, proposed to use television or new technologies as well as oral and written awareness raising initiatives (17%). Further, five of the 41 respondents (12%, two NGOs, two EU citizens and one "other" organisation) highlighted the need for adequate assistance (e.g. psychosocial support or one-to-one support) for specific groups of victims (e.g. elderly people or people with disabilities) to access information. They also stressed the active inclusion of organisations working with

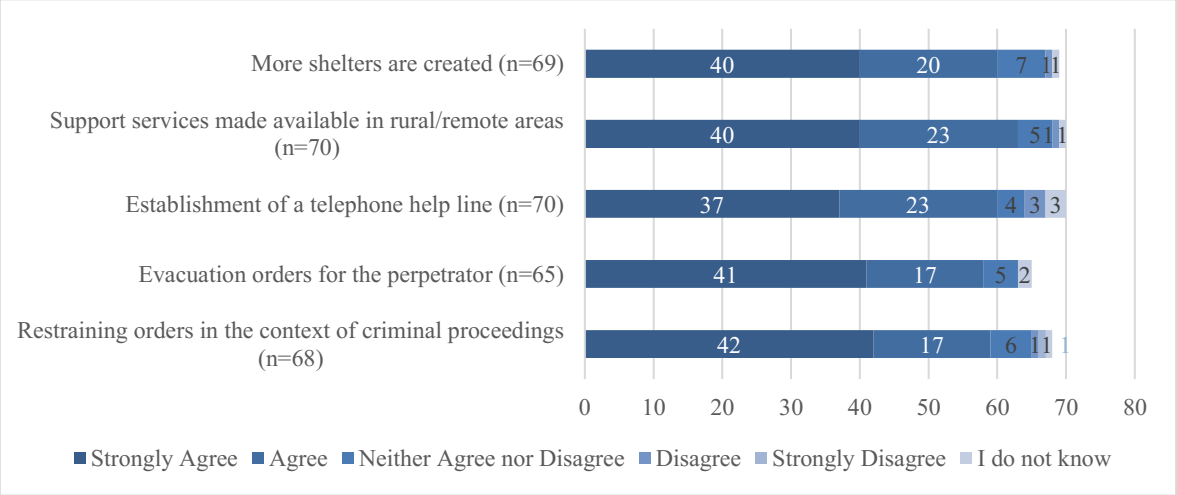
marginalised communities. Furthermore, the need to ensure the accessibility of a centralised helpline for people with disabilities was mentioned by five respondents, including three NGOs and two public authorities (12%). Six of the 41 respondents, mostly NGOs (5), stressed that information sharing could also be improved by using light language, community languages and through multilingualism (15%). In the attachments to the contributions, some respondents asked to inform victims repeatedly and to adopt a more proactive approach to reach out to victims.

Protection for victims

A requirement for a stronger coordination and cooperation between national authorities and organisations involved in individual needs assessments was broadly welcomed by the respondents (90%, 63 out of 69), all NGOs and EU citizens. Four respondents (public authorities) out of 69 disagreed (6%) without any strong disagreement.

On the provision of physical protection measures, respondents overall endorsed the proposals for physical protection measures. All proposed measures received a high level of support, mainly from NGOs and EU citizens but also from public authorities.

Figure 6. Contributions on measures for victims' protection



Among further suggestions on how to improve victims' protection, six out of 36 respondents mentioned training for all persons likely to be involved with victims. Some called for further cooperation and coordination of services concerned on the local, national and international level. Three participants expressed concern about the access to and use of victims' data in the media. Finally, some respondents highlighted the need for specific protection for victims with specific needs, referring explicitly to intersex persons and victims with disabilities. In the attachments, respondents asked for a strengthening of the protection of cross-border victims. It was further suggested to coordinate protection mechanisms with other laws, which could be related to protection measures.

Access to victim support services

65 respondents, in particular NGOs and EU citizens, agreed or strongly agreed to introduce a requirement to improve the ability of support services for victims belonging to marginalised groups as well as for victims from rural or remote areas (65 respondents out of 69 for each category, 94%). 63 respondents expressed their (strong) agreement to improve the availability of victim support services to victims who have not reported a crime (90%) and 56 respondents considered that availability of support services should be improved for victims belonging to other specific groups (81%). Only one to three respondents, mostly NGOs, expressed their disagreement, while strong disagreement was not expressed at all.

About nine out of ten respondents considered that vulnerable victims should receive free psychological support (88%, 61 out of 69) and free medical treatment (87%, 60 out of 69) for as long as needed, in alignment with the provisions of the Counter-terrorism Directive. Strong agreement for these measures came namely from NGOs and EU citizens.

With regard to a one-stop shop approach, a majority of 53 out of 68 respondents (78%), in particular NGOs (20) agreed or strongly agreed with the adoption of this approach.

Several respondents further suggested to adopt a holistic approach to victim support, including free, multidisciplinary and adequately funded support services for different types of victims as well as multidisciplinary teams of trained professionals (75% out of 41 respondents). In the attachments, some respondents called for the Directive to set priorities on the types of victims' support services to be provided. Some asked for court services to be included into victim support services and one respondent advocated for including restorative justice services. The establishment of effective referral mechanisms was raised, as well as the overall demand to take account of victims with specific needs.

Access to justice

Most of the respondents were in favour of a legal representative accompanying victims in criminal proceedings (85%, 57 out of 67 respondents who replied to this question). To a lesser extent, respondents agreed or strongly agreed that victims should be accompanied by an administrative representative (57%, 36 out of 63 respondents who replied to this question). Agreement came primarily from NGOs and EU citizens. On the question whether victims should have the right to be accompanied by a representative of a victim support organisation, 60 respondents out of 70 agreed or strongly agreed (86%), most of them NGOs (21) and EU citizens (18). 11 public authorities agreed or strongly agreed with the measure. Only two respondents, NGOs, disagreed (3%) and eight indicated that they neither agree nor disagree (11%).

On the proposal to grant free legal aid to victims throughout any legal proceedings they are engaged in as a consequence of being a victim and independent from their level of income, respondents mostly expressed agreement or strong agreement (70%, 50 out of 71). Nevertheless, 11 respondents out of 71 (15%, five NGOs, five public authorities, one academic institution) disagreed or strongly disagreed with this measure and 10 respondents (14%) indicated to neither agree nor disagree with it.

A vast majority of respondents, including mainly NGOs and EU citizens, indicated to be in favour of granting victims in all cases the possibility to participate as a formal party to the criminal proceedings in order to enjoy the rights associated with this status (87%, 58 out of

67 respondents who replied to this question). Similarly, 96% of the respondents, again mostly NGOs (22) and EU citizens (17), but also public authorities (15), agreed to providing victims with the right to challenge any decision taken concerning their rights in the course of the criminal proceedings.

Among 30 respondents who made further suggestions on the improvement of victims' access to justice, 92% provided suggestions related to the harmonisation, simplification and strengthening of the modality of access to permanent, court-based support services to victims.

In the attachments to the contributions some respondents asked for clarification as to the role of the representative, who would accompany the victim. Some respondents argued that free legal aid might be difficult to establish in some Member States and suggested to enhance in-house legal counselling through victim support organisations. One respondent insisted on the strengthening of restorative justice mechanisms.

Access to compensation

On the question how to strengthen victims' access to compensation, multiple options were proposed. A little more than half (53%, 33 respondents out of 62) of respondents, mostly EU citizens, endorsed the option to require a decision on compensation in criminal proceedings only, while 14 participants out of 62 (23%) including six NGOs and four public authorities, disagreed or strongly disagreed with this option. Four respondents further suggested enhanced and more regulated compensation schemes, as this would simplify relevant procedures and clearly define what kind of costs could be covered by compensation. One participant suggested the provision of choice for victims to access restorative justice.

In the attached submissions, some respondents asked for more training for professionals involved in compensation. Some respondents asked for more detail on the damage covered.

Additional comments and suggestions

Several respondents, notably NGOs and EU citizens, provided further suggestions for the revision of the Directive. These suggestions included a harmonization of EU Member State approaches when providing rights and standards, a stronger focus on vulnerable groups and an extension of specific target groups (e.g. to elderly people), an enhanced access to restorative justice and an explicit consideration of torture victims. In the attachments, respondents further suggested to further precise the definition of victim in the Directive and to put in place a funding mechanism for victim support organisations.

Targeted consultations

Meeting with Member States' experts (21.04.2022)

Access to information concerning victims' rights

On access to information, Member States were generally in favour of establishing a general helpline for victims, as long as it does not replace existing helplines. Some Member States expressed concerns about the administrative burden related to the establishment of such a general Victims' helpline while others shared positive experiences.

Some Member States highlighted the challenge of providing the service in different languages.

On the cooperation and coordination between state and non-state actors in providing information, Member States acknowledged the importance of non-state actors in information provision and some mentioned that they already have procedures on cooperation in place. Others expressed that general coordination with the third sector is still difficult. The main concerns raised on mandatory cooperation were the administrative burden and a potential overload of information provided to victims.

Member States mainly provide information to victims in multiple formats and through various channels. They however face challenges as regards the complexity and the large amount of information to be provided to victims, as well as to vulnerable groups.

Protection of victims

Member States are mostly reluctant to having mandatory cooperation with different stakeholders including non-state victims support organisations in individual assessments. Some Member States pointed out the risk of delaying the assessment and eventually the protection of the victim. Few Member States therefore argued for strengthening voluntary cooperation. FRA furthermore expressed the need for more guidance on how to carry out individual assessments and highlighted the importance to involve experts.[155]

As to the establishment of minimum standards on physical protection measures, Member States mentioned that they have various minimum standards in place at the national level. No objections were raised against this option. Some Member States asked for further clarifications on the types of measures envisaged and on the types of victims to which these protection measures would apply.

Member States are mostly in favour of strengthening the role of EU agencies with regard to judicial cooperation in cross-border cases. CEPOL further highlighted the importance of cross-border training for law enforcement authorities.

Regarding privacy measures, Member States were in favour of facilitating information sharing between authorities and victim support organisations. Furthermore, one Member State mentioned it already has provisions in place which facilitate the removal of harmful online content, mentioning explicitly a law on combating hate crime on the Internet. As to media intrusions, one Member State considered that this should be regulated by another instrument than the VRD.

Access to victim support services

With regard to victim support, Member States identified the lack of awareness of victim support services as the main challenge. No objections were raised on the extension of free psychological and medical support to other victims than victims of terrorism, for whom this service already exists. Neither were objections raised on enhanced cooperation between victim support services and clearer guidance on referral mechanisms. However, Member States were reluctant to establish a one-stop-shop approach, pointing out decentralised state systems, the complexity of actors involved in victim support and

[155] FRA, Underpinning victims' rights: support services, reporting and protection, February 2023, p. 40 et seq; and FRA, Proceedings that do justice – Justice for victims of violent crime, Part II, April 2019, p. 92.

different competencies of Ministries concerned. They called for voluntary cooperation and the strengthening of existing networks. FRA however noted the promising practice of setting up a coordination and networking hub for authorities, organisations and people involved in victim assistance and protection.[156]

Access to justice

The discussions addressed mainly the importance for victims to be a formal party to criminal proceedings in order to benefit from procedural rights. Some Member States are reluctant to grant procedural rights to victims, who are not a formal party to the proceedings. In the majority of the Member States, victims have the possibility to become a formal party to the criminal proceedings. In at least three Member States this possibility however appears not to exist.

As to the right to be accompanied, Member States acknowledged the importance for victims to be accompanied during trial. Some highlighted the difference between a legal representative, who can only be a qualified lawyer in certain Member States, and any other supportive person assisting the victim during the proceedings.

Member States are against providing free legal aid to victims of crime independently of the level of income. In some Member States, free legal aid regardless of income is already granted to victims of specific crimes. One Member State suggested to extend free legal aid to experts while another Member State raised the importance to keep the balance between procedural rights granted to victims and to suspects.

Free legal aid is in some Member States linked to the formal status of the victim in criminal proceedings. The same applies to the possibility for victims to challenge decisions concerning their rights. In at least eight Member States, a formal status in criminal proceedings is required to challenge decisions. Some Member States expressed their reluctance to extend this right to victims that are not formal parties to the proceedings.

Access to compensation

In most Member States, victims can claim compensation during criminal proceedings. However, the compensation claim is at least in one Member State a matter of civil law. Some Member States are reluctant to abandon the civil nature of compensation claims, raising that rules on proof are different and that making compensation a criminal law matter would interfere with the independence of civil courts. One Member State presented a different compensation system in the form of a Criminal Injuries Compensation Tribunal.

Measures to facilitate access to compensation for victims appear to be in place in most Member States. The reimbursement of expenses for victims to assist trial was less discussed. While one Member State mentioned that all expenses are reimbursed, another noted that the reimbursement does not always cover all expenses.

Meetings of the Victims' Rights Platform (26.04.2022 and 10.05.2022)

Access to information concerning victims' rights

[156] FRA, Underpinning victims' rights: support services, reporting and protection, February 2023.

Participants overall welcomed the establishment of a general helpline for victims of crime as long as it does not replace existing helplines. It was noted that the accessibility to the helpline needs to be ensured, taking into account potential language barriers, cultural specificities as well as particular needs of victims with disabilities. While some organisations expressed their reluctance towards state-operated helplines, one participant pointed out that most of the helplines operated by non-governmental organisations rely on state funding.

Enhanced coordination of stakeholders involved in information provision was welcomed by participants, who highlighted the need to clarify responsibilities and centralise information. According to the participants, multiple formats should be used to inform victims about their rights, leaving them the choice to opt for the most adequate way to be informed. Further, the information provision should be trauma-informed and take into account the gender dimension. While a multi-sectorial approach to information provision was welcomed, some organisations expressed their mistrust towards the State and stressed the importance of community-based approaches.

With regard to informing victims in closed institutions or in detention, participants agreed on the importance to improve information provision for these victims but also highlighted that further barriers hindering victims from accessing information and exercising their rights need to be taken into account. Some pointed out, that victims do not only need to be informed about their rights but also enabled to enforce them and there needs to be a safe space for them to report a crime in the first place.

In general, participants raised awareness on the need to enhance training for practitioners providing information to victims and/or being involved in operating victims' helplines.

Protection of victims

In the field of victim protection, participants overall welcomed the measures proposed by the Commission. As to the individual assessments, the role of victim support organisation should be strengthened while being clearly defined. According to the participants, it has to be ensured, that the contributions made by victim support organisations are duly taken into account. Further guidance and training for national authorities on how to carry out individual need assessments were welcomed by the platform members. Participants insisted on the importance to associate specialised support services, community-based organisations and actors working on restorative justice to these individual assessments.

On protection measures, participants agreed on the importance to strengthen physical protection measures, which shall apply according to the risk to which the victim is exposed. Some participants suggested further trainings for professionals, to better identify protection needs.

Platform members noted that in some cases victims depend on their offender, e.g. due to a disability. In these cases, it must be ensured that victims are protected according to their specific needs, avoiding any dependency from the perpetrator.

Access to victim support services

As Member States experts, members of the Victims' Rights Platform considered that the main challenge regarding victim support was the lack of awareness of existing support services.

More detail on the sort of victim support services was overall welcomed by participants. It was noted that the Victims' Rights Directive lacks precision in drafting, for example, when it refers to "access to support services". Participants stated that it is not clear what "access" precisely entails.

According to the participants, referrals from authorities to victim support organisations should be automatic and follow an opt-out approach. It was mentioned that professionals should receive further training to meet victims' needs.

Overall, participants agreed that specialist support services are best suited to respond to victims' needs and some participants pointed out the need to involve community-based services. However, one participant also highlighted the importance of generic support services as an essential part of victim support. A more coordinated and organised approach among specialised and generic support services, as well as multi-agency approaches were welcomed.

It was noted that the lack of funding of victim support organisations is a driver for competition between specialised and generic support services. Some participants therefore called for a more need-based approach for funding, based on an analysis of existing and missing services and informed by regular monitoring procedures assessing adequacy and quality of the services provided.

The measures to expand free psychological and medical support was welcomed by participants. Some raised the question on the level of qualification of the professionals providing the psychological assistance.

Participants were in favour of enhancing cooperation and coordination between victim support services and to strengthen interdisciplinary cooperation. One participant raised the need for flexibility of cooperation measures taking account of different national contexts. This participant therefore suggested flexible provisions allowing for a country and context-based implementation.

Platform members expressed reluctance towards any form of mandatory cooperation with State authorities. In line with this position, participants were mostly against the establishment of a one-stop shop approach, insisting on the mistrust of victims towards State authorities and highlighting the lacking expertise of State services to meet victims' needs. Nevertheless, several participants mentioned the Barnahus model as a good example of a one-stop shop approach.

One participant suggested to adopt a multidisciplinary case-management approach, while another participant suggested some mechanism for multi-agency approaches, such as platforms to share information or joint needs assessments. It was stressed, that victims should have the choice between multi-agency approaches and other victim support services.

Access to Justice

Participants agreed on the importance for victims to be accompanied during criminal proceedings. It was mentioned that a multi-disciplinary support should be provided to victims during this process, including emotional, psychological and legal assistance. One participant raised the difference between legal advice and legal representation.

As to free legal aid, one participant stressed that all victims should equally benefit from free legal aid. Limiting this option to specific types of victims would require a justification for this prioritisation. Regarding income-related legal aid, one participant pointed out, that social allowances, such as disability allowances, should not be included in the calculation of a victim's income.

Participants were overall in favour of granting victims the right to always become a formal party to the proceedings. Some stressed the importance of this measure with regard to victims' recognition. However, one participant highlighted that the formal status also entails obligations and that victims might be reluctant to accept the burdens related to this status. The participant therefore considered it important, to grant victims procedural rights independently of their status in criminal proceedings.

On the right for victims to challenge decisions concerning their rights, only one participant contributed and stressed that this possibility needs to be accompanied by a provision of legal advice to the victim.

Access to Compensation

The option to facilitate victims' access to compensation was welcomed by participants. Some advocated for establishing compensation through the State in the first place, in order to ensure that victims obtain the compensation in time. The State would then seek reimbursement from the perpetrator. Participant also expressed to be in favour of simplifying the reimbursement of expenses for victims.

Meeting with the Criminal Law Experts Group (13.05.2022)

The discussion with the Criminal Law Expert Group focused on access to justice, victims of war crimes and on access to compensation and restoration.

Access to Justice

On access to justice, one participant argued that assistance and protection for victims during criminal proceedings should be extended to the phase of execution and enforcement as victims often experience secondary victimisation at this stage of the proceedings. The same expert however raised the concern that the enforcement phase is not necessarily part of criminal proceedings and could therefore fall out of the scope of the Victims' Rights Directive (VRD).

Some experts mentioned examples from national orders where procedural rights for victims are not conditioned by their formal status in criminal proceedings. In FI, victims enjoy full procedural rights as injured parties, including the right to be accompanied by a legal advisor and a support person. In ES, victims can challenge decisions without being a formal party to the proceedings.

On legal aid, experts welcomed the initiative to harmonize access to legal aid instead of referring to national laws.

Access to Compensation

On compensation, experts stressed the significant differences between Member States as regards compensation proceedings and pointed out the need to effectively avoid contact

between the victim and the offender in this context. It was noted that victims sometimes refrain from requesting compensation as they fear getting in touch with the offender and suffering secondary victimization. It was therefore suggested that States compensate the victims in the first place and then seek recovery of the expenses from the perpetrator.

Experts further shared experiences on compensation within their Member States. In ES for example, prosecutors can ask for compensation within criminal proceedings.

Workshop of the EU network of national contact points on compensation (13.09.2022)

The discussion focused on the existing compensation procedures in Member States and the possibilities to facilitate victims' access to compensation from the offender. Contact points from twenty out of the 27 Member States of the European Union participated in the workshop or sent their contributions afterwards.

In many Member States, victims have several possibilities to obtain compensation: either by claiming it from the offender in criminal or civil proceedings or by applying for state compensation. The conditions for eligibility for these different possibilities may vary between the different Member States.

As far as state compensation is concerned, most Member States have maximum amounts above which compensation is not possible. This amount varies between 5,000 and 200,000 depending on the crime and the extent of the damage. Four MS do not have maximum amounts: AT, CY, DE and IE, but the latter is currently discussing the introduction of maximum amounts.

In some Member States, state compensation is possible in advance, even in the absence of criminal proceedings - except in BG, CY, CZ, EL, HU, IT, SE, SK.

In almost all Member States, the State pays initial compensation to the victim and can then recover it from the offender (or at least claim it back). Except in IE, where the court first has to make a decision. To avoid double compensation, amounts paid to the victim following a court decision, when known, are deducted by the court from the compensation. In the NL, only victims of violent and sexual offences receive full state compensation 8 months after the judgment has become final and the state then recovers the costs from the offender.

In addition, it should be noted that many jurisdictions have recently revised or are currently considering revising their national compensation schemes, which means that the costs associated with the efforts that may be required under PO V.3 have already been taken into account by some national governments (AT, BE, BG, IE, IT, LT, NL, PL, SE, SI and SK at least).

5. COMPARISON OF VIEWS

Comparison of stakeholder views
Specific objective I: Significant improvement of victims' access to information Member State experts, members of the Victims' Rights Platform and the stakeholders consulted throughout the open public consultation overall welcome the idea to establish a general helpline for victims of crime. Some Member State experts highlighted that they already have a helpline for victims of crime under the EU number in place, while some others expressed concerns about potential administrative burdens. Members of the Victim Rights' Platform pointed to the need for quality standards and trained professionals operating the helpline. They further stressed that the availability of the helpline must be ensured, which includes addressing potential language barriers and specific situations of persons with disabilities – a point which was also raised by respondents in the open public consultation. Both Member State experts and victim support organisations agreed that a general helpline should not replace existing helplines. Stakeholders overall welcomed the idea to enhance coordination on information provision and to improve the provision of information to persons in closed institutions. 89% of respondents of the open public consultation agreed or strongly agreed with this option. On the first aspect, Member State experts acknowledged the importance of victim support organisations in providing information, while stating that in some cases cooperation remains difficult. Victim support organisations asked for more centralised information and more clarity about the respective responsibilities of state and non-state actors in the provision of information. They stressed that authorities are not always best placed to inform victims about their rights, as the latter might mistrust the State. As to the provision of information for victims in closed institutions, Member State experts noted that reaching out to these groups remains a challenge. Victim support organisations stressed that victims in closed institutions need not only to be informed about their rights but also need to be enabled to effectively exercise them.

Specific objective II: Better alignment of victims' protection measures with victims' needs

While stakeholders overall acknowledge the need for more coordination with regard to victim protection, Member State experts were reluctant towards the introduction of mandatory cooperation with victim support organisations on individual needs assessments. In the same vein, victim support organisations expressed some doubts on a mandatory cooperation with national authorities, while at the same time stressing the importance of being associated with individual needs assessments. Both Member State experts and victim support organisations welcomed more guidance on how to carry out individual needs assessments. Victim support organisations further pointed out that experts and community-based organisations should be involved in these assessments and that more training for national authorities needs to be provided in this field.

As to minimum standards on physical protection measures, stakeholders' opinions are overall positive. Member State experts asked for clarification on the type of protection measures envisaged and the type of victims concerned. Victim support organisations raised some shortcomings in the implementation of protection measures and stressed the importance of providing further training to professionals applying these measures and to ensure that once the measures apply, they take account of the specific needs of victims.

Specific objective III: Facilitated access to specialist support for vulnerable victims, including children

All stakeholders welcomed further details on support services as well as enhanced cooperation and coordination between authorities and victim support organisation and among victim support organisations themselves. Both Member States experts and victim support organisations identified the lack of awareness of existing support services as a main challenge. They also both expressed reluctance towards a one-stop-shop approach to support services. Member States raised the decentralised organisation of some States, which would hamper the implementation of such an approach and pointed out that different support services fall under different competencies. Victim support organisations' reluctance was mainly grounded in a mistrust towards state-led agencies, which, according to them, could hinder victims from seeking support. In the open public consultation however, a majority of 78% of the respondents agreed or strongly agreed with the introduction of a one-stop-shop approach, of which the majority were non-governmental organisations ('NGOs') and EU citizens.

Member State experts, victim support organisations and the respondents to the open public consultation welcomed free psychological support as long as required for victims in need of such support. Victim support organisations highlighted that victims tend to refrain from receiving psychological support once they have to pay for it. They also discussed the necessary qualifications of the professionals providing the psychological support.

Specific objective IV: More effective participation in criminal proceedings for victims

All stakeholders overall welcomed the possibility for victims to be accompanied throughout the criminal proceedings. While victim support organisations highlighted the importance of social and legal support for victims during legal proceedings, Member State experts were divided on the question whether the formal status as a victim within the proceedings is a prerequisite for being accompanied. In some Member States, the right for a victim to be accompanied is conditioned by the fact of being a formal party to the proceedings. Both victim support organisations and Member State experts highlighted the difference between legal assistance and legal representation and some Member State representatives clarified that exclusively lawyers would be entitled to represent victims in trial. In the open public consultation, most respondents welcomed the possibility for victims to be accompanied. Those who agreed or strongly agreed were mainly EU citizens and NGOs. However, the approval was stronger for legal representatives (85% of respondents) than for administrative representatives (57% of respondents).

On free legal aid, Member State experts were mostly reluctant to grant free legal aid for victims independent of their income. However, in some Member States, victims are already entitled to free legal aid regardless of their income in case they have been victim of specific crimes. In the open public consultation, a majority of 70% of the respondents, mostly EU citizens and NGOs, agreed or strongly agreed with the provision of legal aid to victims regardless of their level of income.

Victim support organisations as well as members of the Criminal Law Expert Group noted that on free legal aid national laws are often too restrictive. Indeed, some Member State experts highlighted that the entitlement to free legal aid is dependent on the victims' formal status in the proceeding. According to victim support organisations, legal aid should be made available to all victims in the same way, as legal aid is crucial to allow victims to rely on their rights.

Stakeholders overall agreed on granting victims the possibility to challenge decisions taken concerning their rights. Especially in the open public consultation, a vast majority of 96% of the respondents agreed or strongly agreed with this option. Victim support organisations did not extensively discuss this matter but highlighted that the possibility to challenge decisions needs to be accompanied by support measures, such as legal assistance. The discussion among Member State experts primarily focused on the question whether the possibility to challenge a decision should depend on the victims' formal status in the proceedings, as this requirement exists in some but not all Member States.

All stakeholders were in favour of giving victims the possibility to be part of the criminal proceedings. In most of the Member States this is already possible. Some Member State experts welcomed the option to grant certain procedural rights to victims independent of their participation in the proceedings. Victim support organisations further mentioned that being a formal party to the proceedings can represent a burden for victims and that they therefore should have some procedural rights independent from their status in criminal proceedings. They however also stressed the importance to victims of being recognised as such and raised awareness of the fact that victims too often lack the possibility to properly express themselves in criminal proceedings. The open public consultation confirms the general agreement with granting victims the possibility to become a formal party to the proceedings, with 87% of the respondents agreeing or strongly agreeing with this option.

Specific objective V: Facilitated access to compensation from the offender

Stakeholders agreed on the need to simplify access to compensation for victims. Victim support organisation however did not explicitly express themselves on the option to obtain a decision on compensation in criminal proceedings only. Member State experts highlighted that in most cases, victims have the possibility to obtain a decision on compensation in criminal proceedings already. Only in a few Member States compensation is a pure civil law matter. Nevertheless, some reluctance was expressed to the proposal to make compensation a matter of criminal proceedings exclusively. In the same vein, throughout the open public consultation, where respondents overall welcomed the simplification of access to compensation for victims, the strongest disagreement (23%) was expressed on the option to reach a decision on compensation in criminal proceedings only.

This option was not presented as such during the consultation process. However, the Criminal Law Expert Group advocated in favour of such an approach, in which States compensate the victim and eventually seek reimbursement from the offender. This approach would avoid further contact between the victim and the offender and lead to less secondary victimisation throughout the proceedings. Victim support organisations also raised this approach, highlighting that this way to compensate victims would ensure that they receive the full amount of compensation in time.

There was overall agreement with the option to strengthen victims' possibility to receive reimbursement of expenses related to their participation in criminal proceedings. No particular point or objections were raised in relation to this option.

6. CONCLUSIONS AND INTERPRETATIONS

The various consultation activities have overall confirmed the relevance of the proposed options. Stakeholders widely agreed with the envisaged measures and their contributions allowed the Commission services to further develop some of the options in a more detailed way. For example, the provision on a general Victims' helpline will include requirements regarding its availability and accessibility.

Furthermore, the consultations have allowed for one new option to be taken into consideration, namely Option V.2. - for the State to pay the compensation due by the offender to the victim in the first place and to then seek reimbursement from the offender. This option was not presented during the targeted consultations but was raised by several stakeholders throughout the discussions and then integrated into the preferred policy option.

Finally, some options, such as the possibility for victims to become a formal party in criminal proceedings have been overall welcomed throughout the consultations but might be difficult to realise in practice or/and with regards to costs – see the overall assessment of that option in the impact assessment as such. Therefore, the option to grant victims the possibility to become a formal party to the proceedings has not been included in the preferred options.

ANNEX 3: WHO IS AFFECTED AND HOW?

1. PRACTICAL IMPLICATIONS OF THE INITIATIVE

The revision of the Victims' Rights Directive primarily affects the following actors/groups of persons: victims and their relatives, governments, the judicial system and victim support services.

For all preferred options, the overall practical implications have been assessed for each actor/group of persons.

Victims and their relatives

All proposed options have **purely beneficial impacts** on victims. They **do not generate any costs for victims and/or their relatives**.

Victims will have better **facilitated access to information** about their rights. Through the establishment of a mandatory general **Victims' helpline** with a common number, more victims will be able to receive information and support. In addition, information provided to victims of crime will be **better understandable** and will be shared with victims in a **more coordinated way** and at an **appropriate time**. Thanks to cooperation mechanisms that will underpin the helplines, victims will be referred to specialised support services to receive more targeted support. A coordinated and regularly evaluated provision of information means that victims are more likely to get the information they need at different stages of the proceeding.

Victims will further benefit from **more coordinated and qualitative individual assessments**, which will necessarily involve different stakeholders, including **specialised victim support services**. The inclusion in the individual assessment of the risks emanating from the offender will result in improved safety for victims at risk. The introduction of physical protection measures will further contribute **to enhancing the level of protection for victims**.

In addition, victims will have **better access to victim support services** and will have the possibility to obtain **free psychological support** for the time needed. In particular, child victims will benefit from the availability of specialist support services at the same premises or through a central contact point in **the form of the Barnahus model**. This will contribute to ensuring that victims of crime fully **recover from their victimisation**.

