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NOTE

From:	Presidency
To:	Delegations
Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA - Updated full draft compromise

Delegations will find below a full draft compromise proposed by the Presidency on the abovementioned file.

ANNEX

Following the meeting of JHA Counsellors on 19 September and the ITM held with the Parliament on 30 September, the Presidency proposes an updated version of the full draft directive.

The Presidency thanks delegation for their constructive positions expressed in the last meeting. At the JHA Counsellors meeting on 10 October, the Presidency will debrief delegations on the discussions held with the Parliament at the last ITM. In addition, the Presidency's intention is to discuss the updated draft directive.

The updated draft aims at reflecting the remaining concerns of the Parliament as well as those expressed by Member States, and finding compromise solutions to reach global compromise on the draft directive. Delegations will find explanatory notes throughout the document, explaining the state of play on the provisions and the proposed amendments to the text, as well as questions for Member States.

The Presidency invites delegations to indicate whether they could support the proposed compromise text and kindly requests delegations to focus their comments on remaining difficulties and red lines.

Changes compared to the latest version of the text (12778/25) are indicated in **bold underlined** or ~~strikethrough~~.

Following the JHA Counsellors meeting, the Presidency will engage in further technical discussions with the European Parliament on the basis of the mandate given by the Council. Two inter-institutional meetings are scheduled on 16 and 17 October.

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Presidency draft compromise

Article 3a

Victims' helpline

1. Member States shall take the necessary measures to establish easy to use, accessible, user friendly, secure, free of charge and confidential victims' helplines which:

   (a) provide victims with the information referred to in Article 4(1);

   (b) offer emotional support;

   (c) refer victims to relevant services, including general and specialist support services and/or specialist helplines if needed.

2. Member States shall ensure the provision of helplines referred to in paragraph 1 through a telephone helpline reachable via the EU harmonised number "116 006", which may operate in addition to any existing national numbers, and shall provide such services also through other secure and accessible information and communication technologies, including online applications and websites.

2a. Member States shall ensure that, in addition to the EU harmonised number referred to in paragraph 2 for domestic calls, the helplines shall be reachable via a dedicated number for international calls for victims who suffered harm in a country other than their country of residence. Such international calls are not required to be free of charge.

3. Member States shall ensure the availability of the services referred to in paragraphs 1 and 2 in the official language or languages of the Member States as determined by national law. Member States shall strive to ensure the provision of those services in at least one other language widely understood in the Member State.

3a. When the services referred to in paragraph 1(a) and (c) are provided through information and communication technologies, Member States shall ensure their availability in a language that victims can understand, such as through the use of translation and interpretation technologies.

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

4a. Member States shall take the necessary measures to ensure that helplines provide quality and accessible support to victims during adequate operating hours. Those helplines shall be operated by appropriately trained persons.

Recital

(4) In order to ensure comprehensive channels of communication taking into account the complexity of victims' needs in relation to their right to access information, all victims, independently of where in the EU and in what circumstances the crime took place, should be able to access victims' helplines by using the EU-wide 116 006 telephone. Member States can offer such services also through other secure and accessible information and communication technologies, including online applications and websites. Under such helplines, victims should be able to receive the information about their rights, emotional support **which can be understood as being an empathetic approach towards victims to make them feel accepted, safe and enable them to express themselves freely**, and be referred to the police or other services, including other specialist helplines – if needed. ~~The helplines can be operated by trained volunteers capable of providing emotional support which can be understood as being an empathetic approach towards victims to make them feel accepted, safe and enable them to express themselves freely.~~ Such helplines should also refer victims to other specialist helplines, referred to in Commission Decision 2007/116/EC, such as the harmonised number related to child helpline "116 111", missing children "116 000" and gender-based violence "116 116". The helplines should be available in the official language or languages, as determined by national law, of the Member State. In the case of telephone helplines where Member States are encouraged to ensure the provision of those services in at least one other **widely undertood** language ~~widely understood~~, it is up to the Member States to decide, based on objective criteria, which additional language to opt for. A language widely understood should be understood to include a language that is used in Member States besides the official language or languages and that the victim can be reasonably expected to understand. A language widely understood could, for example, include languages of **linguistic** minorities in a given Member State or languages of particularly vulnerable population as well as a language that is widely used internationally. **In the case of helplines provided through information and communication technologies,** Member states should provide the services referred to in paragraph 1(a) and 1(c) in a language that victims can understand through information and communication technologies, provided that this is at least possible through translation and interpretation technologies.

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Besides telephone, helplines should be accessible through information and communication technologies, ~~such as~~ websites **and online applications. Such services may also be provided through** ~~and real-time support via~~ chat-boxes. The centralisation of helplines through the EU harmonised number shall be done without prejudice to pre-existing helplines, including those run by non-governmental organisations.

When the information is provided on the website, it should include the information specified in Article 25a of this directive on communication about victims' rights. Such approach would streamline victims' access to information provided on the website and avoid a duplication of the websites containing information about victims' rights.[1]

Helplines should be operated securely, ensuring that information, and notably data, or information provided by the victim, is not exchanged in a way allowing access without proper authorisation. Without prejudice to national procedures, appropriate security measures should be implemented to prevent any unauthorised access by any party.