Victims will further see their **procedural rights strengthened**. They will be able to better understand the criminal proceedings and be prepared for their eventual intervention before the court. They will be **aware of their rights and the way to exercise them**. They will be able to challenge the criminal proceedings' decisions that concern them directly. This will render victims' rights more effective and **reduce the number of cases in which victims suffer secondary victimisation throughout court proceedings**.

Victims will **receive compensation more easily** and in a **timely manner**. They will not have to engage in further proceedings besides the criminal ones in order to obtain

compensation and will no longer have to confront their offender in a civil court in order to seek compensation from him or her. The possibility that victims receive compensation directly from the state will lead to a reduction in uncertainly, costs and time to execute compensation from the offender. This **diminishes the risk of secondary victimisation** and **ensures victims are duly compensated** for the harm they suffered.

Member States

Important to highlight that 26 Member States are covered by this impact assessment, since the Victims' Rights Directive is applicable to all Member States but Denmark, who decided to opt out from the Directive at time of its adoption and is therefore not bound by its provisions.

The implementation of the proposed measures will **generate additional costs** for governments, but will at the same time **enhance efficiency, quality and coordination** in the field of victim support and protection.

The establishment of **a single Victims' helpline** will represent a coordination effort for Member States, that do not yet have such a helpline in place. Concretely, this concerns only 10 Member States.[157] They will have to **set up the helpline, hire staff to operate it** and **put a referral system in place** in order to efficiently connect the general helpline with existing specific helplines where relevant.

As to minimum standards regarding physical protection measures, Member States might have to pass further legislation to fulfil these standards.

The broader provision of victim support services will require more funding from the Member States in order to ensure geographical coverage and the necessary capacity.

Finally, Member States might be affected by changes on procedural rights for victims and rules regarding compensation, as they might need to change provisions of national law. By providing compensation to victims and subsequently seeking reimbursement from the offender, Member States have to advance funds and invest human and financial resources into the recovery of the advanced amounts. However, the positive outcome will be an efficient and simplified compensation system for victims, whose trust into the State and the judicial system will be positively influenced.

Judicial System

The judicial system will be overall affected by the proposed options, which will generate some additional costs but also contribute to more efficiency and coordination among actors of the judicial system.

Facilitated access to information for victims might increase the number of victims exercising their rights also through the justice system. In order to reach victims in closed institutions as well as victims with specific needs, additional - trained - personnel might be necessary, in order to provide information in person. In general, thanks to improved access to information and use of a single EU telephone number, the trust in national and other Member States justice schemes will increase.

[157] Fundamental Rights Agency: Helplines for victims. Available at: https://fra.europa.eu/en/content/helplines-victims. Please check Annex 6 for further reference.

As to victims' protection, actors of the judicial system will need to put cooperation protocols in place with relevant stakeholders in order to carry out well-coordinated individual assessments. This will generate some costs as further specified in Annex 4. Once these processes or protocols in place, concerned actors will, however, benefit from the multidisciplinary expertise when assessing victims' protection needs. On its part, justice schemes will benefit from increase of trust by victims. With regards to protection measures, the judicial system might have to deal with a higher amount of protection measures, that need to be issued. Nonetheless, increased awareness about the national protection measures and their availability following the improved assessment will increase the trust in other Member States justice schemes and improve the mutual recognition of judicial cooperation in criminal matters – in this case notably in relation to issuance and recognition of European protection orders.

With regard to the measures related to access to support services, the justice schemes would have costs related to setting up Barnahus model services involving police and judiciary. The costs would be limited to the Member States[158] where the system does not function yet. An indirect positive effect is expected from a more active participation in the proceeding by better supporting vulnerable victims that is not limited to child victims only.

The involvement of an experienced assistant to the victim will have a positive impact on the **quality of judicial procedures and allow for more valuable contributions of victims in criminal proceedings**. The possibility to challenge decision regardless of the formal status of the victim might raise the number of proceedings brought by victims against decisions taken concerning their rights. The positive impacts will be that there will be a better balance between the interests of the different parties involved in criminal procedures, leading to more righteous outcomes.

In some Member States, the judicial system would have to change with regard to the organisation of compensation proceedings. By dealing with compensation directly in the criminal trial, the system becomes more efficient and double procedures are avoided. Furthermore, by granting compensation directly though the State, the justice system will benefit from simplified procedures and some lower thresholds for victims to participate in proceedings.

Victim Support Organisations

Victim Support Organisations (VSOs) will be affected by the proposed measures and might see their role strengthened.

Victim Support Organisations will be involved in the operation of general victims' helplines as well as in the more coordinated provision of information to victims. This will lead to additional costs for personnel and increase the organisations' need for funding. At the same time, synergies with other stakeholders involved in providing information to victims will have beneficial effects on victim support organisations and contribute to their efficiency.

With regard to protection, VSOs will be more involved in individual assessments. This will have an impact with regard to time and human resources and will again increase the need for funding. At the same time, as Victim Support Organisations will be more

[158] Specialist support services in the form of Barnahus are not available in 6 Member States - see Annex 6 for further reference.

systematically associated to individual needs assessments, this will enhance the overall quality and adequacy of protection measures provided to victims and might in the long term avoid additional interventions of VSOs.

Victim Support Organisations will benefit from clear guidance on their availability and the sort of support services to provide. There might be a need for additional victim support services in some Member States, in order to ensure their full availability in all Member States. Victim Support Organisations involved in providing psychological services will be particularly requested, as this service will be extended for free to vulnerable victims. VSOs will need further personnel and funding to deal with a higher demand.

VSOs will equally be more involved in accompanying victims during criminal proceedings. This will generate some additional costs for personnel. At the same time, the assistance provided to victims throughout legal proceedings will avoid potential secondary victimisation and can therefore reduce interventions of VSOs at a later stage.

The proposed measures on compensation will not have practical implications for VSOs.

2. SUMMARY OF COSTS AND BENEFITS[159]

I. Overview of Benefits (total for all provisions) – Preferred Option		
Description	***Amount***	***Comments***
Direct benefits		
Reduction of emotional harm of victims	EUR 326 – 1,072 million (medium scenario EUR 642 million)	The preferred option contributes to reducing the emotional harm of Victims, as they will have increased access to victim support services or to justice, including in cross-border situations.
Reduction of costs with services (physiological, legal assistance)	EUR 83 – 4,191 million	The state will supply services (psychological help, legal assistance, legal aid) that in the baseline are paid for / supported by the victims. The victims, therefore, have cost savings in the preferred option.
Increase in paid/received compensations and expenses	EUR 685 – 3,219 million	Contrary to what happens under the baseline, victims will receive the compensation they are entitled to and have their expenses reimbursed even if the offender does not pay (because the state will bear these).
Efficiency gains	Assessed qualitatively	The helpline is expected to lead to some efficiency gains and to a reduction of burden to the police as the it may do a "triage" of victims and referred the to the relevant support services. Giving victims the right to receive a decision on compensation from the offender in the course of the criminal proceeding will potentially lead to fewer civil proceeding and to efficiency gains.
Indirect benefits		

[159] ICF (2023), Study to support the impact assessment for the revision of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report

Reduction of costs with repeated victimisation and other crime (anticipation and response)	EUR 82 – 185 million (medium scenario EUR 131 million)	Benefits to society (including the judicial system) due to the reduced overall costs of anticipating/preventing (e.g., security) and responding to crime (police costs and judicial system costs).
Reduction of costs with repeated victimisation and other crime (consequence)	EUR 156 – 352 million (medium scenario EUR 248 million)	Benefits to society (including potential victims, state) due to reduced repeated victimisation and associated future harm from these crimes (e.g., health costs, property costs, loss of output, victim services costs).
Administrative cost savings related to the 'one in, one out' approach*		
(direct/indirect)		See Note below - no administrative obligations were considered.

*(1) Estimates are gross values relative to the baseline for the preferred option as a whole (i.e. the impact of individual actions/obligations of the preferred option are aggregated together); (2) Please indicate which stakeholder group is the main recipient of the benefit in the comment section;(3) For reductions in regulatory costs, please describe details as to how the saving arises (e.g. reductions in adjustment costs, administrative costs, regulatory charges, enforcement costs, etc.;); (4) Cost savings related to the 'one in, one out' approach are detailed in Tool #58 and #59 of the 'better regulation' toolbox. * if relevant*

Note on the 'on in, one out' approach
The classification of compliance costs into adjustment costs and administrative costs followed the definition provided in the BRG Tool#56 and Tool#58. The preferred combination of options does not impose additional administrative obligations and no major changes were identified in terms of 'pure' administrative activities.

However, when adopting a broader interpretation of administrative costs, there are potential savings to the judicial system as the latter would no longer have to process any civil proceedings initiated by victims, given that the criminal proceedings will suffice as part of the preferred option. These savings are estimated to be between EUR 1.2 – 2.3 billion, depending on the impact of the options on the number of civil proceedings not initiated (see Annex 4 for details).

II. Overview of costs – Preferred option							
		Citizens/Consumers		**Businesses**		**Administrations**	
		One-off	**Recurrent**	**One-off**	**Recurrent**	**One-off**	**Recurrent**
Action (a)	Direct adjustment costs					EUR 0.5 – 0.96 million	EUR 605 – 7,580 million
	Direct administrative costs					EUR 0 (the preferred option does not impose administrative obligations)	EUR 0 (the preferred option does not impose administrative obligations)
	Direct regulatory fees and charges					EUR 0 (the preferred option does not impose regulatory fees and charges)	EUR 0 (the preferred option does not impose regulatory fees and charges)

	Direct enforcement costs					Positive, but considered minimal	Positive, but considered minimal
	Indirect costs						
Costs related to the 'one in, one out' approach							
Total	Direct adjustment costs						
	Indirect adjustment costs						
	Administrative costs (for offsetting)						

(1) Estimates (gross values) to be provided with respect to the baseline; (2) costs are provided for each identifiable action/obligation of the preferred option otherwise for all retained options when no preferred option is specified; (3) If relevant and available, please present information on costs according to the standard typology of costs (adjustment costs, administrative costs, regulatory charges, enforcement costs, indirect costs;). (4) Administrative costs for offsetting as explained in Tool #58 and #59 of the 'better regulation' toolbox. The total adjustment costs should equal the sum of the adjustment costs presented in the upper part of the table (whenever they are quantifiable and/or can be monetised). Measures taken with a view to compensate adjustment costs to the greatest extent possible are presented in the section of the impact assessment report presenting the preferred option.

3. RELEVANT SUSTAINABLE DEVELOPMENT GOALS

III. Overview of relevant Sustainable Development Goals – Preferred Option(s)		
Relevant SDG	**Expected progress towards the Goal**	**Comments**
SDG no. 10: Reduced Inequality ***Target 10.3:*** Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.	**Decrease the proportion of the population reporting having personally felt discriminated** on the basis of a ground of discrimination prohibited under international human rights law.	The revision of the Victims' Rights Directive contributes to reduce discrimination as it seeks to provide for ***all*** **victims of crime equal access to information, protection, support, justice and compensation**. This is particularly relevant against the background of several evolutions in sectoral legislation on victims' rights in the last ten years. It is crucial for the Victims' Rights Directive to constantly ensure adequate minimum standards for all victims of crime without unjustified differentiation, taking due account of victims' specific needs. Concretely, the initiative **facilitates access to information** on victims' rights, taking notably account of **victims in closed institutions, whose access to information is limited**. By granting them better access to information, they will have more equal opportunities to exercise their rights. Through an improvement of the guidance provided on **individual needs assessment**, victims' particular needs can be better assessed, which eventually leads to **more equal and effective protection** of victims. On victims' support, the initiative i.a. envisages an

		extension of free psychological support, which is currently reserved to victims of terrorism, to further groups of victims. In addition, the revision plans to grant victims of crime **more rights throughout criminal proceedings regardless of their formal status** as a party. Thus, the possibility to be accompanied throughout proceedings is likely to encourage all victims to claim their rights. Throughout these different measures, the initiative **overall enhances equal treatment of victims of crime** and ensures that authorities and support organisations **take account of individual needs and situations**.
SDG no. 16: Peace, Justice and Strong Institutions ***Target 16.3:*** Promote the rule of law at the national and international levels and ensure equal access to justice for all.	**Enhance the number of victims of violence, who report their victimisation** to competent authorities or to other officially recognised conflict resolution mechanisms.	The impact of the revision of the Victims' Rights Directive is likely to have a positive impact on the reporting of crimes, as the initiative overall aims at **enhancing trust in institutions and services which support victims of crime**. Increased trust and the willingness to report crimes should be the result of the following measures. The initiative fosters in the first place, **awareness of victims' rights.** Information is made more easily accessible and adapted to victims' needs. The revision of the Directive further takes account of victims in closed institutions and provides for guidance on how to provide information to them. The initiative also seeks to **extend protection for victims** by enhancing the quality of individual needs assessments. Furthermore, the initiative **facilitates access to and coordination of state- and non-state-led victim support services**. It namely foresees **provisions on cooperation** between stakeholders involved in assisting victims. The initiative also **improves the situation of victims throughout criminal proceedings**, as it **grants certain procedural rights to victims**, which are not necessarily a formal party to the proceedings and allows for enhanced support (legal and social) during the proceedings. The initiative further aims at **facilitating compensation procedures**, making them more accessible through criminal proceedings and through avoiding contact between victims and their offender. The revised Directive seeks to strengthen cooperation and coordination among *all* actors involved in victim support, including national authorities as well as civil society organisations, so that the overall reporting of crime to official institutions is likely to increase.

ANNEX 4: ANALYTICAL METHODS[160]

In this annex we present the approach adopted for the estimation of costs and benefits of the various options for the 26 EU Member States in scope[161], as well as its limitations. The latter mostly relate to:

- Complexity of the phenomenon of victimisation and of the systems in place in each Member State to address it: the approach followed is therefore a simplification to provide a sense of the scale of the costs and benefits of the various options and to allow for a comparison between them. It does not cover all costs and benefits described in the effectiveness and efficiency sections of the main report, but only those that are monetisable and considered significant. Table 1 below indicates for each of the key positive impacts (benefits) and negative impacts (costs) of the options under consideration, which were monetised.

- Quantifying the number of victims: the victims considered for the calculations of the costs and benefits form a significant share of the victims in scope of the policy options, but not the full cohort, due to the lack of available data at EU and Member State level on the number of victims.[162] Victims who will be covered by the Violence Against Women Directive (VAW)[163] have, where relevant, been excluded from the scope of the types of crimes considered for this assessment, to avoid overlaps and double-counting when quantifying the costs and benefits of the two directives. See Figure 7 below for details.

- Unit costs: the unit costs required for the calculations were not always available for each Member State and proxies (e.g., population, GDP, number of victims) and Purchasing power parity (PPP) were used to extrapolate the data from one country to another.

- Baseline: the quantification of the current status/baseline was not always available in each Member State, consequently expert judgment was used to quantify the current status for each option and for each Member State, based on the results of the mapping exercise presented in Annex 6.

- Attribution: the lack of data on how each option will quantitatively impact the behaviour of the various actors, and of the system, required the use of scenarios,

[160] In order to collect the data, the Commission launched a study to support the impact assessment in relation to cost and benefits of the policy options – ICF (2023), Study to support the impact assessment for the revision of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report

[161] Denmark is outside the scope as explained in the introduction to the report.

[162] The source of data on number of victims and share of victims that report crimes was the "The Fundamental Rights Survey" that took place in 2019 and is available here.

[163] For sexual physical violence and harassment, we considered adult males only as the violence related crime is expected to cover females and children for these crimes. For non-sexual physical violence and harassment, we considered males only as the violence related crime is expected to cover females for these crimes.

i.e., hypotheses developed using the scenarios considered in the "VWA as the starting point.[164] These were further developed based on expert judgement. The use of scenarios provides a sense of the magnitude of benefits and how their levels vary with each option.

[164] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022PC0105&from=EN. The impact assessment can be found here: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12682-Combating-gender-based-violence-protecting-victims-and-punishing-offenders_en

Table 1. Overview of key impacts of the considered options

	Stakeholders					Monetised
	Victims	**Police**	**Judicial authorities**	**Victim support organisations**	**State/society**	
Positive Impacts						
Fundamental rights impacts	All options, but at various degree					No
Reduction emotional harm (support and secondary victimisation)	All options, but at various degree					Partially
Reduction of cost of crime - repeated and other (prevention, response)	Most options, but at various degree					Partially
Services and compensation	Options III.2/3, Options IV.1/2/3, Options V.1/2/3					Partially
Efficiency gains	Elimination of duplication of judicial costs (Option V.1)	- better coordination (Options I.1/2/3) - less work with referral activities (Option I.2)	- better coordination (Options III.1/2/3) - elimination of duplication of costs (Option V.1)	- better coordination and elimination of duplication of costs (Options I.2/3, Options III.1/2/3)		No
Negative Impacts						
Enforcement costs					All options	No
Reorganisation		Option III.3	Option III.3	Options III.1/2/3	Options III.1/2/3	Partially
Increased workload due to more victims (higher trust, better referrals)		Mostly Option I.2	Mostly Option II.2, Options IV.1/2/3, Options V.1/2/3	Options I.1/2/3, Options II.1/2/3, Options III.1/2/3	All options	Partially
Increased workload due to new activities and services					All options	Partially
Guidelines, training and coordination activities		Options I.1/2/3, Options II.1/2/3				

Assessments and referrals	Option I.3, Options II.1/2/3			
Support services		Options I.2/3, Options II.1/3, Options III.1/2/3		
Legal services		Options II.1/2/3, Options IV.1/2/3 Options V.1/2/3		
Compensation			Option V.2/3	Partially

Figure 7. Data used to estimate the total number of victims

Important to note that the Victims' Rights Directive is applicable to all victims of all crime. Nonetheless, for the purpose of this impact assessment, we are focusing on victims of violent crimes – or crime against persons. Such victims are the main beneficiary of various measures set up under the different options – such as right to support and protection in accordance with their individual needs.

Crime	Total number of victims	Total number of victims that reported	Total number of victims that reported to police	Total number of victims that registered incident
Physical violence – non-sexual	✓ FRA survey, 2020	✓ FRA survey, 2020	✓ FRA survey, 2020	✓ Eurostat *estimation of gender disaggregation using FRA survey, 2020*
Physical violence – sexual	✓ FRA survey, 2020	✓ FRA survey, 2020	✓ FRA survey, 2020	Eurostat *estimation of gender disaggregation using FRA survey, 2020*
Burglary	✓ FRA survey, 2020	✓ FRA survey, 2020	✓ FRA survey, 2020	✓ Eurostat
Robbery and Theft	*Extrapolation using data on registered theft and ratios estimated based on data from FRA survey, 2020*	*Extrapolation using data on registered theft and ratios estimated based on data from FRA survey, 2020*	*Extrapolation using data on registered theft and ratios estimated based on data from FRA survey, 2020*	Eurostat
Harassment violence – non-sexual	✓ FRA survey, 2020	✓ FRA survey, 2020	✓ FRA survey, 2020	Eurostat *estimation of gender disagregation using FRA survey, 2020*
Harassment violence – sexual	✓ FRA survey, 2020	✓ FRA survey, 2020	✓ FRA survey, 2020	✓ Eurostat *estimation of gender disagregation using FRA survey, 2020*

1. ESTIMATION OF COMPLIANCE AND ENFORCEMENT COSTS

The approach to the estimation of costs (which followed the Better Regulation Guidelines) consisted of the following key steps:

- Identify the key cost items (classified as one-off costs and recurrent costs) associated with each policy option that could be monetisable and their respective drivers.

- Identify if and to what extent each Member State is likely to be impacted under each option. This notably looked at whether or not Member States already had something in place similar to the Policy options (see Annex 6 for an overview of the findings), and for which type of victim. In particular, overlaps with the VaW were prevented by ensuring that for obligations already imposed by that Directive, the costs were calculated only for the types of victims not covered by VaW.

- For each cost item, estimates were developed for the cost to each Member State impacted by the option. Using disaggregate data per Member State made it possible to account for differences in costs across Member States (e.g., salaries of relevant professionals, prevalence rates, reporting rates, etc.) as well as considering evidence on whether policy options were implemented or partially implemented in each Member State. The adopted approach and assumptions are based on a combination of factors, including publicly available data, the contributions received to the online survey and the study team members' experience of conducting similar quantification exercises.

- The compliance and enforcement costs for each Member State and cost item were then aggregated to arrive at the total costs of the policy option.

The monetised compliance costs consist only of adjustment costs as no administrative obligations nor regulatory charges are imposed by the considered options. Furthermore, enforcement costs were considered negligible given that the obligations are imposed mostly on public authorities, and therefore not calculated.

1. Specific objective I: Significant improvement of victims' access to information

Option I.1 Create an obligation to set up a national coordination mechanism

The key costs of this option relate to the development of the guidelines for a national coordination mechanism and the implementation of the corresponding changes, including the need to train staff on those guidelines / changes. The adopted approach to estimate the costs is sufficiently comprehensive and flexible to accommodate the differences across the Member States.

One-off costs

- Costs of human resources needed to develop or improve national guidelines to ensure a coordinated approach. The development/improvement of existing guidelines to set up a coordination mechanism would require between 5-10 persons to allocate about 25% of their time for one year. Consequently, these costs will equal 25% of their yearly salary. As the average yearly salary differs per Member State, these costs also differ per Member State.

Recurrent costs:

- Opportunity costs related to the time that police officer, prosecutors, lawyers, and judges will be in the 2-hour training session on the guidelines. The share of staff attending the courses was considered to be between 15% and 20%, as higher rates of attendance were considered potentially unfeasible. Consequently, the yearly costs of this option will be equal to twice the hourly average salary (which varies per Member State and job category) of 15% to 20% of the total number of police officers, prosecutors, lawyers, and judges.

$$\begin{aligned}\boldsymbol{Cost} = {} & two\ hours\ per\ year \times \%attend^{165} \\ & \times \big(number\ of\ police\ officers^{166} \\ & \times\ police\ officer\ salary\ per\ hour^{167} \\ & +\ number\ of\ prosecutors^{168} \\ & \times prosecutor's\ salary\ per\ hour^{169} \\ & + number\ of\ lawyers^{170} \times lawyers' salary\ per\ hour^{171} \\ & + number\ of\ judges^{172}\ \times judge's\ salary\ per\ hour^{173}\big)\end{aligned}$$

As the salary and workforce vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 1. Example of calculation of costs of option I.1 for Italy

a) Development of guidelines:

The development of the guidelines will take about [1,925 - 3,850] hours, each hour costing about 18 EUR (salary hour).

b) Training costs:

15% of the workforce (police officers, lawyers, prosecutors and judges) will spend 2 hours having training. So, total training costs of the option for Italy will be equal to (a) 2h x 18 EUR/h x 15% of the 274,653 police officers + (b) 2h x 59 EUR/h x 15% of the 225,445 lawyers + (c) 2h x 59 EUR/h x 15% of

[165] Assuming that between 15% (lower bound) and 20% (upper bound) attend training on national coordination mechanisms. See VaW Impact Assessment here: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12682-Combating-gender-based-violence-protecting-victims-and-punishing-offenders_en

[166] Eurostat data (2016) - https://ec.europa.eu/eurostat/databrowser/view/crim_just_job/default/table?lang=en; No data for IE: average across all countries used. https://ec.europa.eu/eurostat

[167] Eurostat, [earn_ses18_13] (Public administration and defence salary > 10 employees or more). No data for AT, BE, EL, PT: average across all countries used.

[168] CEPEJ studies no.26 - 2018 (2016 data). See https://www.coe.int/en/web/cepej/documentation/cepej-studies

[169] CEPEJ studies no.26- 2018 (2016 data). See https://www.coe.int/en/web/cepej/documentation/cepej-studies

[170] CEPEJ studies no.26 - 2018 (2016 data). See https://www.coe.int/en/web/cepej/documentation/cepej-studies

[171] Assume same as prosecutors' salary.

[172] CEPEJ studies no.26 - 2018 (2016 data). See https://www.coe.int/en/web/cepej/documentation/cepej-studies.

[173] CEPEJ studies no.26 - 2018 (2016 data). No data for CZ: average across all countries used (€35.2). See https://www.coe.int/en/web/cepej/documentation/cepej-studies

the 2,087 prosecutors + (d) 2h x 59 EUR/h x 15% of the 6,395 judges).

Option I.2 National coordination schemes and Victims' helpline

The costs of this option include those described for Option I.1 plus the costs related to the obligation to operate Victims' helpline in every Member State. The latter only affects Members States that do not have Victims' helpline that covers victims of all crimes but only a sub-set (e.g., VaW victims). Compared to Option I.1, the additional costs for these Member States relate to establishing such helpline, or the need to scale up other existing national victim helplines to ensure that the line has sufficient capacity to attend to victims of all crimes or can refer to other existing helplines for specific crimes (e.g., domestic violence). These costs were estimated for each of those Member States as follows:

One-off costs:

- Cost of harmonising lines at national level: due to a lack of specific data for each Member State, it is assumed that the budget needed to scale-up an existing helpline is the same across Member States and that it is a fraction of the costs of establishing a new helpline. Based on available data, these costs were estimated to be between 10% and 20% of the costs of setting up a 24-hour toll free hotline for victims of gender-based violence, i.e. €78,822.[174]

Recurrent costs:

- Staff costs related to the human resources needed to answer additional calls.

  $Staff_Costs_{I.1,m} = additonal_calls_m \times duration_call_m \times salary_m$[175];

  m designates the Member State

  These costs were calculated as the salary that will have to be paid to staff (based on the average hourly salary for the respective Member State[176]) for the total additional time that they spend on calls. This equals the number of additional calls received multiplied by the expected duration of each call, i.e., between 4 a 8 minutes, in line with the data available in the VSE - Handbook for a Good Implementation of the 116006 Helpline[177].The number of additional phone calls that the helpline needs to process (compared to the VaW helpline) was assumed to correspond to the number of victims who have experienced a crime (not covered by VaW) in the last 12 months and who have reported the incident.[178] A minimum and maximum scenario were considered for the number of calls reflecting the uncertainty regarding the reporting number for some categories of crimes such as

[174] See GREVIO report here: https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b Values were the ones used by the VaW Impact Assessment.
[175] Eurostat, [earn_ses18_13] (Public administration and defence salary > 10 employees or more). No data for AT, BE, EL, PT: average national salary was used instead. https://ec.europa.eu/eurostat
[176] Eurostat, [earn_ses18_13] (Public administration and defence salary > 10 employees or more). No data for AT, BE, EL, PT: average national salary was used instead. https://ec.europa.eu/eurostat
[177] https://www.apav.pt/pdf/Handbook_116006_EN.pdf
[178] 2021, Fundamental Rights Survey, available here.

theft. The support study on costs and benefits found that these numbers differ across Member States.

As the salary and number of additional calls (which are considered as proportional to the number of victims) will vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 2. Example of calculation of costs of option I.2 for Italy

Costs of Option I.1 plus

a) Cost of harmonising /scaling up helplines at national level

Italy has already helplines in place (see Annex 6), which do not cover all victims nor are fully integrated and harmonised. Consequently, to ensure that integration and full coverage it is expected that Italy will have costs are estimated to be between 5% and 10% of the 78,822 EUR, so between 3,941 and 7,882.

b) Costs with staff answering additional phone calls

Italy will have to scale up the existing capacity to answer additional phone calls. When considering the average salary in Italy (18 EUR/h) and the average duration of a call (4.3 to 7.5 minutes), the cost per call in Italy is estimated to be between 1.3 EUR and 2.3 EUR. The additional number of calls that the helpline is expected to receive compared to the baseline is between 47,361 and 156,581. The total annual running costs of option 2 in Italy (in addition to those of option 1) will be between 1.3 x 47,361 and 2.3 x 156,581.

Option I.3 In addition to option I.1, set up a mechanism through which victims are proactively informed by victim support organisations

The costs of this option include those described for Option I.1 plus the costs related to two additional measures, namely implementing a mechanism to ensure that victims are proactively informed by victim support organisations and the costs of proactively informing victims.

The cost for these two measures were estimated for each of Member Sate as follows:

One-off costs:

- The costs of implementing the mechanism: these costs relate to ensuring that the data of the victims to be contacted is shared in a timely fashion with victim support organisations, while respecting the protection of their personal data. Given the limited data available, it was assumed that the implementation of the mechanism would require between 5-10 persons to allocate about 25% of their time for one year. Consequently, these costs will equal 25% of the yearly salary[179] of 5-10 people. As the average yearly salary differs across Member State, these costs will also differ per Member State.

[179] Eurostat, [earn_ses18_13] (Public administration and defence salary > 10 employees or more). No data for AT, BE, EL, PT: average national salary was used instead. https://ec.europa.eu/eurostat

Recurrent costs:

The costs for providing personalised information to victims are calculated as follows:

$$\boldsymbol{Providing\ _Info_costs_{I.2,m}} = number\ of\ victims\ in\ scope_m \times time\ needed\ to\ provide\ info\ (per\ victim)^{180}{}_m \times salary_m{}^{181}$$*; m designates the Member State*

These costs equal the total salary that will have to be paid to the staff of victim support organisations (at a cost per hour equal to the average yearly salary of the respective Member State[182]) to spend 0.5-1 hour to contact and provide support to the victims who reported a crime and consented to be contacted.

The number of victims in scope who reported the crime varies across Member States and depends on the type of crime. In all cases, it excludes those already covered by the VAW directive (i.e., women and children for certain types of crime):

Lower bound:

- Physical violence non-sexual: victims in scope are males who indicated that they had reported an experience of non-sexual physical violence in the last 12 months to the police;

- Physical violence sexual: victims in scope are adult males who indicated that they had reported an experience of sexual physical violence in the last 12 months to the police;

- All people who indicated that they had reported an experience of burglary and robbery to the police.[183]

Upper bound:

- All categories considered in the lower bound scenario;

- All people who indicated that they had reported an experience of theft to the police.[184]

- Harassment non-sexual: victims in scope are males who indicated that they had reported an experience of non-sexual harassment in the last 12 months;

[180] Estimated to be between 0.5h and 1h per victim.
[181] Eurostat, [earn_ses18_13] (Public administration and defence salary > 10 employees or more). No data for AT, BE, EL, PT: average national salary was used instead. https://ec.europa.eu/eurostat
[182] Eurostat, [earn_ses18_13] (Public administration and defence salary > 10 employees or more). No data for AT, BE, EL, PT: average national salary was used instead. https://ec.europa.eu/eurostat
[183] FRA data was not available for robbery so we used the data on the share of burglaries reported to the police that were registered (and are included in the Eurostat dataset) as a proxy for a similar share for robbery.
[184] FRA data was not available for theft so we used the data on the share of burglaries reported to the police that were registered (and are included in the Eurostat dataset) as a proxy for a similar share for theft.

- Harassment sexual: victims in scope are adult males who indicated that they had reported an experience of sexual harassment in the last 12 months.

As the salary and number of victims in scope vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 3. Example of calculation of costs of option I.3 for Italy

Costs of Option I.1 plus

a) Costs of implementing the mechanism

The costs of setting up a mechanism to ensure that victims that report crimes to the police are contacted by victim support organisations in Italy would be done in the context of the coordination mechanism already specified in Option I.1. Consequently, there will be no incremental costs.

b) Costs for providing personalised information

The mapping exercise (see Annex 6) showed that, compared to the baseline, in Italy 50% and 100% of the victims that currently report to police as evidence will have to be pro-actively contacted, as currently they are not. Consequently, assuming that each call takes about 0.5h to 1h and the average hourly salary is 18 EUR, the total cost of a call will be between 9.2 EUR and 18 EUR. As the number of victims in scope is between 2.3 and 4.2 million, the total costs of providing personalised information will be between EUR 9.2 x 2.3 million and EUR 18 x 4.2 million.

2. Specific objective II: Better alignment of victims' protection measures with victims' needs

Option II.1 Ensure that individual assessments of victims' protection needs are carried out in a coordinated manner with the involvement of support organisations in the first contact with the victim.

The estimation of the costs of this option relates to the cost for law enforcement (police) authorities for conducting individual risk assessments and risk management in a timely manner, in cooperation with support services. The approach adopted assumes that the one-off costs are negligible[185]. The following calculations are used for each Member State:

Recurrent costs:

- Recurrent costs related to the individual assessments measure: the costs are related to the costs of human resources in the competent authorities required to carry out the assessment and coordinate the follow up of victims with support services and other entities.

[185] All Member States conduct individual assessments and should have all procedures in place.

$$\boldsymbol{Cost_Assessment}_{II.1,m}$$
$$= number\ of\ victims\ in\ scope\ that\ reported\ the\ crime_{type\ of\ crime,m}$$
$$\times hourly\ compensation\ of\ policy\ officer^{186}$$
$$\times (time\ needed\ for\ screening_{type\ of\ crime}{}^{187}$$
$$+ time\ needed\ to\ coorperate\ with\ support\ services_{type\ of\ crime}{}^{188})$$

These costs equal the total salary that will have to be paid to police staff (at a cost per hour equal to the average yearly salary of the respective Member State[189]) to dedicate between 5 and 7.5 minutes to carrying out the assessment of victims of non-violent crimes and between 60 and 150 minutes (in line with VAW) to carry out the assessment of the remaining victims.

The number of victims in scope who reported the crime varies across Member States and depends on the type of crime. In all cases, it excludes those already covered by the VAW directive (i.e., women and children for certain types of crime):

as in Option I.3, the number of victims in scope who reported the crime varies across Member States and depends on the type of crime - excluding those already covered by the VAW directive. The lower and upper bounds are similar to those described for Option I.3.

Text Box 4. Example of calculation of costs of option II.1 for Portugal

a) Costs of individual assessments

The costs of individual assessments depend on the duration of the assessment, which is related to the severity/complexity of the crime. The assessments of victims of violent crimes will take between 1 to 2.5 hours while the assessments of victims of other crimes will take significantly less time (between 5 to 7.5 minutes). Consequently, the [1,644 to 2,307] victims of violent crimes in Portugal will require an assessment of [1 - 2.5] hours and the [21,508 to 125,084] other victims will require an assessment of [5 to 7.5] minutes. The average salary of a police officer in Portugal is EUR 8 per hour or 0.13 per minute. The total annual costs of the option II.1 for Portugal will be between EUR 8 x 1h x 1,644 victims + EUR 0.13 x 5 minutes x 21,508 victims and EUR 8 x 2.5h x 2,307 victims + EUR 0.13 x 7.5 minutes x 125,084.

Option II.2 Enhanced individual assessment and adding victims' physical protection to protection measures

The costs of this option include those described for Option II.1 plus the costs to ensure that protection measures, including protection orders are available at national level. Protection

[186] Eurostat, [earn_ses18_13] (Public administration and defence salary > 10 employees or more) https://ec.europa.eu/eurostat

[187] For crimes not related to physical violence we assumed between 5 and 7.5 minutes for screening; for other crimes we used the same figures as the VAW IA, i.e., between 60 and 150 minutes. See VAW Impact Assessment here: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12682-Combating-gender-based-violence-protecting-victims-and-punishing-offenders_en

[188] For crimes not related to physical violence we assumed between 5 and 7.5 minutes for cooperating; for other crimes we used the same figure as the VAW IA, i.e., 30 minutes. See VAW Impact Assessment here: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12682-Combating-gender-based-violence-protecting-victims-and-punishing-offenders_en

[189] Eurostat, [earn_ses18_13] (Public administration and defence salary > 10 employees or more). No data for AT, BE, EL, PT: average national salary was used instead. https://ec.europa.eu/eurostat

measures also include availability of presence of police, reallocation to a safety place – these measures already exist in Member States.

a) The estimation of the costs related is based on the cost to ensure the availability and effective enforcement of the orders. The approach adopted assumes that the one-off costs are negligible[190].

Recurrent costs:

- The recurrent costs related to the protection orders are calculated as follows:

$$\boldsymbol{Cost_PO}_{II.1,m} = number\ of\ victims\ in\ scope\ that\ registered\ the\ crime_{II.1,m} \times\ application\ rate[191] \times cost\ of\ a\ PO\ to\ police\ and\ justice\ sector[192]$$

This measure will be relevant for a small fraction of victims not covered by the VAW, including victims of labour exploitation and potentially adult male victims of sexual physical violence. Its costs are equal to the costs of the additional protection orders, which is the total number of additional protection orders – calculated by applying a "application rate" (i.e., share of victims that report a crime to police and then apply for protection order) of 0.28%[193] to the total number of victims in scope (which differs across Member States) times the costs of one protection order, i.e., € 213 - € 1,185[194].

The following assumptions were made:

- For the minimum cost estimate, only labour exploitation is included, while for the maximum cost estimate, physical violence of a sexual nature against adult males are covered too

- The application rate is constant across Member States

[190] All Member States conduct individual assessments and should have all procedures in place.
[191] Application rate is estimated from UK crime statistics Appendix tables on number of victims of domestic abuse divided by number of domestic violence protection orders. Available at: https://www.ons.gov.uk/file?uri=%2fpeoplepopulationandcommunity%2fcrimeandjustice%2fdatasets%2fdomesticabuseinenglandandwalesappendixtables%2fyearendingmarch2018/da2018appendixtablesfinalv8.xlsx
[192] Unit cost of a protection order to the police and justice sector estimated to be €1,185 and €213 in UK prices, adjusted for each Member State's price level using PPP GDP/capita. Estimates based on Evaluation of the Pilot of Domestic Violence Protection Orders in England (2013): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/260897/horr76.pdf
[193] Application rate is estimated from UK crime statistics Appendix tables on number of victims of domestic abuse divided by number of domestic violence protection orders. Available at: https://www.ons.gov.uk/file?uri=%2fpeoplepopulationandcommunity%2fcrimeandjustice%2fdatasets%2fdomesticabuseinenglandandwalesappendixtables%2fyearendingmarch2018/da2018appendixtablesfinalv8.xlsx
[194] Unit cost of a protection order to the police and justice sector estimated to be €1,185 and €213 in UK prices, adjusted for each Member State's price level using PPP GDP/capita. Estimates based on Evaluation of the Pilot of Domestic Violence Protection Orders in England (2013): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/260897/horr76.pdf

- Relative unit cost of a protection order is constant across Member States.

As the total number of victims in scope varies across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 5. Example of calculation of costs of option II.2 for Spain

Costs of Option II.1 plus:

b) Costs of protection orders

The baseline assessment provided in Annex 6 showed that Portugal would not need to implement significant changes in Option II.2. That will not be the case for Spain however, where between 6 and 36 thousand victims still be benefiting of this measure. As the cost of a PO in Spain is between 213 and 1,185 EUR, and 0.28% of the victims are expected to apply for a PO, the total cost of the measure in Spain will be around 7 and 237 thousand EUR.

Option II.3: In addition to option II.2, minimum standards on constitutive elements and condition of application of the physical protection measures are established at national level.

The costs of this option include those described for Option II.2 (which include the costs of Options II.1) plus the costs of coordination efforts. These costs were estimated based on the costs of human resources needed to develop guidelines/minimum standards and to ensure they are implemented. The following calculations are used for each Member State:

One-off costs:

- The cost of establishing minimum standards and guidelines: these correspond to the would require between five and ten persons to allocate about 25% of their time for three months. Consequently, these costs will equal 25% of a three-month salary of 5-10 people. As the average yearly salary differs per Member State, these costs will also differ per Member State.

- Costs of developing a 2-hour online training session: as research suggests that 1-hour of ready e-learning content costs between 5306 and 17,114 EUR to produce,[195] the total costs per Member State are between 10,612 – 34,229 EUR. Online course development costs include: costs of subject matter expert, PM, marketer, lecturer, graphic designer, video operator, editor, etc.

Recurrent costs:

- Opportunity costs related to the time that police officer, prosecutors, lawyers, and judges will be in the 2-hour training session on the guidelines. The share of staff attending the courses was assessed to be between 15% and 20%, as higher rates of attendance were considered potentially unfeasible. Consequently, the yearly costs of this option will be equal to two times the hourly average salary (which varies per Member State and job category) of 15% to 20% of the total number of police officers, prosecutors, lawyers, and judges.

[195] VAW.

$$\boldsymbol{Cost} = two\ hours\ per\ year \times \%attend^{196} \times (number\ of\ police\ officers^{197} \times police\ officer\ salary\ per\ hour^{198} + number\ of\ prosecutors^{199} \times prosecutor's\ salary\ per\ hour^{200} + number\ of\ lawyers^{201} \times lawyers'salary\ per\ hour^{202} + number\ of\ judges^{203} \times judge's\ salary\ per\ hour^{204})$$

As the salary and workforce vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 6. Example of calculation of costs of option II.3 for Portugal

Costs of Option II.2 plus:

a) Development of guidelines

Based on the assessment of the baseline (Annex 2) Portugal is halfway regarding the implementation of this Option, consequently it will need between 525 and 1,050 hours to improve existing guidelines. As the hourly salary in Portugal is around 8 EUR, the total one-off costs of this option related to the development of guidelines are estimated to be is between 3,330 and 6,660 EUR.

b) Training costs

The one-off cost to develop the training will be equal to 10 - 34 thousand EUR. The annual recurrent costs with training are equal to the costs of time of having the workforce attending the training. It was assumed that 15% of the workforce will attend the training and that the training will take 2h. So total costs will be (2h x 8 EUR/hours x 15% of the 46,688 police officers + 2h x 29 EUR/h x 15% of the 30,476 lawyers + 2h x 29 EUR/h x 15% of the 1,493 prosecutors + 2h x 29EUR/h x 15% of the 1,986 judges.)

[196] Assuming that between 15% (lower bound) and 20% (upper bound) attend training on national coordination mechanisms.

[197] Eurostat data (2016) - https://ec.europa.eu/eurostat/databrowser/view/crim_just_job/default/table?lang=en; No data for IE: average across all countries used.

[198] Eurostat, [earn_ses18_13] (Public administration and defence salary > 10 employees or more). No data for AT, BE, EL, PT: average across all countries used.

[199] CEPEJ studies no.26 - 2018 (2016 data). See https://www.coe.int/en/web/cepej/documentation/cepej-studies

[200] CEPEJ studies no.26- 2018 (2016 data). See https://www.coe.int/en/web/cepej/documentation/cepej-studies

[201] CEPEJ studies no.26 - 2018 (2016 data). See https://www.coe.int/en/web/cepej/documentation/cepej-studies

[202] Assume same as prosecutors' salary

[203] CEPEJ studies no.26 - 2018 (2016 data). See https://www.coe.int/en/web/cepej/documentation/cepej-studies

[204] CEPEJ studies no.26 - 2018 (2016 data). No data for CZ: average across all countries used (€35.2). See https://www.coe.int/en/web/cepej/documentation/cepej-studies

3. Specific objective III: Facilitated access to specialist support for vulnerable victims, including children

Option III.1 Ensure the availability of specialist support services for all child victims at the same premises in the form of the Barnahus model.

The costs of this option relate to increasing the capacity of support services and providing additional types of services that currently are not available in some Member States, in line with the Barnahus model.

One-off costs:

- The cost of developing EU guidance corresponds to the costs of the human resources needed to develop these guidelines. It was assumed that the development of EU guidance would require 3 experts to work full time on this task, for a period between 3-6 months. In addition, in each Member State one staff member would work 33% during three months on this guidance. The total costs will be equal to the required additional staff time times the average salary. As the average salary differs per Member State, these costs will also differ per Member State.

Recurrent costs:

- The costs of running additional and new support services in each Member State, to the extent that the offer reaches the desired level (to be defined in the EU guidelines), are calculated as follows:

$$Cost_supportServices_{III.1,m} = annual\ government\ expenditure\ on\ support\ services_m\ ^{205} \times percentage\ of\ missing\ services\ _m\ ^{206}$$

The cost is therefore equal to the necessary increase in the current annual government expenditure on support services (which differs per Member States), which is proportional to the additional capacity that needs to be implemented, i.e., the difference between the level of services desired and the level currently implemented (which also differ per Member State). As the salary, annual government expenditure on support services and the level of services currently implemented vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 7. Example of calculation of costs of option III.1 for Lithuania

a) Development of guidelines

None, considered already at sufficient level. On the other hand, Member States like Italy and France will

[205] The annual expenditure was only available for the NL and PT. This expenditure was deducted of the expenditure of services covered in the VaW directive. The expenditure for each of the other Member States (minimum and maximum limit) is estimated by adjusting the NL and PT expenditure using relative population size of those Member Sates compared to the NL and PT. The population considered in this option was population under 15.

[206] The percentage was calculated based on the following assumption: the Netherlands is the Member State with the best coverage, and Member States with most insufficient coverage have about 75% of the coverage of the Netherlands. The level of coverage in each Member State is described in Annex 6.

have to develop the guidelines which will require between EUR 1,500 and 4,000.

b) Costs of support services

Lithuania will need to It will be necessary to increase the capacity in terms of specialised support services for children by [13% to 19%] and therefore the total expenditure that is equal to 66 to 175 thousand euros will increase in the same proportion.

Option III.2: Barnahus model for all children and psychological aid for those in need.

The costs of this option relate to increasing the capacity of support services and providing additional types of services that currently are not available in some Member State.

One-off costs:

- The cost of developing EU guidance corresponds to the costs of human resources needed to develop these guidelines. It was assumed that, in addition to the human resources needed for Option III.1, the development of EU guidance would require three experts to allocate full time to this talk between three and six months and plus one person working 33% during three months in each Member State. The total costs will be equal to the required additional staff time times the average salary. As the average salary differs per Member State, these costs will also differ per Member State.

Recurrent costs:

- The costs of running additional and new support services in each Member State, to the extent that the offer reaches the desired level (to be defined in the EU guidelines), are calculated as follows:

$$\boldsymbol{Cost_supportServices}_{III.1,m} = annual\ government\ expenditure\ on\ support\ services_m \times percentage\ of\ missing\ services_m$$

[207] [208]

As in Option III.1, the cost of Option III.1 are therefore equal to the necessary increase in the current annual government expenditure on support services (which differs per Member States), which is proportional to the additional capacity that needs to be implemented, i.e., the difference between the level of services desired and the level currently implemented (which also differ per Member State). Based on the mapping presented in Annex 6, five Member states were considered to be at the desired level.

In addition to the above costs, this option involves a transfer of costs for psychological services from vulnerable victims to the State. The following calculations are used for each Member State:

[207] The annual expenditure was only available for the NL and PT. This expenditure was deducted of the expenditure of services covered in the VaW directive. The expenditure for each of the other Member States (minimum and maximum limit) is estimated by adjusting the NL and PT expenditure using relative population size of those Member Sates compared to the NL and PT.

[208] The percentage was calculated based on the following assumption: the Netherlands is the Member State with the best coverage, and Member States with most insufficient coverage have about 75% of the coverage of the Netherlands. The level of coverage in each Member State is described in Annex 6.

Recurrent costs

- Costs of psychological services for vulnerable victims

$$\boldsymbol{Cost_freePsychologicalServices}_{III.2,m}$$
$$= number\ of\ hours\ of\ psycologichal\ services\ required\ per\ victim_{type\ of\ crime}$$ [209]
$$\times (number\ of\ victims\ in\ scope\ that\ registered\ the\ crime_{type\ of\ crime,m}$$
$$\times share\ of\ vulnerable\ victims_{type\ of\ crime,m})$$
$$\times cost\ of\ 1\ hour\ of\ psycologhical\ support_{m}$$ [210]

The costs of free psychological services are equal to the number of hours of psychological services required per victim (that has reported the crime) – which was assumed to be between 20 and 50 hours depending on the type of victim – times the costs of one hour of these services (which varies per Member State, with an average of 115 EUR) times the number of vulnerable victims. Due to a lack of data on the share of vulnerable victims it is assumed that:

- All victims of physical sexual abuse in scope are vulnerable victims;
- The share of victims experiencing other crimes and who are vulnerable is between 5% and 10%.[211]

As the salary, annual government expenditure on support services, the level of services currently implemented, costs of psychological services, and number of vulnerable victims that report a crime vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 8. Example of calculation of costs of option III.2 for Germany

Cost of Option III.1 plus

a) Development of guidelines

Compared to options III.1, the development of the guidelines will involve additional resources –between 200 and 300 hours – which will cost approximately between 3 and 4 thousand EUR.

b) Costs of support services

Germany is considered to still have to improve capacity to fulfil obligation of this option. The total costs will be equal to the costs of expanding existing capacity (which costs around 30 and 71 million EUR) by 2 % to 6.5%.

c) Cost of free psychological services

[209] UK report 1 until 50 hours. In the calculations we used between 20h (minimum) and 50h (maximum) for violent and semi-violent crime and 1 hour for all other type of crime. Available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954485/the-economic-and-social-costs-of-crime-horr99.pdf

[210] Statista https://www.statista.com/statistics/1230639/cost-of-seeing-a-psychologist-in-europe-by-country/

[211] Aihio, N., Frings, D., Wilcock, R., & Burrell, P. (2016). Crime Victims' Demographics Inconsistently Relate to Self-Reported Vulnerability. Psychiatry, psychology, and law: an interdisciplinary journal of the Australian and New Zealand Association of Psychiatry, Psychology and Law, 24(3), 379–391. https://doi.org/10.1080/13218719.2016.1247418

The average number of vulnerable victims that would benefit of this measure (compared to the baseline) would be those that were victims of violent crimes and a share of the other victims that are vulnerable (estimated to be between 5% and 10%) that do not receive free psychological support (between 50% and 75% based on the mapping of measures presented in Annex 6). The first group of victims amount to almost 178 and 382 thousand victims and would require between 20 and 50 hours of support, the latter group would amount to an average of 134 and 1,275 thousand victims that would require between 0.5 and 1 hour of psychological service. As the average cost of a one-hour session of psychological support in Germany is around 57 181 EUR. The total cost of the measure is 20 – 50 h times x 181 EUR x 178 - 382 thousand victims + 0.5 to 1h x 181 EUR x134 - 1,275 victims.

Option III.3 Improve the availability of specific categories of support services at the same premises or through a central contact point in the form of the Barnahus model to all vulnerable victims. In addition, it includes a requirement to extend free psychological services to <u>all</u> victims.

The approach to calculate the costs of this option is similar to the one adopted for Option III.2.[212] The main difference is that the share of other victims considered for the free psychological services, which under this option is assumed to be 100%.

As the salary, annual government expenditure on support services, the level of services currently implemented, costs of psychological services, and number of vulnerable victims that report a crime vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 9. Example of calculation of costs of option III.3 for Germany

Cost of Option III.2 plus

a) Cost of extending free psychological services to all victims

The additional number of victims entitled to free psychological services would be between 2.6 and 15 million, consequently the costs will increase in that proportion.

4. Specific objective IV: More effective participation in criminal proceedings for victims

Option IV.1 Victim rights to be accompanied by a person of choice during criminal proceeding and to challenge decisions that concern them directly.

The costs related to the right for victims to have legal / administrative assistance represent a transfer of costs from the victims to the State. Only few Member States do not currently have a similar obligation in place. For those that do not, the costs are estimated as follows:

Recurrent costs

- Costs of legal/administrative assistance: these costs are related to the costs of the human resources necessary to provide legal / administrative assistance to victims.

[212] The costs of making all services available in the same premises or through a central contact point are considered negligible when compared to the other cost imposed by the option.

$$\boldsymbol{Cost_assistance}_{IV.1,m} = number\ of\ criminal\ proceedings_m{}^{213} \times share\ of\ proceedings\ that\ need\ legal\ assistance_m{}^{214} \times number\ of\ hours\ of assistance\ needed\ per\ criminal\ proceeding_m \times hourly\ compensation\ of\ legal\ assistant^{215}$$

The costs are equal to the number of criminal proceedings for which victims would need legal assistance times the average number of hours required to providing legal assistance per criminal proceeding (between 5% and 10% of the average disposition time in each Member State)[216]

Due to a lack of data:

- It was not possible to make a distinction between types of crime.
- The number of hours of assistance needed was estimated assuming that the assistance would be provided for a share[217] of the duration of the criminal proceeding.[218]

The costs related to the rights to challenging decisions are based on the costs of a new court case in each Member State. As it is assumed that the proceeding costs will be borne by the victim, the remaining costs for the State are relatively low.[219] As with the previous option, only few Member States do not have a similar right in place. For those that do not, the cost is estimated as follows:

Recurrent costs

- The costs of challenging a decision

[213] Eurostat, [CRIM_CRT_CASE$DEFAULTVIEW] Legal cases processed in first instance courts by legal status of the court process, Criminal. https://ec.europa.eu/eurostat

[214] The share of population at risk of poverty or social exclusion was used as a proxy. Eurostat, [ILC_PEPS01N$DEFAULTVIEW]. The most recent data was used. EU average used for those countries for which data was not available. https://ec.europa.eu/eurostat

[215] Eurostat, [earn_ses18_13] (Public administration and defence salary > 10 employees or more). https://ec.europa.eu/eurostat

[216] "Disposition Time (DT) is the theoretical time necessary for a pending case to be resolved. Actual average times needed for case resolution would need to derive from judicial case management ICT systems. Since this is still unfeasible in most of the States or entities, this indicator offers valuable information on the estimated length of the proceedings. It is reached by dividing the number of pending cases at the end of a particular period by the number of resolved cases within that period, multiplied by 365". See CEPEJ indicators available here: https://public.tableau.com/app/profile/cepej/viz/EfficiencyDashboardv1_0EN/EfficiencyDashboard

[217] Assumed to be 5% and 10%.

[218] The CEPEJ data on Disposition Time (DT) was used to estimate the duration of the criminal proceedings per Member State (see https://public.tableau.com/app/profile/cepej/viz/EfficiencyDashboardv1_0EN/EfficiencyDashboard). For those countries for which data was not available, the average Disposition Time in the other Member States was used as a proxy.

[219] Heeks, M., Reed, S., Tafsiri, M. and Prince, S., 2018. The economic and social costs of crime second edition. Home Office Research report. Available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954485/the-economic-and-social-costs-of-crime-horr99.pdf

$$\boldsymbol{Cost_challenging}_{IV.1,m} = number\ of\ criminal\ proceedings_m{}^{220} \times share\ of\ proceedings\ challenged_m \times net\ cost\ of\ a\ court\ case\ for\ state^{221}$$

These costs are equal to the number of criminal proceedings for which victims will challenge the decision (estimated based on data on the share of prosecuted offenders that were acquitted [222]) times the net cost of a court case (which varies per Member State).As the salary, number of criminal proceedings, share of challenged decisions, and costs of court cases vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 10. Example of calculation of costs of option IV.1 for Romania

a) Cost of legal assistance

Based on the data collected for the baseline, we estimate that 36% to 72% of the cases will need legal assistance. Each case will require between 34 to 68 hours of assistance. As there are about 82 to 165 thousand criminal procedures in Romania and the average salary per hour is about 7 EUR/h, the total costs of legal assistance will be between 36% x 82 thousand cases x 34h x 7 EUR and 72% x 165 thousand cases x 68h x 7 EUR.

b) Cost of right of challenging decision (for State)

Considering the number of criminal proceedings in which the offenders are acquitted in Romania, about 8,800 decisions will be challenged. It is estimated that the net cost for the state of a challenged decision to be between 9 EUR and 6 EUR, consequently, the total annual costs will be between 8,800 x 9 EUR and 8,800 x 46 EUR.

Option IV.2 In addition to options IV.1, create legal aid for certain victims depending on their level of income, when they wish to challenge decisions taken concerning their rights in the course of criminal proceedings.

The costs of this option are equal to the costs of Option IV.1 plus the costs of providing legal aid to victims who wish to challenge a decision. These costs represent a transfer of costs from the Victims to the State. As with the previous option, only few Member States do not have a similar right in place. For those that do not, the cost is estimated as follows:

Recurrent costs:

- The costs of legal aid to challenge decisions are calculated as follows:

[220] Eurostat, [CRIM_CRT_CASE$DEFAULTVIEW] Legal cases processed in first instance courts by legal status of the court process, Criminal. https://ec.europa.eu/eurostat

[221] Heeks, M., Reed, S., Tafsiri, M. and Prince, S., 2018. The economic and social costs of crime second edition. Home Office Research report. Available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954485/the-economic-and-social-costs-of-crime-horr99.pdf. PPP was used to extrapolate the data to each Member State (Eurostat, s [PRC_PPP_IND$DEFAULTVIEW])

[222] Eurostat, [CRIM_CRT_PER$DEFAULTVIEW] Persons brought before criminal courts by legal status of the court process. The most recent data was used. EU average used for those countries for which data was not available.

$$\boldsymbol{Cost_challenging}_{IV.2,m} = number\ of\ criminal\ proceedings_m{}^{223} \times share\ of\ proceedings\ challenged_m{}^{224} \times legal\ aid_m{}^{225} \times share\ of\ proceedings\ that\ need\ legal\ assistance_m{}^{226}$$

The costs of challenging decisions are therefore equal to the number of criminal proceedings due to challenged decisions times the share that needs legal assistance times the costs of legal aid per proceeding, i.e., between 198 – 1,082 EUR (average of the 26 Member States).

As the salary, number of criminal proceedings, share of challenged decisions, and costs of court cases and legal aid vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 11. Example of calculation of costs of option IV.2 for Romania

Costs of Option IV.1 plus

c) Cost of legal aid for challenged decisions

In Romania, between 800 and 3,180 cases will benefit from this measure (as between 9% and 35% of the 8,800 challenged decisions will need legal assistance). As the cost of legal aid per challenged decisions is estimated to be between 100 and 570 EUR, the total annual cost of the measure for Romania will be between 800 cases x 100 EUR and 3,180 cases x 570 EUR.

Option IV.3 Ensure that victims in all cases have the possibility to participate as a formal party to the criminal proceedings so that they can enjoy the rights associated with such status, including access to the case file and access to legal aid.

The type of costs of this option area similar to the ones of Option IV.2 (and include costs of Option IV.1), but legal aid is in this Option assumed to be provided in all proceedings and not only when the victim challenges a decision. These costs represent a transfer from the State to the victims. As in the previous options, many Member States already have similar measures in place. For those that do not, the cost is estimated as follows:

Recurrent costs

- Costs of legal aid

$$\boldsymbol{Cost_legalaid}_{IV.4,m} = number\ of\ criminal\ proceedings_m{}^{227} \times legal\ aid_m{}^{228} \times share\ of\ proceedings\ that\ need\ legal\ assistance_m{}^{229}$$

[223] Eurostat, [CRIM_CRT_CASE$DEFAULTVIEW] Legal cases processed in first instance courts by legal status of the court process, Criminal. https://ec.europa.eu/eurostat

[224] The share of population at risk of poverty or social exclusion was used as a proxy. Eurostat, [ILC_PEPS01N$DEFAULTVIEW]. The most recent data was used. EU average used for those countries for which data was not available. https://ec.europa.eu/eurostat

[225] Heeks, M., Reed, S., Tafsiri, M. and Prince, S., 2018. The economic and social costs of crime second edition. Home Office Research report. Available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954485/the-economic-and-social-costs-of-crime-horr99.pdf. PPP was used to extrapolate the data to each Member State (Eurostat, s [PRC_PPP_IND$DEFAULTVIEW]) https://ec.europa.eu/eurostat

[226] The share of population at risk of poverty or social exclusion was used as a proxy. Eurostat, [ILC_PEPS01N$DEFAULTVIEW]. The most recent data was used. EU average used for those countries for which data was not available. https://ec.europa.eu/eurostat

The costs of legal aid are therefore equal to the number of criminal proceedings times the share that needs legal assistance times the costs of legal aid per proceeding, i.e., between 198 – 1,082 EUR (average of the 26 Member States).

As the salary, number of criminal proceedings, share of challenged decisions, and costs of court cases and legal aid vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 12. Example of calculation of costs of option IV.3 for Romania

Costs of Option IV.1 plus

a) Cost of legal aid

Considering the data on criminal proceedings in Romania, between 20,640 and 82,560 cases will benefit from this measure. As the cost of legal aid per case is estimated between 100 EUR and 570 EUR, the total cost of the measure will be between 20,640 x 100 EUR and 82,560 x 570 EUR.

5. Specific objective V: Facilitated access to compensation from the offender

Option V.1 Provide for victims the right to receive a decision on compensation from the offender in the course of the criminal proceeding.