It is important that helplines are reachable not only through domestic calls under the harmonised number 116 006, but also via calls from another Member State, in particular for victims who suffered harm in a Member State other than their Member State of residence. This should be ensured e.g. by provision of additional number that can be called from another Member State to connect the victim with the helpline they need to reach in order to seek relevant assistance.

Member States should ensure that support provided by such helplines is without prejudice to the right of victims to receive information on their rights and on their case and to otherwise communicate with competent authorities and with other general or specialist victims' support services through appropriate communication and information technologies. The helplines should be operated by adequately trained persons, including volunteers, to ensure a high level of service and work in a victim-sensitive manner, in line with existing standards of quality support.

The helplines should operate under the general rules for victim support services and should be confidential, free of charge, in the interest of victims.

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1 The Commission pointed out a potential overlap between Article 3a and Article 25a, which both include obligations related to websites. The recital aims at clarifying the interlink between these articles.

Article 5a

Reporting of crime

1. Member States shall ensure that victims can report criminal offences to the competent authorities through accessible, easy-to-use, safe, and readily available channels. Reporting of criminal offences should also be available through free, accessible, easy-to-use, secure, and user-friendly information and communication technologies, in addition to in-person crime reporting methods. Member States may be able to restrict the availability and the effect of online reporting, provided that it is contrary to the interest of the victim to report online or where online reporting affects the proper and efficient handling of the report by the competent authority.[2]

   Such possibility shall include submission of evidence where feasible. Such possibilities shall be without prejudice to national procedural rules regarding formalisation of online reporting and submission of evidence.

Question As an alternative compromise, could Member States support a list of criminal offences for which online reporting should be available? If so, what offences could Member States agree to include? Some examples to consider include theft without violence/immediate danger, lost property and documents, (minor) vandalism, non-urgent threats or harassment, hate crimes, intimidation, bodily harm, identity theft, fraud/phishing, crimes in art. 14 VAW.

2. Member States shall take the necessary measures to facilitate reporting by any person who knows or suspects, in good faith, that criminal offences have been committed, or that acts of violence are to be expected, **including civil society organisation,** to report such acts to the competent authorities in accordance with national procedural rules.

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[2] The EP indicated that the "efficient handling of the report" would still not achieve the objective of setting minimum standards as regards online reporting. "Restrict the availability" is also, in the EP's view, a very wide concept, but it would understand if the scope of criminal offences that can be reported online is restricted.

2a. Member States shall take the necessary measures to facilitate third-party reporting **of criminal offences. Such third party-reporting shall be based on** ~~through~~ cooperation between competent authorities ~~with~~ **and** civil society organisations who are likely to receive information from victims with regard to criminal offences. ~~The victims' consent shall be obtained prior to third-party reporting.~~ **Third party reporting shall be without prejudice to national procedural rules regarding formalisation of reporting and submission of evidence.**[3]

2b. Where a person other than the victim is making a report of a criminal offence, Member States shall ensure that the competent authorities take adequate measures, as determined by the national law, for the victim's protection, where necessary, before the offender is informed about the reporting.[4]

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[3] The Presidency presented the following proposal to the EP, based on the latest discussions with delegations:
For the purpose of facilitating third-party reporting, Member States shall take the necessary measures to facilitate ~~third-party reporting through~~ cooperation between competent authorities ~~with~~ **and** civil society organisations who are likely to receive information from victims with regard to criminal offences. ~~The victims' consent shall be obtained prior to third-party reporting.~~ **Such cooperation shall be without prejudice to national procedural rules in respect of reporting.**
The EP was not satisfied with the proposal and proposed an alternative. The EP explained that it sees paragraph 2 being about reporting by third parties and paragraph 2a about third-party reporting. To support this argument, the EP referred to recital 63 of the current Victims' Rights Directive. The Presidency explained that the Council sees third-party reporting being addressed in paragraph 2, and made changes to paragraph 2a to address the EP's intention to facilitate cooperation and dialogue between competent authorities and civil society organisations.

[4] Provisionally agreed at the ITM on 30/09.

3. Member States shall ensure that any person who is deprived of liberty or whose liberty is restricted can effectively report a criminal offence committed in detention or accommodation facilities from where they are not permitted to leave or are not in a position to leave at will or places where their freedom of movement is restricted. Detention and accommodation facilities shall include at least jails, detention centres and holding cells for suspects and accused, specialised detention and accommodation facilities for illegally staying third-country nationals, including for the purpose of preparing return and removal and facilities for applicants and beneficiaries of international protection as well as any other form of public or private institution from which the victim is not permitted to leave or is not in a position to leave at will such as specialized accommodation centres for persons with disabilities, children and elderly people.[5]

4. Where children contact competent authorities to report criminal offences, Member States shall ensure that the reporting procedures are safe, are carried out in a confidential manner in accordance with national law, are designed and accessible in a child-friendly manner and use language in accordance with their age and maturity. ~~In a situation where the consent of the holder of parental responsibility to report a crime by a child victim is not required~~ **When the offence involves the holder of parental responsibility in a way that includes a conflict of interest between the child victim and the holder of parental responsibility**[6], **Member States shall ensure that the reporting is not conditional upon the consent of the holder of parental responsibility.** Member States shall ensure that the competent authorities take the necessary measures to protect the safety of the child before informing the holder of parental responsibility about the reporting.