The costs of this option are associated to the additional time required to take a decision on the compensation. For those Member States that do not have a similar measure in place, the cost is estimated as follows:

Recurrent costs

- The costs of reaching a decision on compensation are calculated as follows:

$$\boldsymbol{Cost_decision}_{V.1,m} = number\ of\ criminal\ proceedings_m{}^{230} \times time\ needed\ to\ take\ a\ decision_m{}^{231} \times salary\ of\ a\ judge^{232}$$

Due to lack of data on the number of criminal proceedings in which a decision on compensation was not taken, it was necessary to adopt a conservative approach and assume that, if the prosecution wins the criminal case (estimation done based on conviction rates) then the victim will be entitled to a compensation. The costs of this Option are therefore equal to the number of proceedings won by the prosecution times

[227] Eurostat, [CRIM_CRT_CASE$DEFAULTVIEW] Legal cases processed in first instance courts by legal status of the court process, Criminal. https://ec.europa.eu/eurostat

[228] Heeks, M., Reed, S., Tafsiri, M. and Prince, S., 2018. The economic and social costs of crime second edition. Home Office Research report. Available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954485/the-economic-and-social-costs-of-crime-horr99.pdf . PPP was used to extrapolate the data to each Member State (Eurostat, s [PRC_PPP_IND$DEFAULTVIEW]) https://ec.europa.eu/eurostat

[229] The share of population at risk of poverty or social exclusion was used as a proxy. Eurostat, [ILC_PEPS01N$DEFAULTVIEW]. The most recent data was used. EU average used for those countries for which data was not available. https://ec.europa.eu/eurostat

[230] Eurostat, [CRIM_CRT_CASE$DEFAULTVIEW] Legal cases processed in first instance courts by legal status of the court process, Criminal.

[231] The time needed for a decision was considered to be between 2h and 4h.

[232] Eurostat, EARN_SES18_14. Note: earnings are only available by ISCO-08 categories. Here, mean hourly earning of professionals would be used as a proxy as legal professionals fall under this category.

2 to 4 hourly cost of a judge[233], as a decision about the compensation due to the victim is expected to require between 2h and 4h.

As the salary of judges and the number of criminal proceedings vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 13. Example of calculation of costs of option V.1 for Greece

a) Cost of decision on compensation

Given the data collected for the baseline described in Annex 6 and the number of criminal proceedings in Greece as reported in Eurostat, about 177 thousand new decisions regarding compensation will be taken due to the option. Each decision is estimated to take between 2 and 4 hours and the hourly salary of a judge to be 28.5 EUR, therefore the cost of each decision will be between 57 EUR and 114 EUR. The total annual costs of this option for Greece will be between ERU 57 x 177 thousand and EUR 114 x 177 thousand.

Option V.2 Rights to decision on compensation in criminal proceeding and to receive offenders' compensation by the state, where state recuperates if from the offender later.

The costs of this option include the costs of Option V.1 plus those related to the compensation that a state is not able to recuperate from the offenders (who were ordered to pay such compensation to the victim). These costs represent a transfer of costs from the victims to the State. For those Member States that do not have a similar measure in place, the cost is estimated as follows:

Recurrent costs

- Costs of advancing compensation

$$\boldsymbol{Cost_compensation}_{V.2,m} = number\ of\ criminal\ proceedings_m[234] \times convinction\ rate_m[235] \times compensation_m \times share\ of\ non-recuperated\ compensation$$

As with Option V.I, due to a lack of data on the number of criminal proceedings in which a decision on compensation was positive, it was necessary to adopt a conservative approach and assume that, if the prosecution wins the criminal case (estimation done based on conviction rates) then the victim will be entitled to a compensation. The total cost of compensation will be equal to the number of criminal proceedings for which it will not be able to recover a compensation

[233] CEPEJ studies no.26 - 2018 (2016 data). No data for CZ: average across all countries used (€35.2). See https://www.coe.int/en/web/cepej/documentation/cepej-studies

[234] Eurostat, [CRIM_CRT_CASE$DEFAULTVIEW] Legal cases processed in first instance courts by legal status of the court process, Criminal.

[235] Eurostat, [CRIM_CRT_PER$DEFAULTVIEW] Persons brought before criminal courts by legal status of the court process. The most recent data was used. EU average used for those countries for which data was not available.

(between 12% and 30% of the total)[236] times the average value of the compensation, estimated to be between 50% and 100% of the unit costs of the consequences of the crime for the victim calculated based on studies that assessed the costs of crimes to victims and vary per Member State and type of crime.[237]

As the number of criminal proceedings and the average compensation vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 14. Example of calculation of costs of option V.2 for Greece

Costs of Option V.1 plus

a) Cost of compensation

Considering the number of victims per type of crime and the specific costs that the type of crime imposes on the victims calculated based on reviewed studies with costs of crimes[238], the average cost of crimes to victims in Greece was estimated to be between 2,341 and 3,900 EUR. Judges are expected to decide that the offender will have to pay the victim between 50% and 100% of the estimated costs of crime.

The number of proceedings that will be affected by this measure are around 83 thousand, and in 12% to 30% of those the offender will not pay the compensation. Consequently, the total cost of the measure is between 50% x 2,341 x 12% x 83,000 cases and 100% x 3900 EUR x 30% x 83,000 cases.

Option V.3 Impose minimum standards on the conditions on receiving state compensation by amending 2004 Compensation Directive.

The costs of this option include the costs of Option V.1 and those related to the compensation the State will have to provide for those victims currently not covered by the 2004 Compensation Directive. In the lower bound scenario, we assume those are the victims of burglary only while in the upper bound scenario we assume that also victims of theft are within scope.

Recurrent costs

- Costs of state compensation for victims of theft and burglary

$$\boldsymbol{Cost_StateCompensation}_{V.3,m} = number\ of\ victims_{m}{}^{239} \times compensation_{m}$$

[236] The share of cases in which the State will not be able to able to recover the compensation from the offender is not known for all Member States. The study team used available data for NL and Sweden to define the minimum and maximum limit for all other Member States.

[237] Heeks, M., Reed, S., Tafsiri, M. and Prince, S., 2018. The economic and social costs of crime second edition. Home Office Research report. Available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954485/the-economic-and-social-costs-of-crime-horr99.pdf. PPP was used to extrapolate the data to each Member State (Eurostat, s [PRC_PPP_IND$DEFAULTVIEW])

[238] Heeks, M., Reed, S., Tafsiri, M. and Prince, S., 2018. The economic and social costs of crime second edition. Home Office Research report. Available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954485/the-economic-and-social-costs-of-crime-horr99.pdf. PPP was used to extrapolate the data to each Member State (Eurostat, s [PRC_PPP_IND$DEFAULTVIEW]).

[239] Eurostat, [CRIM_CRT_CASE$DEFAULTVIEW] Legal cases processed in first instance courts by legal status of the court process, Criminal.

These costs are therefore equal to the total number of victims times the average compensation per victim estimated will be between 50% and 100% of the cap to maximum compensation imposed in the context of the 2004 Compensation Directive by the most restrictive Member State, i.e., between 2,500 and 5,000 EUR.[240].

As the number of victims vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 15. Example of calculation of costs of option V.3 for Greece

Costs of Option V.1 plus

a) Cost of compensation

An average of 19,500 victims will be entitled to a compensation of between 2,500 and 5,000 EUR. Consequently, the cost of the measure will be between 19,500 x 2,500 EUR and 19,500 x 5,000 EUR.

2. ANALYTICAL METHODS APPLIED TO ESTIMATE BENEFITS / COST REDUCTION

As indicated earlier, there are two broad categories of benefits that may result from the implementation of the proposed options.

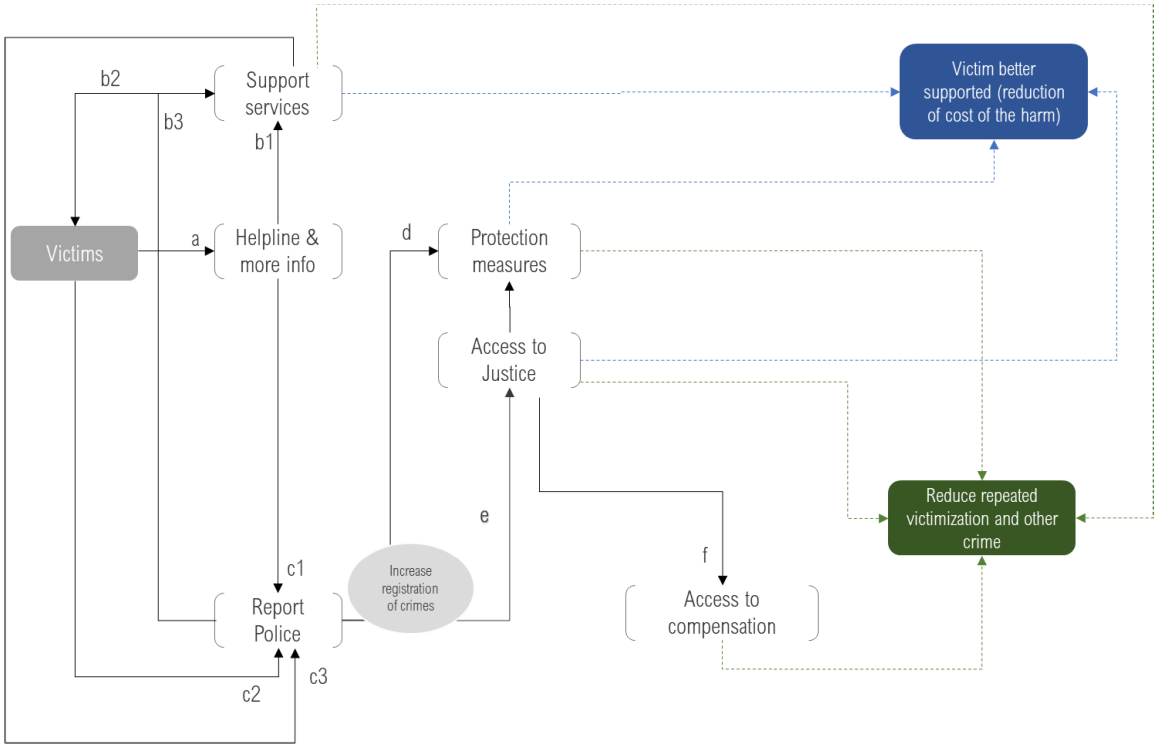
- Benefits to the victims:
  - **Reduced harms (economic, psychological, health, etc) from crimes**, as a result of increased access to victim support services or to justice, including in cross-border situations
  - **Reduced future repeated victimisation of victims** and associated future harm from these crimes;
  - **Non-economic benefits**: improved human rights, access to justice;

- Benefits to society:
  - **Reduced overall costs of the crimes that society** bears due to improved access to victim support services, and lower harm to victims;
  - **Reduced societal economic costs of crime from possible future victimisations:** as a result of reduced repeated victimisation and increased reporting of crimes by victims, which may lead to more perpetrators being brought to justice;
  - **Efficiency gains:** as a result of more efficient judicial procedures and a reduction of the burden to the system if, in some Member States, victims do not need to initiate a separate civil proceeding.

The logical links between the policy options and expected direct and indirect benefits are presented in Figure 8 below. The logical impact of option in terms of *direct* impact is presented in the figure's legend.

Figure 8. Benefits Logic Model

[240] Bulgaria, see Annex 6.



Legend:

Main casual links

Specific Objective I: Options I.1, I.2 , I.3 → a → b
→ c → d
→ e → f

Specific Objective II: Options II.1, II.2 , II.3 → d
→ c → d
→ e → f

Specific Objective III: Options III.1, III.2, III.3 → b
→ c → d
→ e → f

Specific Objective IV & V: Options IV.1, IV.2, IV.3, V.1, V.2, V.3 → c →e → f
→ b
→ d

Source: ICF

The review of the existing academic literature and policy studies showed that there is no research to support and confirm, in quantitative terms, the scale or magnitude of the benefits that are expected to be generated as a result of different options proposed. Nevertheless, various qualitative studies exist, and wherever possible they have been referred to.

One of the main indirect benefits which is expected to result from the introduction of options in the context of Specific Objectives I, II, and III, and the improved access to

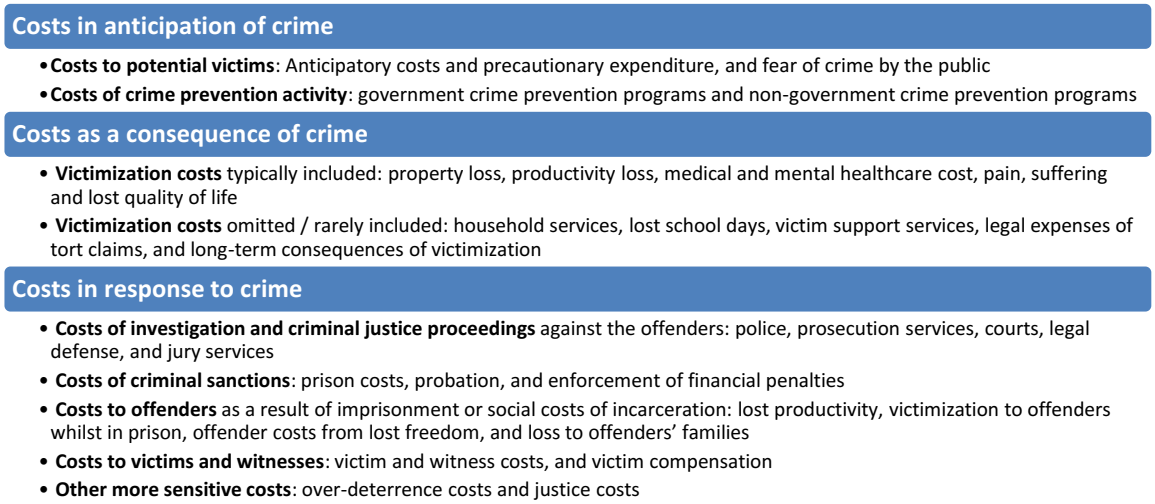
victim support services and protection measures which they foresee, is the **ultimate reduction in victimisation rates / overall crime and the related costs and quantifiable harms**. In quantitative terms, such benefits, as already shown are most significant.

Estimating Reductions in the Cost of Crime

The main approach that economists and institutions in the EU Member States and other European Countries (UK, NO) use to assess the economic costs of crime is a 'bottom-up' approach, where costs associated with various types of crimes are added up to obtain an overall estimate of the economic cost of crime in Member States. Such estimates were found in a few Member States – PL, HU, FR, IE, NL, SE, and to some extent in DE[241]. Estimates from outside the EU, namely in the UK and NO were identified as well.

The methodologies used to estimate costs of crimes are not unified, and they incorporate different types of offences, and sometimes take different categories of costs. Nevertheless, the different studies identified indicate that there is a dominating approach, which is based on the Mainstreaming Methodology for Estimating the Costs of Crime[242], and approach which is also very similar to the one used in Anglo-Saxon countries (UK, US, Canada and Australia), where there has been long tradition in producing such estimates. This approach differentiates three broad categories of costs.

Figure 9. Types of costs included in bottom-up approach to cost of crime estimates



[241] See for instance: "Feasibility of cost of crime estimations in Eastern Europe – The Case of Poland" (Czabanski, 2009); Detotto, C, and Vannini, M. (2010) Counting the cost of crime in Italy Article in Global Crime · November 2010; The Social Costs of Crime and Crime Control Klara Kerezsi, József Kó, Szilvia Antal, National Institute of Criminology, Budapest, Hungary (2011); Jacques Bichot (2016) Le coût du crime et de la délinquance, https://www.institutpourlajustice.org/content/2017/11/Etude-Justice-Le-coût-du-crime-et-de-la-délinquance.pdf; Irish Government Evaluation Service: https://igees.gov.ie/wp-content/uploads/2017/06/15-Measuring-the-Cost-of-Crime-David-Crowe-Department-of-Justice-Equality.pdf; D.E.G. Moolenaar, M. Vlemmings, F.P. van Tulder en J. de Winter (2015) Kosten van criminaliteit; Bakke, J. (2011), Kriminalitetens kostnader (Study on the Costs of Crime in Norway), Available at: https://phs.brage.unit.no/phs-xmlui/bitstream/handle/11250/175088/kriminalitetens%20kostnader.pdf?sequence=1&isAllowed=y

[242] See: https://cordis.europa.eu/project/id/44422/reporting/it

Source: ICF adaptation from Heyden (2016)[243]

The studies show that the above types of crime costs vary, depending on the type of offence. The different types of policy measures may impact some offences and their related costs to a greater extent than others. For instance, certain victim support services (e.g. psychological support) may provide greater benefits to victims of violent crime and be less beneficial for victims of vehicle theft, for instance. Furthermore, such measures may reduce certain crime-related costs, but not others. For instance, psychological support may reduce costs linked to the consequences of crime, but it is unlikely to have any impact on the costs linked to costs in response to crime. Other options, on the other hand (particularly those in the context of specific objectives I and II), which are expected to lead to increased levels of crime reporting, may subsequently result in a reduction of repeat victimisation and/or more offenders being apprehended, and fewer crimes committed, thus impacting on all three broad categories of costs of crimes. Wherever possible, such fine-tuned allocations of benefits have been made.

Due to insufficient evidence to precisely quantify the scale or magnitude of the causal links for each policy option, three scenarios were tested: low, medium and high impact. The benefits were estimated for each of the three scenarios, adopting a combination of a bottom-up approach for benefits related to the reduction of emotional harm and a top-down approach for benefits related to the reduction of repeated victimisation and other crime. The decision to complement a top-down approach to estimating the benefits (as adopted by the VAW IA) with a bottom-up approach seeks to address the comments received by the Regulatory Scrutiny Board on the approach adopted by the VAW IA. Nevertheless, data limitations still required the adoption of scenarios.

For each scenario the study team defined the impact of the option in one or more of the following (in line with the identified casual links of each option):

- Share of victims who currently do not report but will after the measures (expected to reduce)
- Share of victims who are referred to / have access to support services and/or protection measures (expected to increase)
- Share of registered crimes (expected to increase)

By using the casual chain depicted in Figure 8 Benefits Logic Model, the study team estimated how these impacts are expected to be propagated through the chain, and finally how they will reduce the emotional costs of victims and the costs from repeated victimisation (victim) and other crime (society).

Table 2. Scenarios for the calculation of benefits

	Scenario			→ Direct impact on
	Low	Medium	High	*The direct impact will be propagated through the casual chain*

[243] Heyden, C.L. (2016) Cost of Crime Towards a More Harmonized, Rational and Humane Criminal (Justice) Policy in Germany, Ruhr-Universität Bochum, available at: https://d-nb.info/1131354923/34

Options I.1	3%	4.5%	6%	• Increase of share of victims that are referred to / have access to support services
Options I.2	10%	15%	20%	• Reduction of share of victims that currently do not report crimes • Increase of share of victims that are referred / have access to support services
Options I.3	10%	15%	20%	• Increase of share of victims that are referred / have access to support services
Options II.1, II.2	10%	15%	20%	• Increase of share of victims that are referred / have access to support services • Increased of share of victims under protection
Option II.3	12.5%	18.75%	25%	• Increase of share of victims that are referred / have access to support services • Increased of share of victims under protection
Options III.1, III.2, III.3	20%	25%	30%	• Increase of share of victims that are referred / have access to support services
Options IV.1	1%	1.5%	2%	• Increased share of registered crimes
Options IV.2	1.5%	2%	3%	• Increased share of registered crimes
Options IV.3, V.2	2%	3%	4%	• Increased share of registered crimes
Options V.1, V.3	0.5%	0.75%	1%	• Increased share of registered crimes

Source: ICF

As mentioned above, the benefits were estimated for each of the three scenarios (see details in Table 2 above) adopting a combination of a bottom-up approach for benefits related to the reduction of emotional harm[244] and a top-down approach for benefits related to the reduction of repeated victimisation and other crime. The benefits were calculated per Member State and per type of crime and then aggregated. The existence of benefits per Member State was based on the extent to which the various options represent a change compared to the baseline and mirrored the existence of costs in that Member State. The approach and results are presented for each option below for those categories of benefits described in the Effectiveness section that were possible to monetise.

1. Specific objective I: Significant improvement of victims' access to information

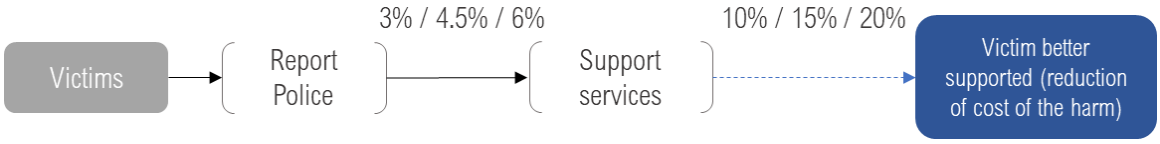
Option I.1 Create an obligation to set up a national coordination mechanism

The key benefit expected from this option is to improve the functioning and coordination of the various entities dealing with victims of crimes. This is expected to lead to better informed staff and more coordinated approach to victims and therefore will increase the access of victims to support services. This will reduce the harm victims experience from crime and secondary victimisation. However, the magnitude of this benefit is difficult to estimate but expected to be medium-low. The effect on *overall* crime reporting rates would be marginal.

Monetisation of the benefits

[244] Assumed to be reduced between 10%, 15% and 20% for those victims that receive support.

- As a result of the option, an estimated 3% (or 4.5% / 6% depending on the scenario) of victims who indicated not having contacted a support service[245], will now do so. Those victims are expected to see their emotional harm reduced by 10% (or 15% / 20% depending on the scenario).



As the number of victims and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 16. Example of calculation of benefits of option I.1 for France

a) Reduction of emotional harm for victims of sexual physical violence:

3% (or 4.5% or 6% depending on the scenario) of the 48% of sexual physical violence victims will benefit from a more coordinated national approach, they will be referred to support services and will not experience 10% (15% or 20%) of the estimated emotional harms that victims without support experience (around 25 thousand euros).

Option I.2 National coordination schemes and Victims' helpline

This option could have the following benefits:

- **Increase of reported crime**: Various studies assess why victims do not report crimes. The key reasons why victims do not report crime are linked to the severity of the crime, overall trust in the police, the cost and time needed to report the crime[246]. The study team's assessment is that the helpline will impact on the people who do not report crimes for fear of reprisal, or those who prefer some level of anonymity.
  A review of national crime victim surveys[247] and the results from FRA's Fundamental Rights Survey (Crime, Safety and Victims' Rights, 2021[248]) show that between 3 – 10% of victims (depending on the severity of crime) do not report crimes, because they're afraid to do so; The proposed option may have an impact on reducing the number of victims who are afraid to report crimes, and convince them otherwise.

[245] FRA 2021, Crime, Safety and Victims' Rights – Fundamental Rights Survey. See https://fra.europa.eu/en/publication/2021/fundamental-rights-survey-crime
[246] See for instance, FRA (2021) Crime, Safety and Victims Rights, p.82 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-crime-safety-victims-rights_en.pdf
[247] See for instance BKA (available at: https://www.bka.de/SaredDocs/Downloads/EN/Publications/Other/2019_FirstFindingsDVS2017.pdf?__blob=publicationFile&v=2; Estonian and Bulgarian surveys show similar numbers, even slightly lower. Estonia, available at: https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/crime_victim_survey_2009.pdf; Bulgaria, available at: https://csd.bg/fileadmin/user_upload/publications_library/files/2020_11/CrimeTrends_BG_WEB.pdf
[248] For reasons for not reporting incidents of physical violence, harassment, burglary and online fraud, see FRA (2021), Fundamental Rights Survey – Data Explorer.

A FRA study, based on in-depth interviews with a non-representative sample of practitioners and victims of violent crimes[249] showed that most practitioners interviewed agreed that, if support services were available to more victims, it would make it "significantly easier for victims to report" crimes to the police[250]. The picture differed between Member States. In NL, AT slight majority of practitioners disagreed with the statement, while in DE, FR, PL, PT, UK about 2 / 3 agreed with the statement. Consulted victims, also shared that the circumstances that helped them most often to report a crime were, the support of organisations that provide victim support service.[251]

- **Increased access / referral to services:** the key benefit of a helpline would be the assistance and advice to victims that will be given, when they call the helpline. Another benefit will be the possible referrals by helpline operator either to other specialised helplines that may exist on specific crimes (e.g. domestic violence, children, THB, cyber), or to specialised services (e.g. psychological or medical help). Studies in the UK[252] show that the majority of victims being referred by police (as it is mandatory) to victim support services, do not eventually access the services. Therefore, it could be presumed that not all victims who are advised or referred by helpline to specialised services or other helplines will do so.
- **Direct reduction of cost of crime:** Helplines in some countries, especially the Member States where there are no other specialised helplines will be themselves providing some level of victim support, either through psychological counselling, advice on safety measures and behaviour. As a result, such helplines may directly impact and reduce the costs as a consequence of crime.

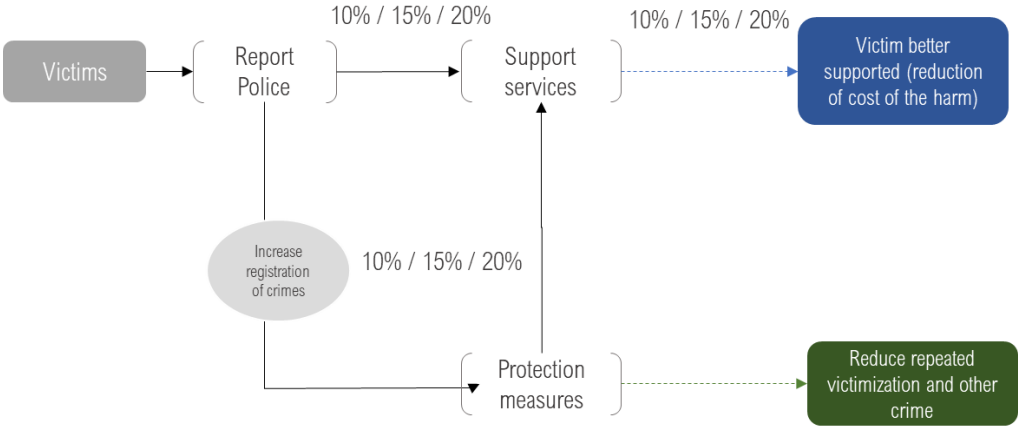
Monetisation of the benefits

- As a result of the option, it is estimated that 10% (or 15% / 20% depending on the scenario) of victims who indicated that they had not reported an incident due to fear of reprisals[253] will now report the crime and consequently the number of register crimes will increase, as will the protection orders.

  Repeated victimisation and other crimes are expected to also reduce. The total benefits associated with this were estimated by multiplying the proportion of additional protection orders by the total costs of crime (which were estimated using the data on the number of victims and the approach and unit costs from the Heeks et al. (2018) study)[254].
- As a result of the option, an estimated 10% (or 15% / 20% depending on the scenario) of victims who indicated not having contacted a support service[255], will

[249] The study is based on 231 in-depth interviews: 83 interviews with adult victims of violent offences; and 148 expert interviews with practitioners – staff of support organisations, lawyers advising victims, police officers, public prosecutors and criminal judges.
[250] FRA, Proceedings that do justice – Justice for victims of violent crime, Part II, p. 63, April 2019, p. 53.
[251] Ibid.
[252] Bryce, Jo & Brooks, Matt & Robinson, Phaedra & Stokes, Rachel & Irving, May & Graham-Kevan, Nicola & Willan, Vj & Khan, Roxanne & Karwacka, Marta & Lowe, Michelle. (2016). A qualitative examination of engagement with support services by victims of violent crime. International Review of Victimology. 22. 1-17. 10.1177/0269758016649050.
[253] Change from a baseline provided by FRA's Fundamental Rights Survey.
[254] Heeks, M., Reed, S., Tafsiri, M. and Prince, S., 2018. The economic and social costs of crime second edition. Home Office Research report. PPP was used to extrapolate the data to each Member State (Eurostat, s [PRC_PPP_IND$DEFAULTVIEW]).
[255] Change from a baseline provided by FRA's Fundamental Rights Survey.

now do so. Those victims are expected to see their emotional harm reduced by 10% (or 15% / 20% depending on the scenario).



As the number of victims, and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 17. Example of calculation of Benefits of option I.2 for France

Benefits of Option I.1 plus

a) Reduction of emotional harm:

10% (or 15% or 20% depending on the scenario) of the sexual physical violence victims that currently do not report the crime will report it and will be referred to support services. 50% will attend support services (in line with data on the share of victims that report that attend support services in France) and will not experience 10% (15% or 20%) of the estimated emotional harms that victims without support are estimated to experience (around 25 thousand EUR).

b) Reduction of repeated victimisation and other crime:

10% (or 15% or 20% depending on the scenario) of the sexual physical violence victims that currently do not report the crime because of fear (6%) will report the crime to the police and therefore (in line with current data) benefit from protection orders and access to justice. This will lead to a reduction of the overall cost of repeated victimisation and crime related to this type of crime (around 23 million) by 0.08%-0.15%.

Option I.3 In addition to option I.1, set up a mechanism through which victims are proactively informed by victim support organisations

The type of benefits of this Option are similar to those described for Option I.2 however the number of victims that will benefit from the measure is expected to be smaller as the Option cover victims that report to the police and give consent to be contacted while in Option I.2 any victim can contact the helpline at any time.

Monetisation of the benefits

- As a result of the option, an estimated 10% (or 15% / 20% depending on the scenario) of victims who indicated not having contacted a support service, will now

do so. These victims are expected to see their emotional harm reduced by 10% (or 15% / 20% depending on the scenario).



As the number of victims, and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 18. Example of calculation of Benefits of option I.3 for France

Benefits of Option I.1 plus

a) Reduction of emotional harm:

10% (or 15% or 20% depending on the scenario) of the sexual physical violence victims that currently report the crime but are not attended by support services (about 50%) will attend those (in line with data on the share of victims that report that do not attend support services in France) and so will not experience 10% (15% or 20%) of the estimated emotional harms that victims without support experience (around 25 thousand euros)

b) Reduction of repeated victimisation and other crime:

10% (or 15% or 20% depending on the scenario) of the victims that attend the support services will decide to register their crimes. This will lead to a reduction of the overall cost of repeated victimisation and crime related to this type of crime (around 23 million) by 0.24%-1%.

2. Specific objective II: Better alignment of victims' protection measures with victims' needs

Option II.1 Ensure that individual assessments of victims' protection needs are carried out in a coordinated manner with the involvement of support organisations in the first contact with the victim.

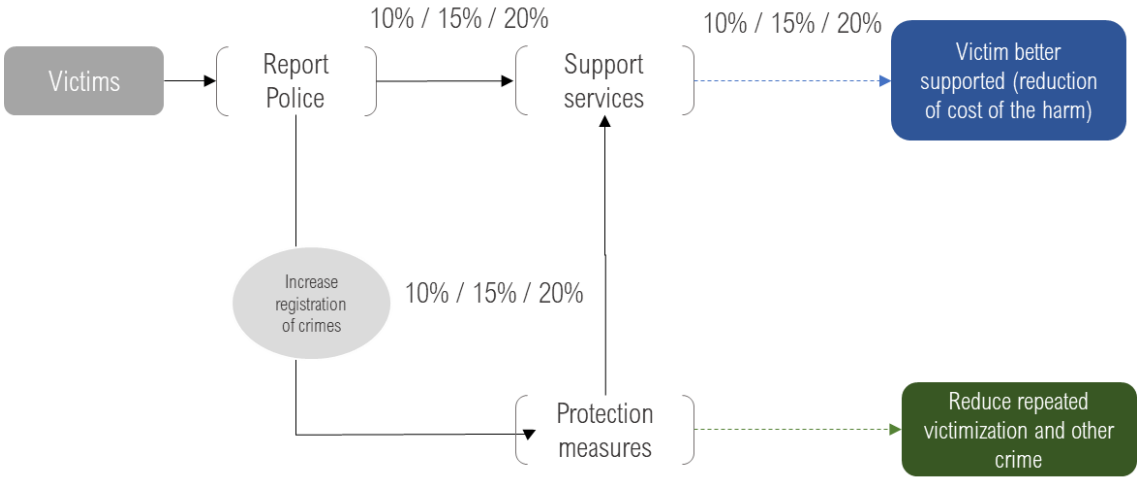
This measure could further reduce the possible harm and repeat victimisation of victims, assuming that on top of an initial assessment the proper follow up procedures will be activated.

Monetisation of the benefits

- As a result of the option, an estimated 10% (or 15% / 20% depending on the scenario) of victims that indicated not having contacted a support service but have reported an incident[256], will be better assessed and directed to the appropriate support services. These victims are expected to see their emotional harm reduced by 10% (or 15% / 20% depending on the scenario).

[256] Change from a baseline provided by FRA's Fundamental Rights Survey.

- In addition, 10% (or 15% / 20% depending on the scenario) of these victims are less likely to fall victim of repeated victimisation and more likely to access justice, which will lead to a reduction of the total costs of crime by the same proportion.



As the number of victims, and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 19. Example of calculation of Benefits of option II.1 for Portugal

a) Reduction of emotional harm for victims of physical violence (non-sexual):

10% (or 15% or 20% depending on the scenario) of the 2% of physical violence victims will be better assessed and protected, and so will not experience 10% (15% or 20%) of the estimated emotional harms that victims without support experience (around 4.8 thousand EUR).

b) Reduction of repeated victimisation and other crime for victims of physical violence:

As they are more protected the 10% (or 15% or 20% depending on the scenario) of the 2% of physical violence victims will not experience repeated victimisation (overall estimated to be 392 million).

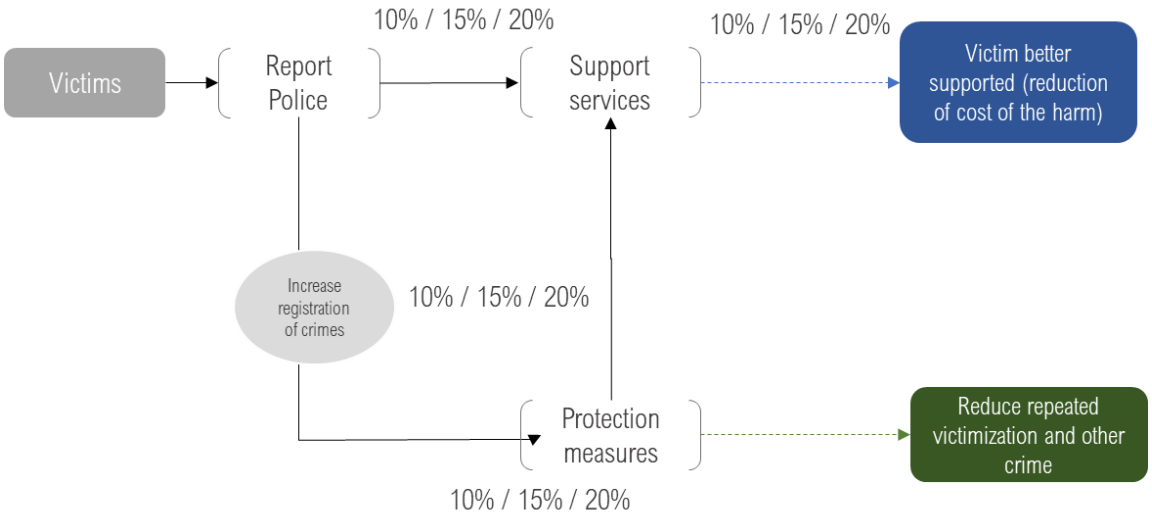
Option II.2 Enhanced individual assessment and adding victims' physical protection to protection measures

While the additional elements of Option II.2 compared to Option II.1 will bring significant benefits per victim, it will only be relevant for a small share of the total number of victims and therefore the total absolute additional benefits compared to Option II.1 are low.

- **Reduction in the cost of crime:** This measure could further reduce the possible harms and repeat victimisation of victims. As already indicated, the main benefit of this measure would be providing protection measures to victims other than violence against women victims, to which these measures are already available. Therefore, the main benefit will be to victims of crimes committed by organised crime groups, victims hate crime, other forms of violent crime, where the victim fears the perpetrator (threats, extortion). The overall costs of crime linked to these crimes are higher than other categories of crime, due to the possible health, long-term economic impact, or possible prevention of fatalities.

Monetisation of the benefits

- In addition to the benefits of Option II.1, as a result of the option, an estimated 10% (or 15% / 20% depending on the scenario) of victims who registered a crime will be better protected. Consequently, repeat victimisation and other crimes are expected to reduce. The total benefits were estimated by multiplying the proportion of additional protection orders by the total costs of crime (which were estimated using the data on the number of victims and the approach and unit costs from the Heeks study.[257]



As the number of victims, and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 20. Example of calculation of Benefits of option II.2 for Portugal

a) Reduction of repeated victimisation and other crime for victims of physical violence:

In addition to Option II.1, 10% (or 15% or 20% depending on the scenario) of the 2% of physical violence victims times the 0.28% that apply to POs will not experience repeated victimisation.

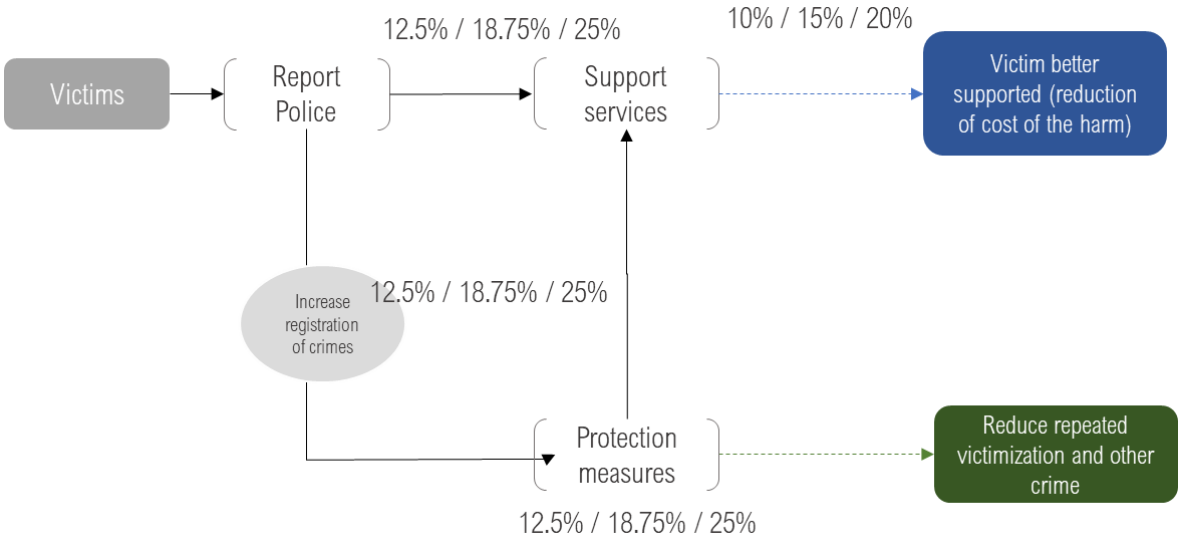
Option II.3: In addition to option II.2, minimum standards on constitutive elements and condition of application of the physical protection measures are established at national level.

While the type of benefits will be identical to Option II.2 the definition of standards will improve the effectiveness of the measures and amplify the expected benefits of Option II.2.

Monetisation of the benefits

- The additional measures in this option (compared to option II.2) are expected to increase the potential impact of the measures in option II.2 by 25%.

[257] Heeks, M., Reed, S., Tafsiri, M. and Prince, S., 2018. The economic and social costs of crime second edition. Home Office Research report. PPP was used to extrapolate the data to each Member State (Eurostat, s [PRC_PPP_IND$DEFAULTVIEW]).



As the number of victims, and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 21. Example of calculation of Benefits of option II.3 for Portugal

a) Reduction of emotional harm:

This measure will amplify the benefits described for Option I.1 by 25%.

b) Reduction of repeated victimisation and other crime:

This measure will amplify the benefits described for Option I.2 by 25%.

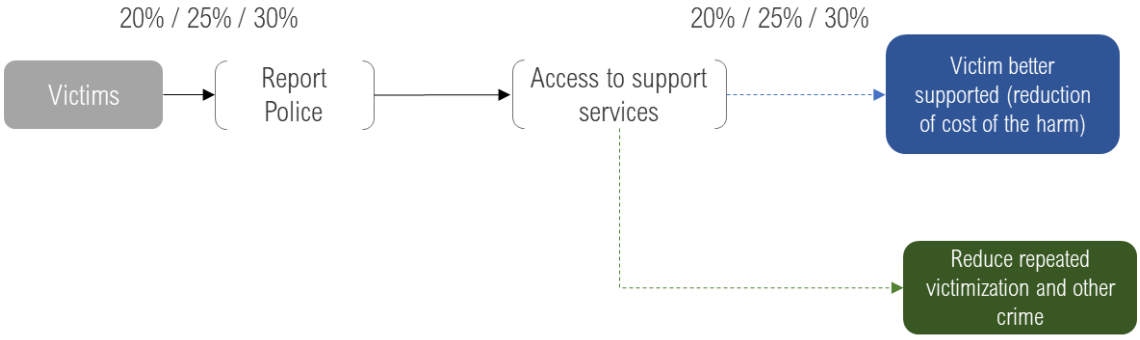
3. Specific objective III: Facilitated access to specialist support for vulnerable victims, including children

Option III.1 Ensure the availability of specialist support services for all child victims at the same premises in the form of the Barnahus model.

- The main benefit of this option will be reduced costs of the consequences of crimes, as well as increased prevention of repeat victimisation of vulnerable victims. Research in the UK has suggested that receiving assistance from victim support services, besides the helping the victim to deal with the psychological, physical, or social impacts from the crime, can increase levels of confidence and perceived effectiveness of the criminal justice process.
- Strengthening the right to life, the right to the integrity of the person, the right to liberty and security, and the right of respect for private and family life. Further affected rights would include the right to protection of personal data.

Monetisation of the benefits

- As a result of the option, an estimated 20% (or 25% / 30% depending on the scenario) of child victims that are poorly covered by support services will have more access to these services States in the form of the Barnahus model. It is assumed that a share[258] of these victims will therefore be supported by support services. This will lead to a reduction of their emotional harm by an estimated 20% (or 25% / 30% depending on the scenario). In addition, 20% (or 25 % / 30% depending on the scenario) of these victims are less likely to fall victim of repeat victimisation and are more likely to access justice, which will lead to a reduction of the total costs of crime by the same proportion.



As the number of victims, and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 22. Example of calculation of Benefits of option III.1 for Lithuania

a) Reduction of emotional harm:

Due to the measure, and considering the share of victims that are children and report crimes, between 0.5% and 3% (depending on the scenario) of children currently poorly covered by support services will receive the support they need and will have their emotional harms (around 3,600 EUR) reduced by 20% (25% or 30% depending on the scenario).

b) Reduction of repeated victimisation and other crime:

20% (25% or 30% depending on the scenario) of the children supported will not experience repeated victimisation.

Option III.2: Barnahus model for all children and psychological aid for those in need.

Compared to Option III.1, Option III.2 will further reduce harm of all vulnerable victims (not only children) and reduce repeat victimisation and other crime for those victims as well.

Monetisation of the benefits

[258] Similar to the share of victims that indicated in the FRA's Fundamental Rights Survey having had contact with support services. See e.g. FRA (2021), Crime, Safety and Victims' Rights – Fundamental Rights Survey.

- This option will bring additional benefits (in comparison to Option III.1) to all non-child vulnerable victims, in line with the assumptions presented for Option III.1 (but now applied to all vulnerable victims) as well as benefits equal to the fees of the psychological services that will be supported by the State due to this option (which otherwise would have to be supported by the victim).

As the number of victims, and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 23. Example of calculation of Benefits of option III.2 for Lithuania

a) Reduction of emotional harm:

Due to the measure, between 20% and 30% (depending on the scenario) of all vulnerable victims currently poorly covered by support services will receive the support they need and will have their emotional harms (around 3,600 EUR) reduced by 20% (25% or 30% depending on the scenario).

b) Reduction of repeated victimisation and other crime:

By providing support to these a vulnerable, the costs of crime towards vulnerable victims are expected to be reduced by 20% (25% or 30% depending on the scenario).

c) Psychological support fees: see description of the calculation of these fees in the section on costs.

Option III.3 Improve the availability of specific categories of support services at the same premises or through a central contact point in the form of the Barnahus model to all vulnerable victims. In addition, it includes a requirement to extend free psychological services to all victims.

In addition to the benefits described for III.2, Option III.3 will bring benefits to all non-vulnerable victims due to the provision of free psychological support.

Monetisation of the benefits

- This option will bring additional benefits (in comparison to Option III.2) to all non-vulnerable victims, equal to the fees of the psychological services that will be supported by the State due to this option (which otherwise would have to be supported by the victim).

As the number of victims, and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 24. Example of calculation of Benefits of option III.3 for Lithuania

a) Reduction of emotional harm: same as III.2.

b) Reduction of repeated victimisation and other crime: same as III.2.

c) Psychological support fees: see description of the calculation of these fees in the section on costs.

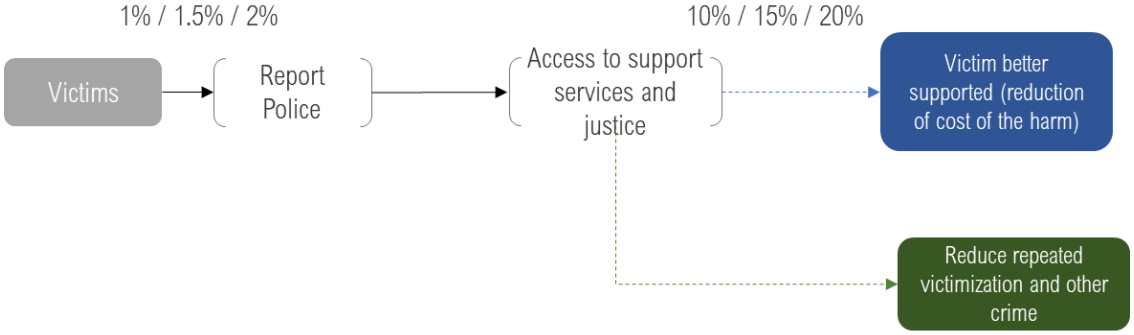
4. Specific objective IV: More effective participation in criminal proceedings for victims

Option IV.1 Victim rights to be accompanied by a person of choice during criminal proceeding and to challenge decisions that concern them directly.

Under this option, more victims are expected to receive retribution and compensation. However, this option will not have a direct impact on reducing the costs of crime, as the victim is presumably already involved in the criminal justice process; but it will strengthen the fundamental right of legal assistance, the right to an effective remedy, and the right to a fair trial.

Monetisation of the benefits

- As a result of the option, 1% (or 1.5% / 2% depending on the scenario) of victims will register crimes (compared to the baseline). This will lead to a reduction of their emotional harm (by 10%, 15% or 20%, depending on the scenario), as well as to a reduction of repeated victimisation and other crime (given that the offender may be convicted) by the same proportion.
- In addition, this option will also lead to benefits to victims equal to the fees of the legal/administrative services, that will be supported by the State due to this option (which otherwise would have to be supported by the victim).



As the number of victims, and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 25. Example of calculation of Benefits of option IV.1 for Romania

a) Reduction of emotional harm for physical violence:

Due to the measure about 1% (or 1.5% or 2%) of the 99% of the 270 thousand victims of physical violence that do not register crimes in Romania will register the crimes due to the option. Based on current statistics, of those about 29% will be attended by support services and have their harm (about 2700 EUR) reduced by 10% (15% or 20%, depending on the scenario).

b) Reduction of repeated victimisation and other crime:

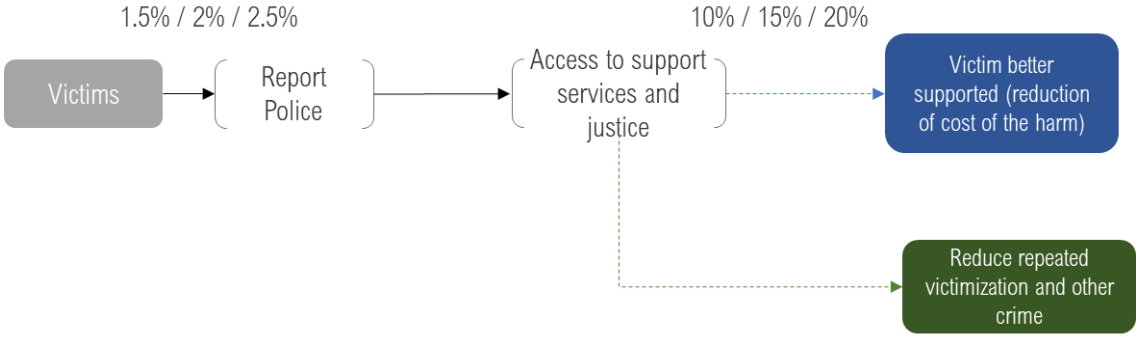
The total cost of non-reporting a crime of physical violence (99% of 1,313 million) will be reduced by 1% (or 1.5% or 2% depending on the scenario).

Option IV.2 In addition to options IV.1, create legal aid for certain victims depending on their level of income, when they wish to challenge decisions taken concerning their rights in the course of criminal proceedings.

The benefits will be similar to the benefits in Option IV.1 but higher as the victims will be entitled to legal aid to challenge the decisions.

Monetisation of the benefits

- As a result of the option, 1.5% (or 2% / 2.5% depending on the scenario) of victims will register crimes (compared to the baseline). This will lead to a reduction of their emotional harm (by 10%, 15% or 20%, depending on the scenario), as well as to a reduction of repeated victimisation and other crime (given that the offender may be convicted) by the same proportion.
- It will also bring additional benefits (compared to Option IV.1) equal to the legal aid fees when challenging decision (that will be supported by the State due to this option, and not by the victim).



As the number of victims, and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 26. Example of calculation of Benefits of option IV.2 for Romania

a) Reduction of emotional harm for physical violence:

Due to the measure about 1.5% (or 2% or 2.5%) of the 99% of the 270 thousand victims of physical violence that do not register crimes will register the crimes due to the option. Based on current statistics, of those about 29% will be attended by support services and have their harm (about 2700 EUR) reduced by 10% (15% or 20%, depending on the scenario).

b) Reduction of repeated victimisation and other crime:

The total cost of non-reporting a crime of physical violence (99% of 1,313 million) will be reduced by 1.5% (or 2% or 2.5% depending on the scenario).

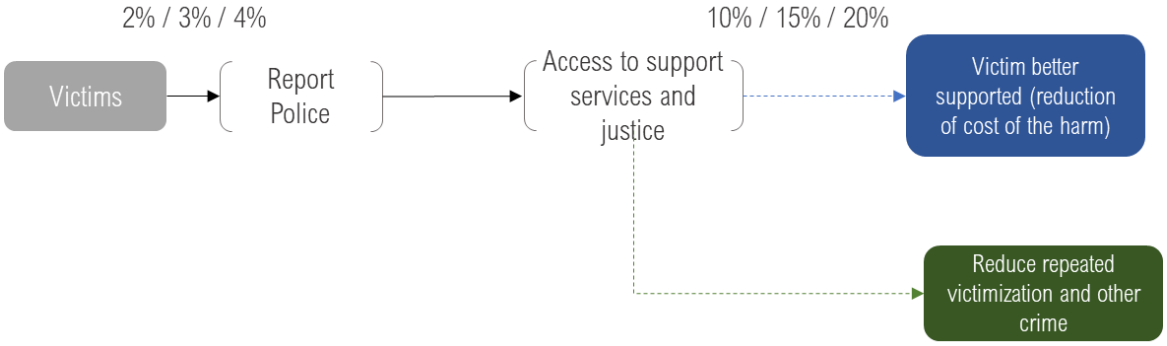
c) Legal assistance fees and legal aid: see description of the calculation of these fees in the section on costs.

Option IV.3 Ensure that victims in all cases have the possibility to participate as a formal party to the criminal proceedings so that they can enjoy the rights associated with such status, including access to the case file and access to legal aid.

This option will strengthen fundamental rights – as already indicated, since the option combines previous options, here the benefits for fundamental rights (fundamental right of legal assistance, the right to an effective remedy, and the right to a fair trial) are expected to be more significant than in Options IV.1-2

Monetisation of the benefits

- As a result of the option, 2% (or 3% / 4% depending on the scenario) of victims will register crimes (compared to the baseline). This will lead to a reduction of their emotional harm (by 10%, 15% or 20%, depending on the scenario), as well as to a reduction of repeated victimisation and other crime (given that the offender may be convicted) by the same proportion.
- This option will also lead to additional benefits (compared to Option IV.1) to victims equal to the legal aid fees, that will be supported by the State due to this option (and not by the victim).



As the number of victims, and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 27. Example of calculation of Benefits of option IV.3 for Romania

a) Reduction of emotional harm for physical violence:

Due to the measure about 2% (or 3% or 4%) of the 99% of the 270 thousand victims of physical violence that do not register crimes will register the crimes due to the option. Based on current statistics, of those about 29% will be attended by support services and have their harm (about 2700 EUR) reduced by 10% (15% or 20%, depending on the scenario).

b) Reduction of repeated victimisation and other crime:

The total cost of non-reporting a crime of physical violence (99% of 1,313 million) will be reduced by 2% (or 3% or 4% depending on the scenario).

c) Legal assistance fees and legal aid: see description of the calculation of these fees in the section on costs.

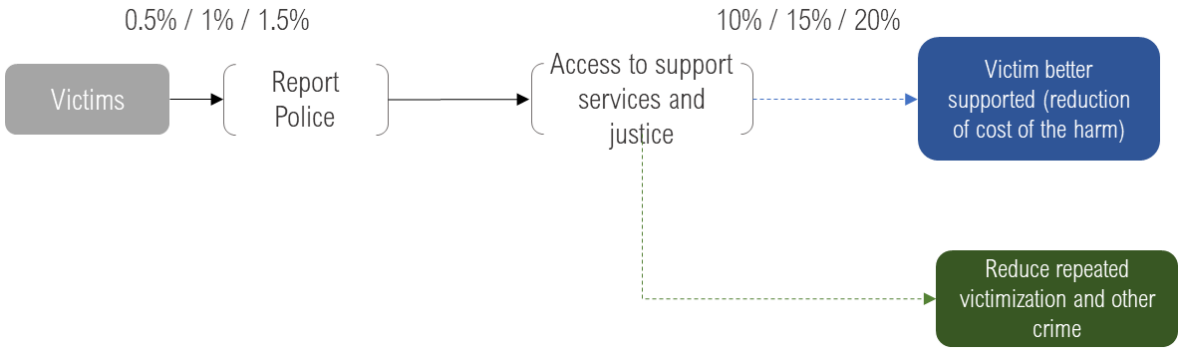
5. Specific objective V: Facilitated access to compensation from the offender

Option V.1 Provide for victims the right to receive a decision on compensation from the offender in the course of the criminal proceeding.

The main benefit of this option to victims would be increased access to victim compensation. In addition, this option will also lead to a reduction of civil proceedings related to compensation which brings benefits for the victims but also for the judicial system.

Monetisation of the benefits

- Under this option, 0.5% (or 1% / 1.5%, depending on the scenario) of victims will register crimes (compared to the baseline). This will lead to a reduction of their emotional harm of the victims (by 10%, 15% or 20%, depending on the scenario), as well as to a reduction of repeated victimisation and other crime (given that the offender may be convicted) by the same proportion.
- In addition, victims that had to start a civil proceeding to request compensation do not need to do it anymore and will save the costs of initiating civil proceedings.[259] This will also lead to costs savings to the judicial system. Those were however not monetised due to insufficient data on the share of costs non-recovered through court fees.



As the number of victims, and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 28. Example of calculation of Benefits of option V.1 for Greece

a) Reduction of emotional harm for physical violence:

Due to the measure, about 0.5% (or 1% or 1.5%) of the 98.5% of the 155 thousand victims of physical violence that do not register crimes will register the crimes due to the option. Based on current statistics for Greece, about 53% of those will be attended by support services and have their emotional harm (about 4654 EUR) reduced by 10% (15% or 20%, depending on the scenario).

b) Reduction of repeated victimisation and other crime:

The total cost of non-reporting a crime of physical violence (98.5% of 1,291 million) will be reduced by 1% (or 1.5% or 2% depending on the scenario).

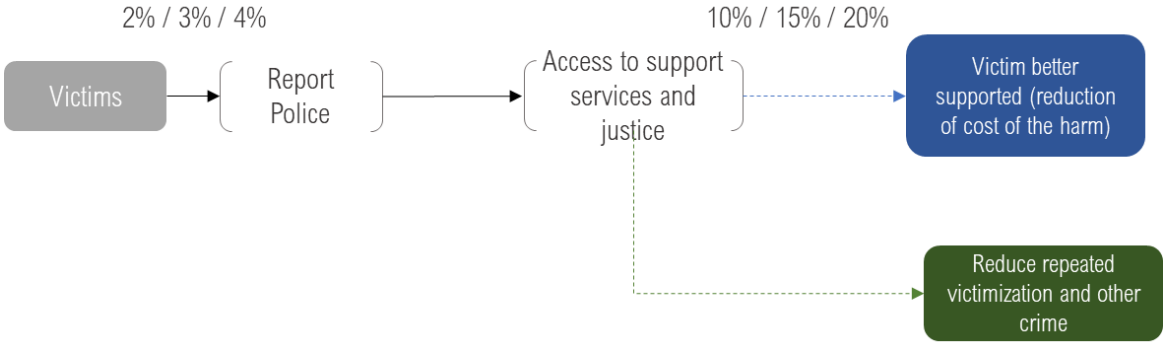
[259] The unit costs used to calculate the savings were assumed to be at a minimum the hourly costs of legal aid 50-100 euros. This is a very conservative estimate as the true cost of initiating a civil proceeding may be significantly higher.

Option V.2 Rights to decision on compensation in criminal proceeding and to receive offenders' compensation by the state, where state recuperates if from the offender later.

This option will bring significantly more benefits than Option V.1 as the victims will have access to victim compensation, even when the offender does not pay.

Monetisation of the benefits

- Under this option, 2% (or 3% / 4%, depending on the scenario) of victims will register crimes (compared to the baseline). This will lead to a reduction in the emotional harm of victims (by 10%, 15% or 20%, depending on the scenario), as well as to a reduction in repeated victimisation and other crime (given that the offender may be convicted) by the same proportion.
- This option will also lead to additional benefits (compared to Option V.1) for victims, equal to value of the compensation that offenders failed to pay and that will be covered by the State instead, in this option.



As the number of victims, and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 29. Example of calculation of Benefits of option V.2 for Greece

a) Reduction of emotional harm for physical violence:

Due to the measure about 2% (or 3% or 4%) of the 98.5% of the 155 thousand victims of physical violence that do not register crimes will register the crimes due to the option. So (based on current statistics) of those, about 53% will be attended by support services and have their harm (about 4654 euros) reduced by 10% (15% or 20%, depending on the scenario).

b) Reduction of repeated victimisation and other crime:

The total cost of non-reporting a crime of physical violence (98.5% of 1,291 million) will be reduced by 2% (or 3% or 4% depending on the scenario).

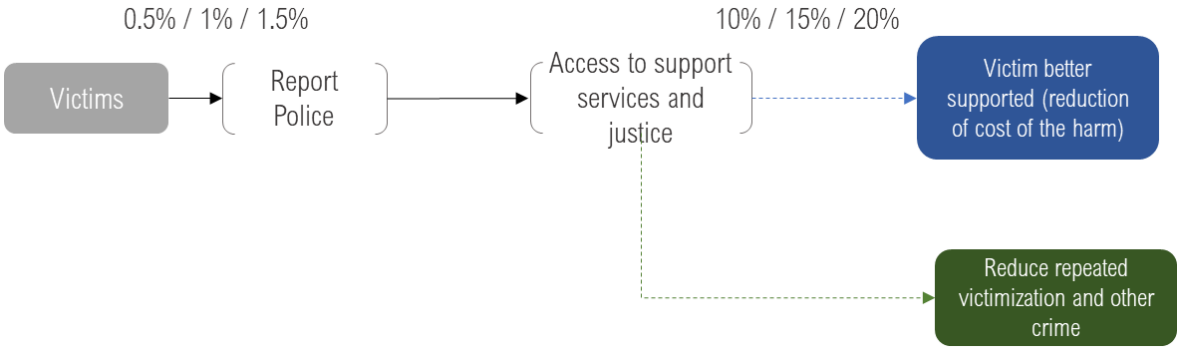
c) Compensation: see description of the calculation in the section on costs.

Option V.3 Impose minimum standards on the conditions on receiving state compensation by amending 2004 Compensation Directive.

The option will bring benefits related to access to compensation, however only to sub-set of the victims (theft and burglary). The impact on registration will be similar to those of Option V.I.

Monetisation of the benefits

- Under this option, 0.5% (or 1%/1.5%, depending on the scenario) of victims will register crimes (compared to the baseline). This will lead to a reduction of the emotional harm of victims (by 10%, 15% or 20%, depending on the scenario), as well as to a reduction in repeated victimisation and other crime (given that the offender may be convicted) by the same proportion.
- This option will also lead to additional benefits (compared to Option V.2) for victims of non-intentional serious offenses equal to the value of the compensation provided by the State.



As the number of victims, and compensation values vary across Member States, in the text box below we present an example of the calculation of the cost of the option for a randomly selected Member State.

Text Box 30. Example of calculation of Benefits of option V.3 for Greece

a) Reduction of emotional harm for physical violence:

Due to the measure about 0.5% (or 1% or 1.5%) of the 98.5% of the 155 thousand victims of physical violence that do not register crimes will register the crimes due to the option. About 53% of those will be attended by support services and have their harm (about 4654 EUR) reduced by 10% (15% or 20%, depending on the scenario).

b) Reduction of repeated victimisation and other crime:

The total cost of non-reporting a crime of physical violence (98.5% of 1,291 million) will be reduced by 0.5% (or 1% or 1.5% depending on the scenario).

c) Compensation: see description of the calculation in the section on costs.

3. SENSITIVITY ANALYSIS – RESULTS

The table below presents the total discounted costs and benefits for different time horizons (10 years and 15 years).

Total

Costs	Benefits

5 years	10 years	15 years	5 years	10 years	15 years
43	79	111	701	1,305	1,827
231	430	601	1,388	2,585	3,617
1,834	3,415	4,779	1,846	3,438	4,811
25	47	65	1,470	2,738	3,832
25	47	66	1,488	2,772	3,880
64	119	167	1,846	3,438	4,811
5	9	13	119	222	310
9,336	17,389	24,335	10,217	19,031	26,634
22,858	42,575	59,584	23,929	44,570	62,376
255	474	664	266	496	694
314	585	819	921	1,715	2,400
3,834	7,140	9,993	4,859	9,051	12,666
2,238	4,169	5,835	2,661	4,956	6,936
8,897	16,571	23,192	9,732	18,127	25,368
31,031	57,799	80,890	31,467	58,611	82,026

Per year

Costs			Benefits		
5 years	10 years	15 years	5 years	10 years	15 years
9	8	7	140	131	122
46	43	40	278	259	241
367	342	319	369	344	321
5	5	4	294	274	255
5	5	4	298	277	259
13	12	11	369	344	321
1	1	1	24	22	21
1,867	1,739	1,622	2,043	1,903	1,776

4,572	4,258	3,972	4,786	4,457	4,158
51	47	44	53	50	46
63	59	55	184	172	160
767	714	666	972	905	844
448	417	389	532	496	462
1,779	1,657	1,546	1,946	1,813	1,691
6,206	5,780	5,393	6,293	5,861	5,468

The various scenarios for the benefits were developed based on the feedback of experts considering their views on the relative impact of an option compared to its alternatives. The table below presents the variation on the annual benefits (emotional harm and reduction of crime) caused by changes in those scenarios as well as the cost-benefit ratio and the ranking of the options. As shown, the ranking of options remains unchanged for all the variations considered.

	Option I.1	Option I.2	Option I.3	Option II.1	Option II.2	Option II.3	Option III.1	Option III.2	Option III.3	Option IV.1	Option IV.2	Option IV.3	Option V.1	Option V.2	Option V.3
Variation															
-10%	-10%	-16%	-21%	-19%	-18%	-19%	-19%	-19%	-19%	-8%	-10%	-10%	-10%	-10%	-10%
-5%	-5%	-8%	-11%	-10%	-9%	-10%	-10%	-9%	-10%	-3%	-5%	-5%	-5%	-5%	-5%
5%	5%	8%	12%	10%	11%	10%	10%	11%	10%	8%	5%	5%	5%	5%	5%
10%	10%	17%	24%	21%	22%	21%	20%	21%	21%	13%	10%	10%	10%	10%	10%
Cost- benefit ratio															
Baseline	16.38	6.01	1.01	58.64	58.67	28.64	23.61	0.95	1.05	1.04	2.93	1.27	1.19	1.09	1.01
-10%	14.75	5.07	0.79	47.60	47.98	23.15	19.04	0.93	1.04	1.04	2.82	1.25	1.17	1.08	1.01
-5%	15.57	5.53	0.90	53.04	53.45	25.79	21.22	0.94	1.04	1.04	2.88	1.26	1.18	1.09	1.01
5%	17.20	6.51	1.13	64.79	65.30	31.51	25.92	0.96	1.05	1.04	2.99	1.28	1.20	1.10	1.01
10%	18.02	7.03	1.25	71.11	71.67	34.58	28.45	0.97	1.06	1.04	3.05	1.29	1.21	1.10	1.02
Ranking															
Baseline	1	2	3	2	1	3	1	3	2	3	1	2	1	2	3
-10%	1	2	3	2	1	3	1	3	2	3	1	2	1	2	3
-5%	1	2	3	2	1	3	1	3	2	3	1	2	1	2	3
5%	1	2	3	2	1	3	1	3	2	3	1	2	1	2	3
10%	1	2	3	2	1	3	1	3	2	3	1	2	1	2	3

ANNEX 5: COMPETITIVENESS CHECK

1. OVERVIEW OF IMPACTS ON COMPETITIVENESS

Dimensions of Competitiveness	Impact of the initiative (++ / + / 0 / - / -- / n.a.)	References to sub-sections of the main report or annexes
Cost and price competitiveness	0	Section 6.3
International competitiveness	0	Section 6.3
Capacity to innovate	0	Section 6.3
SME competitiveness	0	Section 6.3

2. SYNTHETIC ASSESSMENT

None of the options considered (including the preferred option and the no-change option) is expected to have any significant impact on competitiveness or on capacity to innovate.

ANNEX 6: MAPPING OF MEMBER STATES' BEST PRACTICES[260]

1. VICTIMS' RIGHT TO INFORMATION

Availability of coordination mechanisms in Member States

Regarding the setting up of coordination mechanisms between law enforcement, prosecution services, judicial authorities and support organisations, all Member States already have in place some form of coordination mechanisms. However, those are specific for certain categories of victims. Based on the conducted desk research, 25 out of 26 Member States have in place coordination mechanisms for victims of trafficking of human beings (THB). 1 Member State (SI) provides for a coordinator responsible for victims of trafficking of human beings but not for a proper coordination mechanism. In addition, 1 Member State (MT) established a coordination mechanism also for victims of sexual offence, child abuse and domestic violence and one other (BG) a coordination mechanism for children at risk of violence. The table below provides an overview.

MS	Coordination mechanism	Sources
AT	x (for THB victims)	https://www.austria.org/human-trafficking
BE	x (for THB victims)	https://pag-asa.be/medias/ressourcepublicationitem/33/file/eng/Fight%20against%20trafficking%20and%20smuggling%20in%20human%20beings.%20Policy%20and%20approach.pdf
BG	x (for THB victims, for child THB victims, for children at risk of violence)	https://www.icmpd.org/file/download/52271/file/NRM_assesment_report_Bulgaria_2017.pdf https://www.kidsprotect.eu/images/pdf/rykovodstvo%20koordinacionen%20mehanizam.pdf
CY	x	https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-

[260] ICF (2023), Study to support the impact assessment for the revision of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report

	(for THB victims)	trafficking/together-against-trafficking-human-beings/eu-countries/cyprus_en
CZ	x (for THB victims)	https://www.mvcr.cz/mvcren/article/czech-republic.aspx
DE	x (for THB victims)	https://rm.coe.int/cp-2020-10-germany/1680a09ae3
EE	x (for THB victims)	https://rm.coe.int/greta-2018-6-fgr-est-en/16808b292c
EL	x (for THB victims)	https://rm.coe.int/cp-2020-02-greece/16809eb4db
ES	x (for THB victims)	https://rm.coe.int/greta-2018-7-frg-esp-en/16808b51e0
FI	x (for THB victims)	https://rm.coe.int/report-concerning-the-implementation-of-the-council-of-europe-conventi/168094c77b
FR	x (for THB victims)	https://rm.coe.int/evaluation-report-france-third-evaluation-round/1680a5b6cb
HR	x (for THB victims)	https://rm.coe.int/report-on-the-implementation-of-the-council-of-europe-convention-on-ac/1680a09509
HU	x (for THB victims)	https://rm.coe.int/greta-evaluation-report-on-hungary-2nd-evaluation-round-/168098f118
IE	x (for THB victims)	https://rm.coe.int/reply-from-ireland-to-the-questionnaire-on-the-implementation-of-the-c/1680a4c35c
IT	x (for THB victims)	https://rm.coe.int/greta-2018-28-fgr-ita/168091f627
LT	x (for THB victims)	https://rm.coe.int/greta-2019-08-fgr-lithuania-en/1680950076
LU	x (for THB victims)	https://rm.coe.int/greta-2018-18-frg-lux-en/16808ee46c
LV	x	https://rm.coe.int/greta-implementation-

	(for THB victims)	report-third-evaluation-round-on-latvia/1680a59480
MT	x (for THB victims, for sexual offence victims, for child abuse victims and domestic violence victims)	https://rm.coe.int/greta-evaluation-report-on-malta-3rd-evaluation-round-/1680a47d84
NL	x (for THB victims)	https://rm.coe.int/greta-2018-19-fgr-nld-en/16808e70ca
PL	x (for THB victims)	https://rm.coe.int/report-concerning-the-implementation-of-the-council-of-europe-conventi/1680a538f3
PT	x (for THB victims)	https://rm.coe.int/greta-evaluation-report-on-portugal-3rd-evaluation-round/1680a6e00c
RO	x (for THB victims)	https://rm.coe.int/evaluation-report-on-the-implementation-of-the-council-of-europe-conve/1680a2b0f8
SE	x (for THB victims)	https://rm.coe.int/greta-2018-8-fgr-swe-en/16808b1cd7
SI	N/A (a coordinator responsible for THB victims but no mechanism)	https://rm.coe.int/greta-2017-38-fgr-svn-en/168078919e
SK	x (for THB victims)	https://rm.coe.int/greta-2020-05-fgr-svk-en/16809eb53d

Availability of helplines for victims

MS	Helplines for all victims[261]	Helplines for specific categories of victims	116016 number available
AT	**x**	**x**	**x**
BE		**x**	
BG		**x**	
CY		**x**	
CZ	**x**	**x**	**x**
DE	**x**	**x**	**x**
EE	**x**	**x**	**x**

[261] This includes 13 MS who use 116 006 and 3 MS who have the helpline for all victims but do not use 116 006. Nonetheless, for the purpose of this calculation, the 3 MS are considered as already having a helpline, as there is no additional cost related.

EL		**x**	
ES		**x**	
FI	**x**	**x**	**x**
FR	**x**	**x**	**x**
HR	**x**	**x**	**x**
HU	**x**	**x**	
IE	**x**	**x**	**x**
IT		**x**	
LT	**x**	**x**	**x**
LU		**x**	
LV	**x**	**x**	**x**
MT	**x**	**x**	
NL		**x**	**x**
PL		**x**	
PT	**x**	**x**	**x**
RO	**x**	**x**	
SE	**x**	**x**	**x**
SI		**x**	
SK	**x**	**x**	

SOURCE: FRA https://fra.europa.eu/en/content/helplines-victims (2014) and EIGE https://eige.europa.eu/sites/default/files/helplines_web_final_updated_14_05_20.png (May 2020)

Availability of mechanism through which victims are proactively informed by victim support organisations

Concerning the existence of mechanisms through which victims are proactively by victim support organisations, 5 Member States (AT, BG, DE, RO, SE) have partial mechanisms in place. In one State (AT), the Intervention Centre for Trafficked Women (LEFO-IBF) and the Victim Support Centre for Men Affected by Human Trafficking (MEN VIA) are mandated by the Ministry of Justice on the basis of section 66 of the Code of Criminal Procedure to legally advise and offer psychosocial support to victims during investigations and court proceedings[262], while in another State (DE) the Weisser Ring victim support organisation provides free of charge support to victims proactively[263]. In addition, between 4 Member States (BG, DE, RO, SE) a referral mechanism for crime victims in national and cross-border cases exists, which promotes methods and tools through which victims are informed about their rights[264]. No data were found on the remaining 21 Member States.

2. PROTECTION OF VICTIMS

Individual assessment of protection and support needs

[262]https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-countries/austria_en
[263] https://weisser-ring.de/english
[264]https://wp.flgr.bg/wp-content/uploads/2018/08/Referral_tool_BG.pdf; https://provictimsjustice.prorefugiu.org/

Policy option II.1 requires Member States to ensure that the individual assessment of victims' protection needs is improved by adding the following elements:

- assessment is carried out at the first contact with the competent authorities.
- with the involvement of support services, law enforcement and the judiciary.
- focuses also on the evaluation of the risks emanating from the perpetrator (such as alcohol abuse or possession of weapons);

and includes the assessment of individual needs for support.

Concerning the **timing of the assessment**, 11 Member States have measures in place to ensure the assessment is carried out at the first contact with the competent authorities.[265] 7 MS have some measures in place: most of them provides for the obligation for the competent authorities to conduct an individual needs assessment, but in practice it is rarely carried out,[266] or the law provides for a vague wording ("in a timely manner")[267] or it applies only to certain categories of victims.[268] 8 Member States do not have measures in place to ensure the individual needs assessment is carried out at the first contact with the competent authorities.[269]

Concerning the **involvement of support services, law enforcement and the judiciary**, 6 Member States have measures in place to ensure such involvement.[270] 7 MS have some measures in place.[271] 13 MS do not have in place measures to ensure the involvement of all relevant actors.[272]

About the inclusion in the needs assessment of an **evaluation of the risks emanating from the perpetrator**, 11 MS already take into consideration such risks in the individual needs assessment.[273] 4 MS include such assessment in certain cases, notably for crimes against children and domestic violence,[274] indirectly in assessing the victim's risk to repeated victimisation, intimidation, or retaliation,[275] or depending on the requested protection measure.[276]

Finally, regarding the assessment of individual needs for support, 7 Member States already assess the victim's needs for support when they assess the victim's protection needs.[277] 6 Member States

[265] AT, DE, FI, FR, HR, HU, IE, LT, NL, PL, SE.
[266] BE, ES, LU, MT, PT.
[267] CY.
[268] LV.
[269] BG, CZ, EE, EL, IT, RO, SI, SK.
[270] CY, EL, ES, HR, LT, NL.
[271] AT does not provide for specific guidelines or regulations for the assessment of specific protection needs. In BE the involvement of specialized actors depends on the assessment performed by the justice assistant assigned to the case. In DE the involvement varies from one Land to the other. FR provides for the involvement of support organisations only when the prosecutor deems it necessary. IT limits the involvement to law enforcement and the judiciary. In MT, informal mechanisms of cooperation with NGOs in cases of domestic violence and THB exist and the country is reviewing its mechanisms in order to improve the multidisciplinary approach. SK provides that authorities and support organisations shall perform a needs assessment, but it is unclear whether it is conducted in a coordinated manner.
[272] BG, CZ, EE, FI, HU, IE, LU, LV, PL, PT, RO, SE SI.
[273] AT, EE, ES, FR, HR, HU, IT, LT, PL, SE, SK.
[274] BE, CY.
[275] IE.
[276] RO.
[277] BE, EE, HU, IE, IT, NL, SE.

includes such assessment to a limited extent.[278] 13 Member States do not provide for the assessment of support needs[279].

	Assessment is carried out at the first contact with the competent authorities	With the involvement of support services, law enforcement and the judiciary.	Focuses also on the evaluation of the risks emanating from the perpetrator (such as alcohol abuse or possession of weapons)	Includes the assessment of individual needs for support
AT	X	Limited (No specific guideline or regulation for the assessment of specific protection needs; the assessment can be reviewed at a later stage)	X	
BE	Limited (protocols are in place but victim support workers have the impression that the assessment is not carried out in a structural way)	Limited (unstructured, depends on the assessment performed by the justice assistant assigned to the case)	Limited (crimes against children and domestic violence)	X
BG				
CY	Limited (only reference to conduct it in a timely manner)	X	Limited (crimes against children and domestic violence)	Limited (crimes against children and domestic violence)
CZ				
DE	X	Limited (may vary from one Land to another, e.g. in Lower Saxony, some prosecutor's offices host bureaus of victim support		Limited (psychosocial support can be provided but unclear when its need is assessed)

[278] CY assesses support needs only in case of crimes against children and domestic violence. DE provides for psychosocial support, but it is unclear when its need is assessed. In FR, the individual needs assessment mainly covers protection needs but may also extend to support needs. HR provides that, in the needs assessment, individual characteristics such as age, pregnancy, disability, communication difficulties or health status shall be taken into consideration. PT includes in the needs assessment elements such as the victim's age, health and disability, but it excludes other elements such as gender and gender identity or communication difficulties. In SI, the assessment of support needs depends on whether the social worker assigned to the case decides to rely on the multidisciplinary team providing additional services beyond protection measures.

[279] AT, BG, CZ, EL, ES, FI, LT, LU, LV, MT, PL, RO, SK.

		organisations)		
EE			X	X (indirectly, the purpose of an individual assessment is to guarantee necessary services in a timely manner for the victims who need it, as well as special measures and protection)
EL		X		
ES	Limited (practice may differ greatly from the theory)	X	X	
FI	X			
FR	X	Limited (victim support organizations are involved only if prosecutor considers it necessary and as a second step of the assessment)	X	Limited (individual needs assessment mainly covers protection needs but can extend also to other services needs)
HR	X	X	X	Limited (indirect, the needs assessment takes into consideration individual characteristics such as the age of the victim, possible pregnancy or recent birth, disability, communication difficulties (speech, reading or writing), health status, alcohol or narcotic addiction)
HU	X		X	X
IE	X		Limited (indirect, assessment covers evaluation of whether the victim is vulnerable to repeat victimisation, intimidation or retaliation)	X
IT		Limited (law enforcement and judiciary)	X	X
LT	X	X	X	
LU	Limited (practice may differ greatly from the			

	theory)			
LV	Limited (victims of certain crimes are automatically considered as vulnerable and in need of special protection)			
MT	Limited (practice may differ greatly from the theory)	In progress (discussions were ongoing on a multidisciplinary approach during the drafting of VOCIARE report. Informal mechanism of cooperation with NGOs in cases of domestic violence and victims of trafficking)		
NL	X	X		X
PL	X		X	
PT	Limited (practice may differ greatly from the theory)			Limited (elements such as victim's age, health status and disability. However, other possibly relevant characteristics, such as gender, gender identity or gender expression, residency status, communication difficulties and relationship with the offender, are left out)
RO			Limited (depends on the requested protection measure, e.g. in case of domestic violence)	
SE	X		X	X
SI				Limited (depends on whether the social worker assigned to the case decides to rely on the multidisciplinary team providing additional services beyond protection measures)

SK		Limited (authorities and support organisations are obliged to perform a needs assessment, but it is unclear whether it is conducted in a coordinated manner)	X	

Source: VOCIARE Reports

Protection orders

	Protection orders are available at national level for all crime victims	Specific provisions on shelters and interim accommodations are existent
AT	x (criminal law) Civil law POs only relate to domestic violence and stalking, while criminal law POs are primarily aimed at rehabilitating the offender/suspect rather than at protecting the victim.	x
BE	x (criminal law + civil law) Civil law POs are limited to restraining orders through preliminary injunctions and their violations does not lead to criminal charges. Criminal law POs can be adopted at all stages of the proceedings.	
BG	x (criminal law) Civil law protection orders only relate to domestic violence and divorce proceedings. Criminal law protection orders are usually adopted in the pre-trial phase as coercive measures, while post-trial orders mainly have a probationary purpose.	x for victims of trafficking in human beings
CY	Civil protection order can be requested in relation to divorce or dissolution of marriage proceedings. Within criminal law, protection orders can be issued when a suspect has been charged or sentenced for acts of domestic violence. These protection orders can then take the form of an additional or alternative measure to the sanction.	
CZ	x (criminal law + civil law) Protection orders within criminal proceedings are mainly temporary measures issued in the pre-trial stage while civil law allows for interlocutory orders for a period of 1 month.	x
DE	x (criminal law + civil law) Civil law POs represent the main form of POs, they can be issued at the request of the victim through an accelerated procedure. Criminal POs can also be imposed in criminal proceedings, as conditions to a suspended prison sentence and to an early release from prison. They can also be imposed as security measures.	X (partially)

	Protection orders are available at national level for all crime victims	Specific provisions on shelters and interim accommodations are existent
EE	x (criminal law + civil law) Civil law protection orders consist in measures for securing action or measures for the protection of individual rights. Criminal law POs may be imposed for the protection of the private life or other individual rights of a victim, as a means of securing criminal proceedings.	
EL	x (criminal law + civil law) Within civil law, Temporary Orders and Injunction Orders in cases of emergency 'if someone's personality is violated' in order to avoid future risk or danger. Within criminal law, protection orders can be found in the form of a condition to avoid pre-trial detention. Post-trial POs are rare. Dedicated POs exist both under criminal and civil law against specific crimes.	x
ES	- POs only exist in relation to domestic violence and gender-based violence.	x
FI	- Civil protection orders, in the form of civil injunctions, are used in practice in cases of domestic violence. Quasi-criminal protection orders are most commonly used in cases of domestic violence. These orders can be obtained through a separate (quasi-criminal) trajectory before the district courts, independent of criminal proceedings.	x
FR	x (criminal law) Civil POs can only be issued in cases of domestic violence involving only (former) spouses or registered partners. Criminal POs can be issued as a condition to suspension of pre-trial detention or as a condition to a suspended sentence, mainly as a form of sanctioning.	
HR	x (criminal law + civil law)	x
HU	x (criminal law) Criminal POs can be issued in the form of barring orders as a coercive measure, or as a criminal law behaviour rule that the perpetrator is obliged to observe as part of probation. Criminal POs are mainly used in	

	Protection orders are available at national level for all crime victims	Specific provisions on shelters and interim accommodations are existent
	the pre-trial phase. Civil law POs also exist and can be issued *ex officio* by the court or upon request of the victim or the victim's family, but it is limited to certain victims.	
IE	x (criminal law) Civil law POs are dedicated to domestic violence. Criminal POs can be requested by the police to limit movement and as a condition to suspension form pre-trial detention.	x
IT	x (criminal law) Civil law POs are dedicated to victims of domestic violence and stalking. Criminal law POs are normally attached to pre-trial measures. Post-trial POs are very scarcely used.	
LT	x (criminal law) Within civil law, protection orders can be issued as provisional measures pending the outcome of proceedings such as divorce and marriage dissolution. Criminal law POs can be issued in both the pre-trial and post-trial stage.	x
LU	x (civil law) Civil law POs may be in the form of general injunctions or specific against domestic violence. Criminal law POs only exist in relation to certain categories of crimes (domestic violence, assault and battery or trafficking of human beings).	x
LV	X (criminal law + civil law) Civil law POs were introduced in 2014 in the form of emergency POs and special civil procedures for victims seeking protection. Criminal POs exist but they can only be issued after an indictment (i.e., post-trial phase), normally as part of probationary measures or suspended sentence.	
MT	x (criminal law) Civil law POs can only be issued in separation proceedings when there is evidence of domestic violence. Criminal law POs can be issued during or after the proceeding.	
NL	x (criminal law) Civil law has only one possibility to impose a PO, namely via interlocutory proceedings, but it is very rarely use. Criminal law POs can be issued during all stages of the criminal procedure: both pre-trial,	x (domestic violence)

	Protection orders are available at national level for all crime victims	Specific provisions on shelters and interim accommodations are existent
	during trial and post-trial.	
PL	x (criminal law) Civil law POs can be issued in cases of divorce or separation. Criminal law POs are related to situation of threat or violence and impost almost exclusively within criminal proceedings.	x
PT	x (criminal law) Criminal law POs are generally imposed as coercive measures, but they can also be issued as conditions to suspended pre-trial detention, provisional suspension of proceedings, suspended sentence and conditional release. In cases of domestic violence, they may also represent an accessory penalty.	
RO	- Civil law POs are only possible in relation to domestic violence cases. Criminal law POs are only available in cases of acts of violence against family members.	
SE	x (criminal law) Civil law POs can be issued in relation to divorce or separation cases. Quasi-criminal POs exist and can be obtained through a quasi-criminal procedure with the aim of preventing crimes.	
SI	x (criminal law) Civil law POs are only possible in relation to domestic violence cases. Criminal law POs can be issued to protect victims of all sorts of crimes.	
SK	x (mainly civil law) Civil law POs can be issued via interlocutory proceedings and cease to be in effect if the victim does not file a petition to commence proceedings on the merit within the deadline. Criminal law POs may be issued in the post-trial phase as part of probationary supervision. Pre-trial POs do not exist.	x

Sources: DAPHNE (2015). Mapping the legislation and assessing the impact of Protection Orders in the European Member States

3. SUPPORT TO VICTIMS

Availability of specialist support services for all vulnerable victims through a central contact point or in the form of the Barnahus model and free psychological support for all victims in need

The new policy option has been divided into two parts: a first part on the existence and availability of specialist support services for victims (possibly in the form of the Barnahus model) and a second part on the availability of psychological services for victims.

With regard to the availability of specialist support services, all Member States have in place systems making specialist support services available to all victims. In 3 MS, such specialist support services depends on the crime.[280] 21 out of 26 MS also have in place specialist support services dedicated to all vulnerable victims.[281] 4 MS have in place specialist support services for only certain groups of vulnerable victims,[282] whereas for 1 MS no data were found.[283] Only 1 MS provides such specialist support in the form of the Barnahus model,[284] while 3 MS provides for a central contact point to coordinate different providers of specialist support.[285] In addition, 8 MS have in place Barnahus-like models of support, although dedicated to specific groups of victims.[286]

Concerning the availability of psychological services for all victims needing them free of charge, 12 Member States offer such services for all victims of crime.[287] 2 Member States attach additional conditions to the availability of such services free of charge.[288]

[280] EL, FR, HR.
[281] AT, BE, BG, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LV, MT, NL, PL, RO, SE, SI, SK.
[282] CY (women victim of domestic violence, child victims of sexual abuse, victims of THB), EL (women victim of violence, victims of torture, maltreatment and social exclusion, refugees), LT (women victim of THB, forced prostitution and domestic violence, child victims, refugees), LU (women in distress and/or victim of domestic violence, child victims).
[283] PT.
[284] ES (the Crime Victim Support Offices provide free, public multidisciplinary service to address victims' needs, they are run by the Ministry of Justice).
[285] CZ, DE, NL.
[286] DE (child victims), FI (victims of domestic violence), HR (child victims), IE (child victims), LV (child victims), SE (child victims), SI (child victims).
[287] BE, ES, FI, FR, HR, HU, IT, LV, PL, RO, SI, SK.
[288] BG (financial conditions), EL (free of charge for victims of VAW, child victims, and individuals, families and vulnerable groups that face acute psychosocial conditions or social exclusion, as well as in cases of natural disasters or accidents with mass casualties).

	Specialist support available	Specialist support available for all vulnerable victims	Specialist support services available for all vulnerable victims in the form of a central contact point or the Barnahus model	Good practices on Barnahus-like systems for specific groups of victims[289]	Free psychological support for all victims of crime
AT	x	x			
BE[290]	x	x			x
BG[291]	x	x			offered to victims of crime only if they meet the financial conditions and can demonstrate low income
CY	x	x (women victim of domestic violence, child victim of sexual abuse, victims of THB)			
CZ	x	x	Central contact point but not Barnahus		
DE	x	x	Central contact point but not Barnahus	child and youth hospital at the university clinic of Leipzig (children)	
EE	x	x			
EL[292]	x (sector-specific)	x (women victim of violence, victims of torture, maltreatment and social exclusion, refugees)			Free for victims of VAW, minor victims, and individuals, families and vulnerable groups, that face acute psychosocial conditions or social

[289] Norway: Barnahus November Project for adults (https://www.researchgate.net/publication/320447192_Barnahus_for_Adults_Reinterpreting_the_Barnahus_Model_to_Accommodate_Adult_Victims_of_Domestic_Violence); Daja Wenke, PROMISE Project, Enabling Child-sensitive Justice, 2020. Available at: https://www.barnahus.eu/en/wp-content/uploads/2020/09/PROMISE-Enabling-Child-Sensitive-Justice.pdf; Council of Europe, 'First Barnahus for child victims of sexual abuse launched in Slovenia', 2022. Available at: https://www.coe.int/fr/web/portal/-/first-barnahus-for-child-victims-of-sexual-abuse-launched-in-slovenia.

[290] https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-be.pdf

[291] https://bghelsinki.org/bg/news/uslugi-za-lica-postradali-ot-prestpleniya-pregled-i-ocenka-na-situaciyata-v-blgariya-prez-2014-g

[292]https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-el.pdf, http://www.ekka.org.gr/index.php/en/rolos-skopos-tou-ekka-en/apostoli-e-k-k-a-en

	Specialist support available	Specialist support available for all vulnerable victims	Specialist support services available for all vulnerable victims in the form of a central contact point or the Barnahus model	Good practices on Barnahus-like systems for specific groups of victims[289]	Free psychological support for all victims of crime
					exclusion, as well as in cases of natural disasters or accidents with mass casualties
ES[293]	x	x	x	Crime Victim Support Offices: free, public multidisciplinary service to address victims' needs, run by the Ministry of Justice	x
FI[294]	x	x		Shelters for victims of domestic violence	x
FR[295]	x (sector-specific)	x			x
HR[296]	x (sector-specific)	x		Zagreb Child and Youth Protection Center (children)	x
HU[297]	x	x			x
IE	x	x		Barnahus in Galway (children)	
IT[298]	x	x			x

[293]https://www.mjusticia.gob.es/es/Ciudadano/Victimas/Documents/Oficinas%20de%20Asistencia%20a%20las%20V%C3%ADctimas%20del%20Delito%20%28English%29.pdf, https://e-justice.europa.eu/171/EN/victims__rights__by_country?SPAIN&action=maximizeMS&clang=en&idSubpage=5&member=1

[294] https://www.riku.fi/en/victim-support-finland/; https://thl.fi/en/web/thlfi-en/services/special-government-services-in-social-welfare-and-health-care/shelters-for-victims-of-domestic-violence.

[295] https://e-justice.europa.eu/171/EN/victims__rights__by_country?FRANCE&action=maximizeMS&clang=en&idSubpage=9&member=1; https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-fr_0.pdf

[296] https://sudovi.hr/en/citizens/victims-rights

[297] https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-hu.pdf; http://fehergyuru.eu/en/activities/

[298] https://www.associazionelibra.com/en/victim-centre/

	Specialist support available	Specialist support available for all vulnerable victims	Specialist support services available for all vulnerable victims in the form of a central contact point or the Barnahus model	Good practices on Barnahus-like systems for specific groups of victims[289]	Free psychological support for all victims of crime
LT		x (women victim of THB, forced prostitution and domestic violence, child victims, refugees)			
LU[299]		x (women in distress and/or victim of domestic violence, child victims)		Foundation Centre Dardedze - crisis centre (children)	x
LV	x	x			
MT	x	x			
NL	x	x	Central contact point but not Barnahus	Child and Youth Trauma Centre (KJTC) (children)	
PL[300]	x	x			x
PT	x	Unclear			
RO[301]	x	x			x
SE[302]	x	x		Swedish Barnahus in Linköping (children) + 23 Barnahus (children) around the country	x
SI	x	x		Children's House in Ljubljana (children)	
SK[303]	x	x			x

[299] https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-lu.pdf, https://guichet.public.lu/en/organismes/organismes_citoyens/service-central-assistance-sociale.html

[300] https://www.polskieradio.pl/395/7789/Artykul/2684290,free-help-for-crime-victims-in-poland, https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-pl.pdf

[301] https://www.crj.ro/wp-content/uploads/2020/01/VICToRIIA_National-Report-Romania.pdf

[302] https://kvinnofridslinjen.se/en/about-us/; https://calio.org/wp-content/uploads/2019/01/Inuti-ett-barnahus_eng.pdf.

[303] https://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-sk.pdf, https://e-justice.europa.eu/171/EN/victims__rights__by_country?SLOVAKIA&action=maximizeMS&clang=en&idSubpage=4&member=1

Source: e-Justice portal. See also footnotes for each jurisdiction

Availability of support services in the form of the Barnahus model for all child victims

With regard to the availability of specialist support services in the form of the Barnahus model, data were found concerning 20 Member States. Out of those, 11 Member States already ensure such availability,[304] while 9 Member States ensure limited availability of specialist support services in the form of the Barnahus model.[305]

Regarding the existence of coordination at the national level of support services, law enforcement and judicial authorities, data were found concerning 8 Member States. 5 Member States have coordination mechanisms in place,[306] while 3 MS ensure some level of coordination among some of the abovementioned actors.[307]

Finally, about the provision of age-appropriate support and protection necessary to comprehensively address the needs, no data were found to assess the provision of such support in Member States.

	Limited availability of specialist support services in the form of Barnahus[308]	Availability of specialist support services in the form of Barnahus[309]	Limited coordination at national level of support services, law enforcement and judicial authorities	Coordination at national level of support services, law enforcement and judicial authorities
AT				
BE	x (only for some victims, i.e., child abuse, neglect or sexual abuse)			

[304] DE, FI, HU, IE, LU, LV (from January 2023), MT, PL, PT, RO, SE.
[305] BE only ensures it for children victim of child abuse, neglect or sexual abuse. BG provides for child-friendly interviewing facilities together with a wide range of services like shelter, emotional support, questioning and therapy. CY, ES, LT and SI limit it to victims of certain crimes. EE and NL provide for it only in certain areas. HR only provides for one centre not covering the full spectrum of services as under Barnahus.
[306] CY, FI, NL, SE, SK.
[307] BG, HR, LT.
[308] Annemieke Wolthuis, Anna Wróblewska, Jodi Mak, PROMISE Project, Report on the Stakeholder mapping, 2016. Available at: https://www.verwey-jonker.nl/wp-content/uploads/2020/07/promise-stakeholder-mapping-2.pdf.
[309] Susanna Johansson, Kari Stefansen, Elisiv K=bakketeig, Anna Kaldal, Collaborating against child abuse – Exploring the Nordic Barnahus model, Palgrave Macmillan, 2018. Available at: https://library.oapen.org/viewer/web/viewer.html?file=/bitstream/handle/20.500.12657/27917/1002082.pdf?sequence=1&isAllowed=y%20+%20https://www.barnahus.eu/en/wp-content/uploads/2020/09/LegalBriefing2020_FINAL.pdf.

	Limited availability of specialist support services in the form of Barnahus[308]	Availability of specialist support services in the form of Barnahus[309]	Limited coordination at national level of support services, law enforcement and judicial authorities	Coordination at national level of support services, law enforcement and judicial authorities
BG	x (child-friendly interviewing facilities in facilities with a wide range of services like shelter, emotional support, questioning and therapy)		Police services and social services	
CY	x (only for some victims)			police, social services, medical and mental health services
CZ				
DE		x (Children below 18 years that are victims of crimes directed towards the child's life, health, freedom or peace; honour-related crimes, female genital mutilation and children who are witnesses of violence; children who sexually abuse other children, when appropriate)		
EE	x (present in some urban spaces only)			
EL				
ES	x (only for some victims)			

	Limited availability of specialist support services in the form of Barnahus[308]	Availability of specialist support services in the form of Barnahus[309]	Limited coordination at national level of support services, law enforcement and judicial authorities	Coordination at national level of support services, law enforcement and judicial authorities
FI[310]		x (suspicion of physical and/or sexual abuse of children and adolescents under 18 years of age)		Build up interprofessional cooperation (police, prosecutor, forensic psychology units, child welfare, somatic and psychiatric medical care, schools, early childhood education and care, child health clinics). Develop coordination and content of support and treatment needed by children and families who have experienced violence; ensure child-friendly encounters and facilities for all children heard in a legal context.
FR				
HR	x (one center in Zagreb; not covering the full spectrum of services as under Barnahus)		Strong cooperation between institutions within the child protection system (which includes the nongovernmental sector). Weaker cooperation with justice system	
HU		x		
IE		x		
IT				
LT	x (only for some victims, i.e., sexual abuse and sexual exploitation)		coordinated inter-agency cooperation for the following services: psychological, social, legal and medical	
LU		x		
LV		x (from January 2023)		
MT		x		

[310] A. Kaldal (2020), Comparative review of legislation related to Barnahus in Nordic countries.

	Limited availability of specialist support services in the form of Barnahus[308]	Availability of specialist support services in the form of Barnahus[309]	Limited coordination at national level of support services, law enforcement and judicial authorities	Coordination at national level of support services, law enforcement and judicial authorities
NL	x (Barnahus-like Multidisciplinary Center on Child Maltreatment - not located in all provinces)			Inter-sectoral team, consisting of specialists in medical care (paediatrician), the judicial system (police officer, sometimes prosecutor), the childcare system (including safe at home workers, therapists and so on) and the adult and forensic psychiatry.
PL		x		
PT		x		
RO		x		
SE[311]		x (children below 18 years that are victims of crimes directed towards the child's life, health, freedom or peace; also honour-related crimes, female genital mutilation and children who are witnesses of violence; children who sexually abuse other children, when appropriate.)		Collaboration and coordination of specific parallel cases of criminal investigation and a child welfare investigation through consultation meetings and co-hearings of child investigative interviews. Inclusion of healthcare and forensic medicine in the organization varies.
SI[312]	x (only for some victims of crime)			
SK				National Coordination Centre for Resolving the Issues of Violence against Children - the Centre cooperates with ministries, regional and local self-government, non-governmental organisations, other institutions and experts in the field.

[311] A. Kaldal (2020), Comparative review of legislation related to Barnahus in Nordic countries.
[312] Council of Europe, 'First Barnahus for child victims of sexual abuse launched in Slovenia', 2022. Available at: https://www.coe.int/fr/web/portal/-/first-barnahus-for-child-victims-of-sexual-abuse-launched-in-slovenia.

4. ACCESS TO JUSTICE

Right for victims to be accompanied by a legal/administrative assistance throughout the criminal proceedings, irrespective of whether or not the victim is a formal party to the criminal proceedings, including assistance from a victims' support organisation

	A right to be accompanied by a legal/administrative assistance throughout the criminal proceedings exists for all victims of crime	Limitations to this right
AT	**x**	
BE	**x**	Bureaucratic procedures are indicated as an obstacle to the full enjoyment of the right.
BG		This right is restricted only to the victim's lawyer.
CY	**x**	
CZ	**x**	
DE	**x**	
EE	**x**	This right is restricted only to the victim's lawyer.
EL	**x**	
ES	**x**	
FI	**x**	
FR	**x**	
HR	**x**	
HU	**x**	
IE	**x**	Partially implemented right
IT		
LT	**x**	This right is restricted only to the victim's lawyer.
LU	**x**	This right is restricted only to the victim's lawyer. Bureaucratic procedures are indicated as an obstacle to the full enjoyment of the right.

	A right to be accompanied by a legal/administrative assistance throughout the criminal proceedings exists for all victims of crime	Limitations to this right
LV	**x**	
MT	**x**	
NL	**x**	
PL	**x**	This right is restricted only to the victim's lawyer.
PT	**x**	
RO		
SE	**x**	
SI	**x**	Only one person may accompany the victim, whether it is a lawyer or another person of trust. Bureaucratic procedures are indicated as an obstacle to the full enjoyment of the right.
SK	**x**	

Source: Vociare Report, Evaluation of the Victims' Rights Directive, Online survey conducted as part of the impact assessment

Right for victims to challenge decisions concerning their rights in the course of the criminal proceedings (legal remedies)

	Victims have adequate rights to challenge decisions concerning their rights in the course of the criminal proceedings (legal remedies).	Victims have less adequate rights to challenge decisions concerning their rights in the course of the criminal proceedings (legal remedies).	What is considered to be less adequate rights?
AT	**x**		
BE		**x**	No possibilities to review a decision not to prosecute of the crown prosecution + it is dependent on the victims' role as injured party.
BG	**x**		

	Victims have adequate rights to challenge decisions concerning their rights in the course of the criminal proceedings (legal remedies).	Victims have less adequate rights to challenge decisions concerning their rights in the course of the criminal proceedings (legal remedies).	What is considered to be less adequate rights?
CY			
CZ	x		
DE		x	The joint plaintiff cannot challenge the verdict with the aim of having a higher sentence or otherwise a different legal consequence imposed on the defendant. Against judicial decisions by which the victim is adversely affected in the course of the proceedings, there is in part the right of appeal under Art. 304 CCP (e.g.: if the court refuses to allow access to the file after the investigation has been completed or if the court rejects the application of a witness)
EE	x		
EL	x		
ES	x		
FI	x		
FR		x	A victim can join criminal proceedings as a civil party (not considered formal parties to criminal proceedings). This can occur at any stage during a judicial investigation or trial (up to the close of arguments). Because victims are not formal parties to criminal proceedings, they cannot appeal against the verdict or sentence.
HR	x		
HU		x	Time limits for filing the request for a review of a decision not to prosecute may be quite prohibitive.
IE		x	When the decision was carried out by an Irish public prosecutor, the review is carried out by another lawyer inside the same structure.
IT	x		
LT		x	Time limits for filing the request for a review of a decision not to prosecute may be quite prohibitive.

	Victims have adequate rights to challenge decisions concerning their rights in the course of the criminal proceedings (legal remedies).	Victims have less adequate rights to challenge decisions concerning their rights in the course of the criminal proceedings (legal remedies).	What is considered to be less adequate rights?
LU		x	Some decisions can be reviewed (e.g. decision to close the file), others cannot.
LV		x	Time limits for filing the request for a review of a decision not to prosecute may be quite prohibitive.
MT		x	It is only possible to challenge a decision not to prosecute through a procedure where one is able to complain about law enforcement, on the basis that the case was not handled in the proper manner.
NL		x	A victim can join criminal proceedings but are not considered as formal parties to the criminal proceedings and cannot appeal against the verdict or sentence. Nonetheless, victims that join criminal proceedings as injured parties can claim compensation.
PL	x		
PT	x		
RO		x	Time limits for filing the request for a review of a decision not to prosecute may be quite prohibitive.
SE		x	It is dependent on the victims' role as injured party.
SI			
SK		x	Time limits for filing the request for a review of a decision not to prosecute may be quite prohibitive. Victims cannot challenge decisions in criminal proceedings in respect of guilt of perpetrator.

Source: Vociare report, Online survey conducted as part of the impact assessment

Victim's possibility to participate as party to the criminal proceeding

	Possibility to participate as a formal party to criminal proceedings	No possibility to participate as a formal party to criminal proceedings	Rights that the victim has in line with its participation to the criminal proceedings
AT	**x**		You have the right to examine the files. Access may be denied or limited only if the inspection of files could endanger the investigation or influence your testimony as a witness.
BE	**x**		appeal if the court dismisses your claim for damages or if you consider that the compensation awarded is too small. A victim can opt for the status of injured person or constitute himself as a civil party.
BG	**x**		If you decide to participate as an additional private prosecutor (2) and/or civil claimant (1) you will have a number of additional rights: -to have a lawyer present (not obligatorily), generally at your own expense, unless you prove you cannot pay for his/her services; -to ask for the exclusion of any judge, the prosecutor, the lawyers or the registrar, the experts and the interpreters, if you have justified reasons to doubt their impartiality; -to present material evidence, call witnesses, request expert opinions, etc.; -to be present at inspections performed by the court; -to request the performance of new investigative actions; -to make statements, requests, remarks and objections, examine and cross-examine the defendant and the witnesses and object against the interview of specific witnesses; -to request the court to order the offender to cover your expenses if the case ends with a conviction; -to appeal against the decisions of the court, including the verdict and the penalty.
CY		**x**	
CZ	**x**		Victims and other aggrieved persons attend the criminal proceedings.
DE	**x**		The German Code of Criminal Procedure (CCP) indicates that victims of certain crimes, partially under further conditions are granted to join the proceedings as a private accessory prosecutor (also called: joint plaintiff), giving them special rights. Other Victims are not a formal party, but all victims are granted rights

	Possibility to participate as a formal party to criminal proceedings	No possibility to participate as a formal party to criminal proceedings	Rights that the victim has in line with its participation to the criminal proceedings
			in the criminal proceeding e.g. the right to inspect the files.
EE		**x**	You are entitled to examine the court files in the prosecutor's office after the preliminary investigation is completed or when the criminal proceedings are terminated. The prosecutor's office will inform you about this right and provide instructions on how you can examine the files.
EL		**x**	As a civil party, you are a party to the proceedings, with a number of rights. You can attend all court hearings, including hearings in camera, and you have access to all the documents in the case. You are allowed to speak before the court to present your claims and you can also comment after a witness has been examined or make submissions or provide explanations on any testimony given or evidence presented.
ES	**x**		access to the summary and the other case documents, and other rights, similar to those of the public prosecutor, including the following: -to request the collection of more evidence; -to propose new witnesses or experts who will support your case; -to propose confrontations, etc. Crime victims can also appear in the proceedings as private prosecutor before the indictment is prepared, i.e. before the start of the oral proceedings, except in the case of criminal proceedings against a minor.
FI	**x**		If you are a party to the proceedings, you have the same right to access court files as the accused. As a rule, you have the right to be informed about the content of trial documents, even those that are not in the public domain. All victims in all cases have the right to participate as a formal party to the criminal proceedings if they so wish. On the other hand, it is also possible to choose not to actively participate to the criminal proceedings.
FR		**x**	At the Criminal Court and the Police Court, you will not be able to access the files directly; you must first obtain the consent of the Prosecutor. However, if you are a civil party, you may consult them directly or through your lawyer as the case may be, or request a copy of them. At the Court of Assizes, you can obtain free copies of the police reports recording the offence, written witness statements and expert opinions and obtain copies of the other documents relating

	Possibility to participate as a formal party to criminal proceedings	No possibility to participate as a formal party to criminal proceedings	Rights that the victim has in line with its participation to the criminal proceedings
			to the proceedings.
HR	**x**		The victim and/or legal person against which a criminal offence was committed shall be entitled to register as an injured party with the police or the state attorney's office before the indictment is preferred and with the court before the trial ends. Victim as an injured party has the right: • to use his/her native language, including the sign language of the deaf and the deaf and blind and to the assistance of an interpreter if he/she does not speak or understand the Croatian language or a sign language translator or interpreter if he/she is deaf or deaf and blind; • submit a proposal for the realization of the property claim and temporary security measures, • to the proxy, • to draw attention to facts and produce evidence; • to be present at the evidentiary hearing; • to be present at the trial, take part in the submission of evidence and deliver a closing argument; • to examine the case file pursuant to Art. 184, paragraph 2, of this Act; • to request to be informed by the state attorney of the acts performed following his/her complaint (Art. 206a of this Act) and to file a complaint to the senior state attorney (Art. 206b of this Act); • to file an appeal; • request a return to the previous state of the case • to be informed of the outcome of the criminal proceeding.
HU	**x**		The victim is entitled to inspect the documents about the crime committed against him or her and receive copies at any time after the investigation is concluded. The court must ensure the right to inspect documents in such a way as to avoid unnecessary disclosure of data on privacy. However, the issuance of copies of documents may only be limited on grounds of human dignity, personality rights and right of reverence.

	Possibility to participate as a formal party to criminal proceedings	No possibility to participate as a formal party to criminal proceedings	Rights that the victim has in line with its participation to the criminal proceedings
IE		**x**	Ireland operates as a common law jurisdiction where a victim of a crime will be recognised as a victim rather than a party to the criminal proceedings.
IT	**x**		
LT			As a formally recognised victim, during the trial you can: -present evidence; -make requests, including requests for the collection of evidence and requests for the replacement of the judge or the public prosecutor if you doubt their impartiality; -appeal against the decisions of the public prosecutor or the judge if you believe they affect your rights or interests; -get acquainted with all the materials collected on the case; -make a final speech; and -appeal against the final decision of the court.
LU	**x**		A victim can become a civil party to the proceedings and thus be granted more rights.
LV			As a victim you have the following rights during the trial: -to receive information (by registered mail) about the time and place of the court hearing; -to receive information about the other participants in the trial (judge, public prosecutor, experts, etc.) and request their removal (e.g. if you believe they will not be objective and impartial); -to be present during the court hearings and express your opinion on the issues discussed, including the penalty to be imposed on the offender; -to ask questions of the witnesses and the experts and make comments on the evidence; -to check the documents in the case file and make copies; -to audiotape or videotape the court hearing with the permission of the judge and the other participants in the trial; -to check the court decisions and the transcripts of the hearings.
MT		**x**	
NL		**x**	From January 1, 2011, you have the right, both as a civil claimant and as a victim, to consult the case file, but this can be refused by the public prosecutor on certain important grounds, such as the interests of proper procedure. You can appeal to the court against such a refusal.

	Possibility to participate as a formal party to criminal proceedings	No possibility to participate as a formal party to criminal proceedings	Rights that the victim has in line with its participation to the criminal proceedings
PL	**x**		In the course of preparatory proceedings, victims may access files with the consent of the authority conducting the proceedings. In the course of court proceedings, victims may access files if they are acting as private prosecutor or auxiliary prosecutor. If the victim is not acting in that capacity, the files will be made available with the consent of the president of the court. The victim is a party to the pre-trial proceedings (Article 299 Â§1 of the Code of Criminal Procedure). In court proceedings he may be a party (an auxiliary prosecutor) if he so requests before the trial proceedings start (Article 53 and Article 54 Â§ 1 of the Code of Criminal Procedure).
PT			
RO		**x**	Yes, you or your counsel can consult the file. In order to do this, you need to go to the registry of the prosecutor's office or of the court which keeps your file and submit an application in this respect. However, the consultation of your file will be subject to specific rules, which will be communicated by the registry. You are entitled to receive information on the conditions and the procedure governing the admission to the witness protection programme.
SE	**x**		
SI			As a victim during the trial, you can: attend all court hearings, including the private ones (your presence at the court hearing is not obligatory, but if you choose not to attend you will lose your right to continue the proceedings in case the public prosecutor withdraws the charges); - examine the case file and the evidence collected so far (the judge may refuse to allow you to examine the case file before you are interviewed as a witness); -attend investigative actions taking place outside the court (e.g. inspection of the crime scene or reconstruction of the crime); -make comments on the presented evidence and submit new evidence; -ask questions (with the permission of the judge) to the defendant, the witnesses and the experts and comment on their statements; -request the collection of new evidence or the interrogation of

	Possibility to participate as a formal party to criminal proceedings	No possibility to participate as a formal party to criminal proceedings	Rights that the victim has in line with its participation to the criminal proceedings
			new witnesses and/or experts; -make a final speech after the public prosecutor ad before the defendant and his/her lawyer.
SK	**x**		At any stage of the criminal proceedings, you can decide whether to consult the file. The request to consult the case file should be made to the competent law enforcement authority. You can do this in writing or orally. In such a case, the competent authority is, in principle, obliged to grant the injured party's request by determining the place, date and hour of the injured party's procedural act. Of course, when dealing with files, all necessary steps must be taken to prevent the disclosure of classified information, business and banking secrets, etc. Victims can participate in the proceedings either as an "aggrieved party" with procedural rights such as reviewing documents, suggesting evidence or as a "witness".

Source: European Commission e-Justice portal: https://e-justice.europa.eu/171/EN/victims__rights__by_country, Online survey conducted as part of the impact assessment

Access to legal aid for victims of crime

	Legal aid for certain victims depending on their level of income	Partial legal aid for certain victims depending on their level of income	If partial, which victims?	Level of income?
AT	Legal aid is provided to all victims despite their economic situation.			
BE		x	A number of categories of persons in specific situations, such as minors or persons with a mental disability, are always entitled to free legal	For detailed legal advice, assistance and representation, you need to enlist the services of a lawyer. Depending on your

	Legal aid for certain victims depending on their level of income	Partial legal aid for certain victims depending on their level of income	If partial, which victims?	Level of income?
			representation.	income this may be wholly or partially free of charge. If your financial means are modest, under certain circumstances you can ask to be exempted from a number of procedural costs.
BG		x	Only if you are a victim (or heir/relative of a victim) of certain crimes (i.e., victims of terrorism, murder, premeditated grave bodily injury, sexual violence and rape that led to serious damage to health, human trafficking, any crime ordered or committed by an organised criminal group or any other serious intentional crime where the immediate consequences are death or serious bodily injury).	Free legal aid is provided in the form of legal counselling and legal representation. The latter is conditional on the victim's lack of funds and the discretion of the prosecutor/judge as to whether the interests of justice do require such representation.
CY		x	Legal aid for victims who initiated criminal proceedings is possible only for certain human rights violations (i.e., human trafficking, child sexual abuse).	
CZ		x	Particularly vulnerable victims may receive legal assistance in criminal proceedings free of charge. Other victims have the right to legal assistance for a fee.	Additionally, it may be provided free of charge or at a reduced price to a victim who has suffered severe harm due to an intentional criminal offence, or to the survivor of a victim who has died as a result of a criminal offence; these persons must demonstrate that they do not have sufficient funds.
DE		x	If the circumstances show that you may not be able to exercise your rights during the hearing, you may be assisted by a lawyer as a witness counsellor during the hearing at the State's expense. In reality, victims of certain crimes - the means-based test is very strict, meaning that only	If these conditions for the appointment of a lawyer are not met, you are, as a civil party, entitled to legal aid and can apply for it if your financial situation prevents you from covering the costs of the proceedings and you are unable

	Legal aid for certain victims depending on their level of income	Partial legal aid for certain victims depending on their level of income	If partial, which victims?	Level of income?
			a small number of applicants qualify for legal aid in practice.	or cannot reasonably be expected to defend your interests yourself.
EE		x	All victims who are minors whose interests are in conflict with those of their legal representatives are entitled to state legal aid free of charge.	If you do not have the means to hire a lawyer, you may make a request to the court for state legal aid.
EL		x	The victims of the following crimes are entitled to legal aid: torture or another offence against human dignity (Article 137(A) and (B) of the Criminal Code); discrimination or unequal treatment, an offence against life, personal freedom or sexual freedom; financial exploitation of sexual life; an offence against property or property rights; personal injury; or an offence related to marriage or the family.	If your annual family income is lower than two thirds of the annual minimum personal income defined in the National General Collective Labour Agreement, you will be provided with a lawyer free of charge, who will prepare and lodge a criminal complaint and represent you as a civil party at any stage of the proceedings.
ES		x	If you are a victim of a crime of gender-based violence, you do not need to first prove that your means are insufficient in order to obtain legal aid. If you are a victim of terrorism, you can also obtain legal aid. You can request legal aid in Spain if you are in one of the following situations, among others: (i) if you are a citizen of any EU Member State and you prove that your resources are insufficient; (ii) if you are a citizen of a third country and legally resident in Spain or with a right recognised in international agreements (e.g. agreements on international child abduction). In this case, you will be able to access legal aid in Spain under the same	You have the right to legal aid if your yearly income and income per family unit do not exceed: (i) twice the public index of income (indicador público de renta de efectos múltiples – IPREM) in force at the time of making the request, where the persons in question are not a part of any family unit. The IPREM is an index that is fixed annually and used to determine the amount of certain benefits or the threshold for accessing certain benefits, entitlements or public services; (ii) two and a half times the IPREM in force at the time of making the request, where the persons in question are part of

	Legal aid for certain victims depending on their level of income	Partial legal aid for certain victims depending on their level of income	If partial, which victims?	Level of income?
			conditions as EU citizens; and (iii) regardless of the existence of resources to institute legal proceedings, your right to legal aid will be recognised and this aid will be provided to you immediately if you are a victim of gender-based violence, terrorism or human trafficking in any proceedings that are linked to, derived from or a result of your status as a victim, or if you are a minor or have a learning disability or mental illness when you are the victim of situations of abuse or mistreatment.	any of the types of family unit with fewer than four members; and (iii) three times the IPREM where the family units in question are formed of four or more members.
FI		x	Only for individuals whose case is being heard in a national court or whose place of residence is an EU or EFTA State.	Low- and middle-income earners may have a possibility to be granted legal aid at the expense of the State. In that case, the fee of the legal counsel is paid either in part or in full by the State.
FR		x	The condition regarding level of income does not apply if you are the victim of a particularly serious crime (intentional attempt on your life, torture or acts of cruelty, act of terrorism, rape, etc.), if you benefit from the active solidarity income (RSA) or the solidarity allowance for the elderly and have no other sources of income, or if your situation appears particularly noteworthy in view of the subject of the dispute or the likely costs of the proceedings.	You can benefit from legal aid if you meet the following conditions: (i) you are a French national or a national of a Member State of the European Union or a State that has signed an international convention with France, or if you are normally resident in France and are in the country legally (this condition is not applied if you are a minor or a civil party); and (ii) your financial resources [1] do not exceed a maximum threshold, as determined by the Finance Act.
HR	x		Primary legal aid can be provided in any legal matter: if the applicant does not have sufficient knowledge and ability to exercise his / her right; if the applicant has not been provided with legal aid on the basis	

	Legal aid for certain victims depending on their level of income	Partial legal aid for certain victims depending on their level of income	If partial, which victims?	Level of income?
			of special regulations; if the submitted request is not obviously unfounded; if the material circumstances of the applicant are such that the payment of professional legal aid could jeopardize the livelihood of the applicant and members of the household. Secondary legal aid may be granted: if it is a more complex procedure; if the applicant does not have the capacity to represent himself; if the material circumstances of the applicant are such that the payment of the necessary professional legal assistance could jeopardize the livelihood of the applicant and members of the household; if it is not a reckless litigation; if in the last six months from the date of submission of the request the request of the applicant has not been rejected due to intentional provision of incorrect information; if the applicant is not provided with legal aid on the basis of special regulations.	
HU			You are entitled to such aid if you are considered in need in accordance with the provisions of the Act on Legal Aid, but the right to representation through a litigation friend is granted only to victims, private prosecutors, and other interested persons who are in need if, because of the intricacy of the case, their lack of legal expertise or other personal circumstances, they would not be able to effectively assert their procedural rights if they proceeded personally.	

	Legal aid for certain victims depending on their level of income	Partial legal aid for certain victims depending on their level of income	If partial, which victims?	Level of income?
IE		x	You may be entitled to State funded civil legal aid in certain circumstances. The Legal Aid Board provides legal advice and representation to persons primarily in civil matters, including to persons who are victims of domestic violence. If, however, in a criminal matter, the defence seeks to introduce the prior sexual history of the victim in the course of a criminal trial the Legal Aid Board will provide legal representation free of charge to victims of rape. The Legal Aid Board also provides legal advice free of charge to complainants in respect of rape and other forms of sexual assault.	
IT	x		Eligibility to access free legal aid is not available to Italian citizens alone, but also to foreign nationals, even if when they are subject to administrative expulsion proceedings, are not resident in Italy or are stateless persons living in Italy. All parties to the proceedings may apply for free legal aid, but if you are a victim of certain sexual offences the income limits stipulated by law will not apply.	You may also have access to State-funded legal aid if your income does not exceed the limit provided for by law. In order to be eligible for free legal aid, your income must not be greater than the maximum fixed in law, equivalent to EUR 11 369.24, taking account of an increase for every other person living with you of EUR 1 032.90.
LT		x	You can receive legal aid free of charge only if you have been formally recognised as a victim or you have filed a civil claim for damages.	If you are participating in the investigation as a victim, you have to present evidence that your income does not allow you to pay for legal services. If you are claiming damages from the offender as a civil claimant, legal aid free of charge is available irrespective of your income.

	Legal aid for certain victims depending on their level of income	Partial legal aid for certain victims depending on their level of income	If partial, which victims?	Level of income?
LU		x	Victims must fulfill the following requirements to obtain legal aid: (i) Luxembourg national; (ii) a foreign national authorised to settle in the country; (iii) a national of a Member State of the EU; (iv) a foreign national assimilated to a Luxembourg national in the matter of legal aid by virtue of an international treaty.	To ensure access to justice in the event that victims do not have sufficient resources, particularly in relation to the guaranteed minimum income, they have the right to receive full legal support free of charge for the defence of their interests. To determine financial resources, total gross income and wealth are taken into account, as well as the incomes of people living in the same household. In addition to the case of limited resources, victims can also receive legal aid if serious reasons related to their social, family or material situation justify eligibility.
LV		x	Legal aid free of charge is also available to people who are dependent on the State (e.g. elderly or ill people accommodated in social rehabilitation institutions, children without parents living in social care homes, etc.).	You can receive legal aid free of charge if you want to have a lawyer but because of your low income, specific status (e.g. person in need) or other exceptional circumstances (e.g. natural disaster) you cannot pay for the services of a lawyer.
MT				
NL		x	If you are a victim of a severe violent or sexual crime you could qualify for free legal aid.	The costs of legal aid are for your account: legal aid is only partly free of charge depending on your income.
PL	x			Victims may appoint their representative themselves or, if their financial situation does not allow them to do so, they may request a court-appointed representative.

	Legal aid for certain victims depending on their level of income	Partial legal aid for certain victims depending on their level of income	If partial, which victims?	Level of income?
PT		x	not sfficient means - all types of crime	
RO		x	Legal aid is limited to nationals or foreigners with legal residence (when the crime was committed abroad).	In certain cases, legal assistance during criminal proceedings may be provided free of charge: if the prosecutor or the judge deems that you are not able to take care of your own defence and you have no paid legal counsel; if you are a minor and have not yet acquired full legal capacity (by way of marriage or judicial decision); if requested, if you have been the victim of any of the following crimes: attempted murder and attempted aggravated murder, bodily injury, intentional crimes resulting in the victim's bodily injury (the Criminal Code defines the meaning of bodily injury), rape, sexual assault, sexual intercourse with a minor and sexual corruption of minors; if requested, if you are the spouse, parent or another person dependant on the victim who has died as a result of murder, aggravated murder or of another intentional crime; if requested, if you are the victim of crimes other than the aforementioned and if your monthly income determined per family member is no higher than the gross minimum national wage. The application for free legal assistance should be filed with the tribunal under whose jurisdiction you are residing.

	Legal aid for certain victims depending on their level of income	Partial legal aid for certain victims depending on their level of income	If partial, which victims?	Level of income?
SE		x	For some types of crime, victims are entitled to their own legal representation, free of charge: sex crimes and domestic violence, but also to other offences where there is a special need.	If you do not have any legal protection insurance and your case cannot be settled via the legal advice given, you may obtain legal aid subject to an assessment of your needs. The State will then pay part of the cost of your legal representation. You can also get help with the costs of travel, accommodation and presenting evidence, and with other expenses.
SI		x	You can apply for free legal aid if you are: a Slovenian citizen permanently residing in Slovenia; a foreigner permanently or temporarily residing in Slovenia; or a foreigner entitled to legal aid under international law (you can ask the police officer/public prosecutor if you fall under this category)	You can receive legal aid free of charge if you wish to have a lawyer but your financial situation does not allow you to pay for his/her services.
SK		x	Particularly vulnerable victims are entitled to specialised help which includes legal aid. Furthermore, if a victim is participating in criminal proceedings as an aggrieved party and does not have sufficient income, an attorney can be appointed by the court.	If you claim for compensation for the damage caused by the offender, you do not have sufficient resources to cover the expenses for a lawyer and this is necessary for the protection of your interests, you can apply for legal aid. It is provided by a lawyer and paid by the state.

Source: https://e-justice.europa.eu/171/EN/victims__rights__by_country; Online survey conducted as part of the impact assessment

5. ACCESS TO COMPENSATION

Victims' possibilities to apply for and receive compensation as part of the criminal proceedings

	Compensation decision = compulsory part of a criminal trial	Compensation decision sometimes/conditional upon compulsory part of a criminal trial	Compensation decision not compulsory part of a criminal trial	Further explanation
AT	x			According to Sec. 366 para. 2 CPC, if the defendant is convicted, a decision about any private law claims of the private parties has to be made in the judgement.
BE		x		Not in criminal proceedings in Flanders. In addition, the request for compensation is conditioned to the victims assuming an active role in the proceedings and is available for civil parties only.
BG			x	There is no obligation per se. The victim, if constituted as an injured party to the criminal proceedings, may claim compensation for pecuniary and non-pecuniary damage.
CY	x			
CZ		x		If the court sentences the defendant for a criminal offence, by which he caused another person material damage or other non-material harm, or who was unjustifiably enriched himself at the expense of the aggrieved person, it will impose upon them an obligation in the judgement to compensate in monetary terms the damage or non-material harm to the victim or to surrender any unjust enrichment, provided that the claim of the victim was asserted on time. The exception is if further evidence is necessary for such decision which would significantly delay the criminal proceedings. In this case the court will refer the aggrieved person to proceedings in civil matter or to proceedings before another competent authority.
DE	x			According to Art. 403 ff CCP there is a possibility for all victims to claim compensation from the offender within criminal proceedings.
EE	x			
EL			x	
ES		x		In general, if crime victims have taken part in the proceedings, victims will be entitled to be reimbursed for the expenses needed to exercise their rights and the legal costs that they have been

	Compensation decision = compulsory part of a criminal trial	Compensation decision sometimes/conditional upon compulsory part of a criminal trial	Compensation decision not compulsory part of a criminal trial	Further explanation
				incurred in preference to payment of the expenses that have been incurred for the State. To that end, the payment must be imposed in the sentence and, in addition, the accused must have been convicted, at the victims' request, for crimes for which the public prosecutor has not made an accusation, or have been convicted after the decision to close the case has been revoked due to an appeal which crime victims have lodged. The assistance and support services and, in particular, the Crime Victim Support Offices, will provide crime victims with information on the cases in which they may be reimbursed for legal expenses and, where appropriate, the procedure for claiming them.
FI	**x**			In connection with criminal proceedings, the victim is entitled to claim that the offender compensates for the damages they caused. The victim must state the damages and express their intention to claim compensation for them during the criminal investigation or at the court at the latest.
FR				
HR			**x**	Criminal procedure Act prescribes that the compensation decision of a criminal offense will be discussed at the proposal of the authorized persons in the criminal proceedings, if this would not significantly delay the proceedings.
HU		**x**		The request for compensation is conditioned to the victims assuming an active role in the proceedings.
IE	**x**			
IT[313] [314]		**x**		The request for compensation is conditioned to the victims assuming an active role in the proceedings.
LT	**x**			

[313] Problems regarding the enforcement of the compensation decision (taken within the criminal proceedings) forces victims to resort to a civil court

[314] Legal representation mandatory in all cases.

	Compensation decision = compulsory part of a criminal trial	Compensation decision sometimes/conditional upon compulsory part of a criminal trial	Compensation decision not compulsory part of a criminal trial	Further explanation
LU	**x**			
LV	**x**			
MT				
NL	**x**			
PL		**x**		(3) Article 39, item 5 of the Penal Code (hereinafter: CC), the legislator explicitly mentions among the penal measures, inter alia, the obligation to redress damage or compensation for harm suffered. This provision is supplemented by Article 46 of the CC which provides for the possibility of the court, at the request of the wronged party or another entitled person, to impose this very penal measure. The obligation to compensate for damage may be imposed by the court ex officio (in the event of conviction) and at the request of the victim. The injured party may submit the request to compensate for damage or harm suffered already at the stage of criminal proceedings. The court adjudicates on the obligation to redress damage or compensate for the harm suffered on the basis of civil law provisions. Pursuant to Article 46 of the Code of Criminal Procedure: Â§ 1. If convicted, the court may order, and at the request of the wronged party or other entitled person shall order, applying the provisions of civil law, an obligation to make good, in whole or in part, the damage caused by the offence or to compensate for the harm suffered; the provisions of civil law on the possibility of awarding an annuity shall not apply. Â§ 2. if ruling on the obligation specified in Â§ 1 is considerably difficult, the court may rule instead of this obligation a payment in the amount of up to PLN 200,000 in favour of the wronged party, and in the event of his death as a result of the offence committed by the convicted person, a payment in favour of the closest person whose life situation has significantly deteriorated as a result of the death of the wronged party. In the event that more than one such person is identified, compensation shall be

	Compensation decision = compulsory part of a criminal trial	Compensation decision sometimes/conditional upon compulsory part of a criminal trial	Compensation decision not compulsory part of a criminal trial	Further explanation
				awarded to each of them. Â§ (3) The award of compensation or reparation under Â§ 1 or of a payment in kind under Â§ 2 shall not prevent the unsatisfied part of the claim from being pursued in civil proceedings.
PT[315]	**x**			
RO[316]	**x**			
SE			**x**	Sweden uses the "Adhesion procedure" whereby the criminal case and the civil case run alongside each other, and the civil compensation claim will be raised and decided alongside the criminal case regarding the guilt of the accused. Also, the request for compensation is conditioned to the victims assuming an active role in the proceedings.
SI			**x**	Compensation claim can be made in criminal proceedings, however, it still remains, in its nature, a matter of civil law and a civil claim always remains an option
SK		**x**		In general, courts should decide on compensation in criminal proceedings. However, if establishing of the precise amount of compensation from perpetrator will unduly prolong criminal proceedings, victims will be referred to civil proceedings.

Source: Online survey conducted as part of the impact assessment

Possibility for the State to advance payment of compensation

[315] Legal representation is only mandatory when the total amount of the compensation sought is superior to EUR 5.000.

[316] Problems regarding the enforcement of the compensation decision (taken within the criminal proceedings) forces victims to resort to a civil court

	MS considers a revision of the national compensation schemes (NCS)	In criminal matters, the principle that the full compensation for the damage lies with the offender prevails and the national rules do not provide for maximum limits on the amount of compensation	Regarding compensation by the state, the state has set a maximum limit of the amount of compensation (which it must pay)	Immediate compensation possible even in the absence of criminal proceedings.	State pays an initial compensation to the victim and then recovers it from the offender.	Sources
AT	currently considering a revision of NCS	Yes Possibility of private participation (damage claimed by the injured party must be compensable under civil law). Immaterial damages are only compensable if this is exceptionally ordered by law. Extent of the damages or infringements has to be determined ex officio. No upper limit for the compensation claimed.	In general: no upper limit, but for specific compensations (e.g. compensation for loss of earnings or lump-sum compensation for pain), there is an upper limit	Upfront compensation is possible	Recuperating the upfront compensation from the offender is possible	https://rm.coe.int/1680745923
BE	parts of NCS currently under review: draft law to introduce an optional accelerated procedure for the General	Yes The damage is determined by evidence (medical certificates, reports, invoices for medical costs,	Yes. In BE, State compensation is operated by the Commission for financial aid for victims of deliberate acts of violence and occasional rescuers. Divided into 2	Yes. Victims can apply for upfront financial aid even if criminal proceedings ongoing. > referred to 'advance on financial aid' for	The BE State may recuperate the financial aid (granted by the Commission) from the offender and/or from insurance	https://rm.coe.int/1680745923

	Division of the Commission for financial aid	discharges, certificates of the employer or health insurance fund concerning the loss of income, etc.), also moral compensation (= the non-pecuniary damage) can be determined.	divisions (terrorism and general). Does not provide full compensation but limited financial support Aid capped at EUR 125,000 However: financial support from State is of last resort: victims should first seek compensation through insurance companies and/or perpetrators.	victims of terrorism, while > 'emergency aid' for victims of other deliberate acts of violence.	companies	
BG[317]	Reformed in 2017	Yes	Yes, maximum 5 113 EUR (corresponding to 10 000 BGN)	No, compensation by the State is only possible in case of: a guilty verdict, a prosecutorial or court instrument dismissing or discontinuing criminal proceedings	Yes, upon payment of financial compensation, the State must immediately file a recourse against the offender to recover the money paid	https://www.compensation.bg/sites/default/files/Crime_Victim_Assistance_and_Financial_Compensation_Act_0.pdf; https://www.compensation.bg/en/node/18
CY	COE called on CY to make THB victims' compensation effective (2020)	Yes	No, the law does not set a maximum amount for State compensation but only the categories of damage that can be covered	No, State compensation is possible only once the victim has attempted to recover the money from the offender (i.e. at the end of a criminal proceeding and enforcement action) or when the offender has not been identified.		http://www.familyviolence.gov.cy/upload/20220302/1646236377-05748.pdf; https://rm.coe.int/greta-2020-04-fgr-cyp-en/16809eb53f; https://fra.europa.eu/sites

[317] Compensation available for the following crimes: i) terrorism; premeditated murder; attempt to kill; intentional grievous bodily harm; fornication; rape; human trafficking; ii) crimes committed by order or in execution of a decision of an organised criminal group; iii) other serious intentional crimes, of which death or serious crime has occurred as a constituent consequence bodily injury.

				However, the victim shall submit the request for compensation within two years of the act.		/default/files/fra_uploads/country-study-victim-support-services-cy.pdf
CZ		Yes	Yes, victims can be granted up to EUR 8 102,47 (CZK 200 000); in addition, in case of death, total financial assistance granted to all survivors may not exceed EUR 2 4307,41 (CZK 600 000), and if there are more survivors, the assistance granted shall be proportionately reduced so as not to exceed the maximum amount of the financial assistance.	Not in principle but financial assistance can be provided if existing investigation of law enforcement authorities shows that there is no doubt that a crime has been committed and that legal conditions for the entitlement to financial assistance have been fulfilled.	Yes (and State can recuperate the financial aid provided upfront)	https://e-justice.europa.eu/491/EN/if_my_claim_is_to_be_considered_in_this_country?CZECH_REPUBLIC&member=1; https://rm.coe.int/1680745923
DE			No, the amount of the pension benefits to compensate for the consequences of health-related damage are calculated according to the extent of these consequences. The amount of the benefits to compensate for the consequences of economic damage are based on the economic disadvantages incurred.	Yes, competent authorities decide autonomously on claims for State compensation. It is not necessary to first seek compensation from the offender. However, advance payments are not possible pending the decision on the attribution of the State compensation. Payments to cover medical treatment may be made fore a decision has been taken on the compensation claim.		https://e-justice.europa.eu/491/EN/if_my_claim_is_to_be_considered_in_this_country?GERMANY&member=1

EE			Yes. The amount of the compensation is calculated on the basis of the average income per calendar day in case of partial or no work ability; the compensation covers 80% of the lost income. In case of death, the victim's average income per calendar day is multiplied by thirty. An addition 75%, 80% or 100% can be provided depending on the number of dependant persons. Compensation is paid as long as the entitled person qualifies for compensation or up to the limit of EUR 9,590	Yes, advance payment can be requested by persons in a difficult economic situation (up to 640 EUR)	Yes, when compensation is granted the right to claim is transferred to the Social Insurance Board that then raise the claim against the offender.	https://rm.coe.int/1680745923; https://e-justice.europa.eu/491/EN/if_my_claim_is_to_be_considered_in_this_country?ESTONIA&member=1#tocHeader6
EL			No	No		https://e-justice.europa.eu/491/EN/if_my_claim_is_to_be_considered_in_this_country?GREECE&member=1#tocHeader6
ES			Yes, it depends on the damage and is based on the public multiple purpose income index (IPREM). For temporary incapacity, it corresponds to twice the daily IPREM in monthly payments. In case of disabling injuries, it varies between 40 and 130	Yes, while criminal proceedings are ongoing, the legislation provides for the granting of interim aid to address the precarious financial situations of victims of crime or their beneficiaries. Interim aid may be		https://rm.coe.int/1680745923; https://e-justice.europa.eu/491/EN/if_my_claim_is_to_be_considered_in_this_country?SPAIN&member=1#tocHeader6

			monthly instalments. In case of death, the maximum aid is 120 monthly instalments of the IPREM. Lump sums can also be allocated: they vary between max 75 00 EUR (partial permanent incapacity) and 500 000 EUR (severe disability). Such amounts can be increased in certain exceptional cases.	applied for once the victim has reported the events to the competent authorities or when the criminal proceedings have been initiated by the competent bodies without the need for a report.		
FI			Yes		Yes	https://rm.coe.int/1680745923
FR		Yes	Yes, only for certain categories of crimes. There is no limit in case of serious personal injury. In case of slight personal injury and material damage the max amount is 4342 EUR depending on personal revenues. In the case of compensation by the Sarvi, the amount allocated to the victims corresponds to the one recognised by the judge in the ruling (100% if less than 1 000 EUR and 30% if above 1 000 EUR, additional amounts can be given depending on how much the Sarvi recovers from the offender)	Yes, the Civi allows to introduce a compensation claim within 3 years from the violent act, if there has been no proceeding	Yes, but only in the case of compensation to victims from the Service d'aide au recouvrement des victimes d'infraction (Sarvi). As a general rule, the victim should refer to the Commission d'indemnisation des victimes d'infractions (Civi).	Victime d'infraction : indemnisation par le fonds de garantie des victimes | Service-public.fr; https://www.service-public.fr/particuliers/vosdroits/F1744
HR		Yes	Yes	Yes, it is possible to ask compensation to	Yes, when the victim receives compensation	https://rm.coe.int/1680745923;

				the State and receive it before the conclusion of criminal proceedings. However, it is necessary to report the crime to the police to be able to claim compensation. No advance payment can be requested pending the decision on the compensation claim.	from the State, the State has the right to recourse against the offender.	https://e-justice.europa.eu/491/EN/if_my_claim_is_to_be_considered_in_this_country?CROATIA&member=1#tocHeader6
HU			Yes, the maximum amount corresponds to 15 times the minimum amount (in 2018, 113 164 HUF - 268,93 EUR) corresponding to 4 032,02 EUR (1 697 460 HUF) in 2018	No, criminal proceedings need to have been launched to allow the victim to claim compensation from the State	If the damage is recovered later on from another source, the advance must be paid back by the victim.	https://e-justice.europa.eu/491/EN/if_my_claim_is_to_be_considered_in_this_country?HUNGARY&member=1#tocHeader6
IE	Reforms of NCS introduced in April 2021 Work is underway	No limit to the amount of damages the High Court can award. But many cases involving a violent intentional crime may be prosecuted in the lower courts with restrictions on the amounts of compensation that can be awarded.	No. Currently no upper limits apply in the State's national criminal injuries compensation scheme - HOWEVER: setting limits is under discussion	Separate to criminal or civil proceedings, a victim of crime may also lodge an application with the Criminal Injuries Compensation Tribunal. IE national criminal injuries compensation scheme does not require that criminal legal proceedings have been taken by the State or that civil proceedings have been taken by the victim. However there is a requirement that	No Victim lodges an application with the national scheme separate to criminal proceedings. If criminal (or civil) proceedings are ongoing, typically the Tribunal waits to make a decision. To avoid double compensation, amounts paid to the victim as a result of a court order, where known, are deducted by the Tribunal from the award.	

				the crime of violence was reported to the police + where an applicant has received compensation from another source, they should inform the Tribunal and repay any money that amounts to double compensation.		
IT	The NCS has been recently reformed (Interministerial Decree of 23 January 2020 on state compensation to victims of violent crimes)	Yes	Yes (up to 60 000 EUR depending on the crime)	No, compensation is only possible after a criminal proceeding if the victim has obtained no compensation from the offender (even after the enforcement action) or in an amount inferior to the legal one		Vittime dei reati intenzionali violenti | Ministero dell'Interno; https://e-justice.europa.eu/494/IT/claiming_damages_from_the_offender?ITALY&member=1
LT	Reform ongoing in 2017-2018		Yes. In case of murder the maximum compensation for material damage may not exceed EUR 3 800 and the maximum compensation for non-material damage may not exceed EUR 4 560. In case of severe injury to health the maximum compensation for material damage may not exceed EUR 3 040 and the maximum compensation for non-material damage may not exceed EUR 3 800.	Yes, advance in compensation is possible in certain cases. Amounts received as compensation from damage from other sources will be deducted from the compensation.	Amounts received as compensation from damage from other sources will be deducted from the compensation.	

			In case of other violent crimes the maximum compensation for material damage may not exceed EUR 2 280 and the maximum compensation for non-material damage may not exceed EUR 3 040. If compensation for damage incurred due to a violent crime is paid in advance, the maximum amounts may not exceed half of the above amounts.			
LU			Yes (up to 63 000 EUR)			Demander l'indemnité à charge de l'État en tant que victime d'une infraction violente — Citoyens — Guichet.lu - Guide administratif - Luxembourg (public.lu)
LV	Under consideration (as declared in 2017, unclear what happened in the meanwhile)					
MT		Yes	Yes (up to 23 300 EUR)		Yes	https://rm.coe.int/1680745923; https://e-justice.europa.eu/491/EN

						/if_my_claim_is_to_be_considered_in_this_country?MALTA&member=1
NL	Yes. Various aspects of damage recovery after crimes are currently being reviewed	Yes	Yes (between 1 000 and 35 000 EUR)	Yes. Upfront compensation can be granted by the Dutch Compensation Fund, but only for intentionally committed violent crimes (so not for all crimes) that caused severe injury (physical or psychological).	YES and NO - If Court orders offender to pay compensation, the State (Central Judicial Collection Agency) collects this compensation from the offender for the victim. Victims of violent and sexual offences receive all compensation from the State 8 months after the judgment becomes final and the State recovers the costs from the offender afterwards. For other crimes a maximum of 5000 euro applies. If victim receives compensation from offender, the amount received by the Comp. Fund must be reimbursed. The Comp. Fund does not recover directly from the offender.	https://rm.coe.int/1680745923
PL	Yes, under discussion	Yes	Yes. State compensation may	Yes. Not necessary to initiate and	Yes. State can ask for	

			not exceed EUR 5,306 or EUR 12,739 if victim passed away.	conduct criminal proceedings	compensation recovery from the offender	
PT		Yes No set limits, however property or material damages must be proven and quantified. For moral damages: no set limits, it will depend on court assessment	Yes. EUR 34.680 per victim	Yes, in cases where victim is left in critical financial situation	Yes, State may claim the money back but offenders are not always able to pay back	https://rm.coe.int/1680745923
RO			Yes, financial compensation for material damage is granted within the limit of an amount equivalent to ten national gross minimum base salaries, as established for the year in which the victim presented the financial compensation claim.	Yes, advance payment from the compensation is possible, in case of precarious financial situation of the victim. The victim shall refund the advance payment if the compensation is refused or the offender is not insolvent or missing		https://e-justice.europa.eu/491/EN/if_my_claim_is_to_be_considered_in_this_country?ROMANIA&member=1
SE	Reformed in July 2022	Yes, no limit.	Yes (up to 457,28 EUR and 83 255,04 EUR depending on the crime) If lump sum = maximum of 20 times the price base amount (52 300 Skr in 2022) in force in the year in which the compensation is determined. If annuity: paid each year at a max of 3 times the price base amount in force at the time of	No, compensation can rarely be awarded before a police investigation and a judicial review is finished. However, to file a request for compensation, it is sufficient for the crime to have been reported. If the offender is unknown, there must have been an inquiry, such as a preliminary investigation,	Yes. The Swedish Crime Victim Authority compensates, if offender lacks the ability to pay and there is no insurance to cover the damage, which is then recovered from the offender when he or she regains the ability to pay.	Criminal damage compensation | Swedish Crime Victim Authority (brottsoffermyndigheten.se); https://www.brottsoffermyndigheten.se/referatsamling/skillnaden-mellan-ersattning-

			compensation. For violation: no limit	which confirms that you have been subjected to a criminal act. If the suspect has been identified, a conviction or a summary imposition of a fine is required in principle. .		for-personskada-och-for-krankning/; https://rm.coe.int/1680745923
SI	Under consideration (as declared in 2017, unclear what happened in the meanwhile)	Yes	Yes (up to 10 000 EUR for physical and mental pain and up to 20 000 EUR in case of death; for other types of damages different rules apply)	YES and NO In principle; compensation granted only after criminal proceedings and unsuccessful enforcement action. Exception: he State may grant compensation without waiting for the victim to first claim compensation from the offender when the offender is unknown and when the victim belongs to specially protected groups (children, victims of domestic violence, disabled people, citizens of another EU Member State)	Yes. After compensation is paid out to victims, claims are transferred to the Republic of Slovenia; State Attorney's Office then tries to recuperate the amounts from the offenders; but in most cases these procedures are only partly successful or unsuccessful.	https://rm.coe.int/1680745923; https://e-justice.europa.eu/491/EN/if_my_claim_is_to_be_considered_in_this_country?SLOVENIA&member=1; https://www.gov.si/teme/odskodnine-zrtvam-kaznivih-dejanj/
SK	has recently changed its legislation towards easier and more victim-friendly national compensation scheme	Yes	Yes (up to 10 or 50 times the minimum wage depending on the crime)	No, not possible to get emergency nor advanced compensation	Yes.	https://rm.coe.int/1680745923

Source: e-Justice portal, Network of national contact points on compensation

ANNEX 7: EVALUATION REPORT

Link to the Commission Staff Working Document Evaluation of 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, SWD/2022/0179 final

ANNEX 8: IMPACTS ON FUNDAMENTAL RIGHTS (AND ON RELATED SUSTAINABLE DEVELOPMENT GOALS)

- **Key Fundamental Rights questions:**

A - Does the option impact on any of the fundamental rights endorsed by the EU Charter of Fundamental Rights:

1 – Dignity (right to life, personal integrity, prohibition of torture, slavery, forced labour, the death penalty)
Yes, the set of measures in the preferred policy package are expected to have a direct impact on such absolute fundamental rights as the right to life/personal integrity, to not being subject to torture (whether physical or psychological, whether from offenders or from related criminal bands or from institutions due to help victims recover from a crime and to protect them from further criminal actions on the part of an offender or from secondary victimisation). Improved enforcement of protection measures (such as protection orders, provision of temporary or international protection) deemed necessary to protect a victim from further crimes against their personal integrity/life (including in cross-border cases) addresses an absolute fundamental right, and hence are deemed an absolute necessary (irrespective of the costs involved or their distribution among public and private stakeholders - including perpetrators).

2 – Freedoms (liberty, privacy, protection of personal data, marriage, thought, conscience, religion, expression, assembly, arts and sciences, education, conduct business, work, property and asylum)

o Does the option affect any of the individual's freedoms?

Yes, it improves one's freedom to report and complain against a crime and seek compensation, through more timely information at each stage in the proceedings, better access to justice (including actually benefiting from protection orders when deemed needed), to legal aid and to more coordinated support from/coordination between the various types of authorities involved and victim support organisations; it could have positive consequences as regards applicants and beneficiaries of international protection without prejudice to the EU acquis in the area of asylum .

o Does the option involve the processing of personal data and are the individual's right to access, rectification and objection guaranteed?

Yes, the preferred option is expected to contribute positively to this Fundamental Right, which is however relative, as the requirement for privacy is to be balanced with those of the needs of the institutions and other organisations supporting victims, as well as with those of the accused parties and of society at large.

o Does the option affect the freedom to conduct a business or impose additional requirements increasing the transaction costs for the economic operators concerned?

The proposed measures can only affect this freedom positively, in certain cases (e.g. avoiding revictimisations more effectively should in principle help victims to take up again their professional activities more rapidly/effectively; more effective justice systems can also help offenders recover more quickly from a sentence and reintegrate into society)

o Are property rights affected (land, movable property, tangible/intangible assets)? Is acquisition, sale or use of property rights limited?

The proposed measures might have some indirect positive effect on property rights, in certain cases (e.g. through swifter/more efficient justice including more effective victim support and compensation to victims, also favouring victims' ability to resume professional activities/conduct a business and hence not having to sell property for survival or to pay for judicial proceedings).

3 – Equality (equality before the law, non-discrimination on basis of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, cultural, religious and linguistic diversity, the rights of children and the elderly, integration of persons with disabilities).

o Does the option safeguard the principle of equality before the law and would it affect directly or indirectly the principle of non-discrimination, equal treatment, gender equality and equal opportunities for all?

Yes, as it would contribute to better enforcing justice (all victims' rights) in these fields. It would provide for equal access to information, protection, support, justice and compensation to all victims of crime, including the vulnerable victims.

o Does the option have (directly or indirectly) a different impact on women and men?

No, on the contrary: by extending to all citizens some of the victim protection measure proposed under the Violence against women/Domestic violence directive to other types of victims under the VRD review, this proposal reduces any related differences in treatment between men and women.

o Does the preferred option ensure respect for the rights of people with disabilities in conformity with the UN Convention on the rights of persons with disabilities?

Yes, the preferred package includes measures to reinforce the rights of vulnerable victims, including those with disabilities, i.a. by facilitating provision of information on their rights, helping these to be better enforced etc.

o Does the option affect the rights of the child (or group) and respect of the UN Convention on the rights of the child?

Yes, the preferred options would provide for better age-appropriate psychological support and physical protection services (children are by definition considered as vulnerable victims).

4 – Solidarity (right to fair working conditions, protection against unjustified dismissal, and access to health care, social and housing assistance)
Some positive impact (as regards more access by victims to more timely, relevant specialised health care and social support services).

5 – Citizens' Rights (to vote in European Parliament and local elections, to move freely within the EU, to good administration, to access documents and to petition the European Parliament)

The preferred policy package should have some direct and indirect impact on citizen's right to good administration and on their perception of it (which might in turn positively impact citizens' interest in elections, through increased trust in public administration in their country of residence and across the EU - when travelling/staying in other Member States).

6 – Justice (the right to an effective remedy, a fair trial, to the presumption of innocence, the principle of legality, non-retrospectivity and double jeopardy)

All options discussed within this impact assessment have also been assessed **in light of the rights of suspects and accused**, including the right to access justice, the right of defence and principles of legality and proportionality of criminal proceedings, presumption of innocence, the right not to be tried or punished twice in criminal proceedings for the same criminal offence as well as the EU rules on procedural rights of suspects and accused.

All options are coherent with the EU rules on procedural rights of suspects and accused and they do not negatively affect these rights.

As regards the preferred option, it will also help to better implement and enforce victims' right to an effective remedy (as previously documented).

o Does the option affect the individual's access to justice?

Yes, facilitating access to justice is among the key specific objectives of this VRD review, and policy measures clearly expected to deliver on this objective are included in the preferred options package. It should be noted that the various measures in this package are expected to reinforce each other, towards multiplicative rather than solely additive effects (though the specific level of synergy achieved could in no way be quantified).

B - Are the rights in question absolute rights, which may not be subject to limitations?

Yes as regards some of these rights:
Fundamental Rights listed under the label "Dignity" (assessed in the first paragraph above) are

absolute rights, which may not be subject to limitations and hence are not subject to cost/benefit considerations. This must be borne in mind when addressing One-in One-out considerations related to the VRD review.

C - Do the options have opposing impacts on different fundamental rights?

No, none of the policy measures in the preferred package of policy options have opposing impacts on the fundamental rights assessed.

Note that many of these rights are relative, in the sense that the rights of victims and those of suspects/perpetrators have to be balanced – as well as concerns related to the efficiency of administrations and impacts on society at large – as is clearly illustrated in area 2 above, and visible from the mere definition of the area 6 Justice related rights listed above.

- **Impacts on Sustainable Development Goals (SDGs):**

By facilitating equal access to information, protection, support, justice and compensation, the initiative will provide more equal opportunities for all victims to exercise their rights. This way it will significantly contribute to SDG no. 10 aiming at reducing inequalities (as also reflected above under FR category 3).

It is also likely to contribute to some extent to SDG no. 5 related to gender equality (e.g. by extending some of the victim protection measure proposed under the Violence against women/Domestic violence directive to other types of victims under the VRD review).

Also, with its overall goal to increase trust in institutions and services supporting victims in crime, the initiative will contribute to promoting the rule of law and ensure equal access to justice addressed by SDG no.16 Peace, justice and strong institutions (as further documented above under the Fundamental Rights categories 5 and 6).

Final and not least, some improvements would also be expected at least in the longer term as regards SDG no. 3 on good health and well-being (as suggested above under FR category 4) by a.o. better protecting victims (in particular vulnerable ones) and avoiding secondary victimisation that affect citizens at least psychologically (reducing their well-being, which in turn may have an effect on their health) and by some indirect effects helping to discourage crimes (through higher expected levels of crime reporting, legal pursuits and more largely enforced judgements, which should lower crime gains and related incentives).