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[5] Provisionally agreed at the ITM on 30/09.

[6] Co-legislator exchanged on the meaning of this provision in the ITM on 30/09. The intention behind the EP's mandate is to protect children when the offender is the holder of parental responsibility. This proposal reflects the intended meaning.

5. Member States shall take the necessary measures to ensure that victims who are third-country nationals, irrespective of their residence status, are not discouraged from reporting a criminal offence and are treated in a non-discriminatory manner. Member States shall in particular ensure that all victims, regardless of their residence status, are not prevented from exercising their rights according to this Directive, including their rights to be heard pursuant to Article 10 and to an individual assessment according to Article 22. Member States may, at any moment, decide to grant an autonomous residence permit or other authorisation offering a right to **stay to** a third-country national staying illegally on their territory in accordance with national law.[7]

5a. Member States shall ensure that at the moment of reporting a criminal offence, victims are informed that according to Article 21 paragraph 3 their personal data may be disclosed to the offender as part of exercising their rights of defence and provide an opportunity to the victim to express their views on such a possible disclosure.[8]

5b. Member States shall provide for safe and confidential reporting to the relevant authorities or bodies in accordance with national law, when criminal offences are the result of abuse of power.[9]

Recital

Criminal offences remaining unreported or underreported affect the entire Union and hampers the smooth functioning of the European area of freedom, security and justice. The process of crime reporting includes various steps, including making a complaint, where relevant/applicable, or competent authorities acting ex officio, where relevant/applicable, which are defined in the applicable procedural rules laid down in Member States' laws. That process should be made more effective in order to improve crime prevention and act as a deterrent to potential offenders. The Victims' Rights Directive should therefore be amended to facilitate reporting of a crime through better use of easily accessible, user friendly information and communication technologies.

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7 The EP is still analysing the wording of this provision.
8 Provisionally agreed at the ITM on 30/09.
9 The EP presented this new proposal at the ITM on 30/09.

Methods for reporting of criminal offences should be determined based on what best serves the interest of the victim, the proper and efficient handling of the report by the competent authority and the proper administration of justice. In-person crime reporting methods could, inter alia, be considered more appropriate in urgent cases, such as in case of an imminent threat, if immediate follow-up is needed, where evidence needs to be secured without delay, but also when a personal contact is necessary for an effective criminal investigation. Online reporting could, inter alia, be considered appropriate in some non-urgent and less complicated cases.

Member States should~~, without prejudice to national procedural rules,~~ facilitate third-party reporting. Third-party reporting **presents an alternative to reporting directly to the competent authorities and** allows ~~any person to report a criminal offence in good faith~~ **victims to inform, in good faith, an appropriately trained party, such as a civil society organisation or a non-governmental organisation, about a criminal offence**. ~~Third party reporting can also, with the consent of the victim, be done by non-governmental organisations, who are contacted by victims, family members or witnesses.~~ **The third-party then informs, with the consent of the victim where feasible, the competent authorities.** ~~Third-party reporting addresses the problem of underreporting of crimes~~. Third-party reporting **can** facilitate~~s~~ victims' access to justice, in particular **circumstances, such as** when they fear repercussions. **It also helps to address the problem of underreporting of crimes. Member States can support and facilitate third-party reporting by promoting closer cooperation and dialogue between competent authorities and civil society organisations who are likely to receive information from victims with regard to criminal offences. This can enable authorities to gain an accurante understanding of incidence of crime at local or societal level.** Third-party reporting is **without prejudice to national procedural rules regarding formalisation of reporting and submission of evidence, and is** distinct from third parties representing victims in criminal proceedings**.** ~~and~~ **It** is **also** without prejudice to applicable rules in Member States regarding the procedure necessary for a competent authority to decide whether to formally launch an investigation in a given case.

~~In addition, third party reporting by non-governmental organisations can facilitate victims' access to justice, in particular when they fear repercussions. Member States can support and facilitate third party reporting, by promoting cooperation and dialogue between competent authorities and civil society organisations who are likely to receive information from victims with regard to criminal~~

~~offences. This can enable authorities to gain an accurate understanding of incidence of crime at local or societal level.~~[10]

Member States should ensure that crime reporting for persons whose liberty is restricted includes mental health and social care institutions, orphanages and retirement homes and any other form of public or private custodial setting under control of any judicial, administrative or other public authorities or any private institution from which the victim is not permitted to leave at will.

In all Member States more effective ways should be developed for reaching victims of crimes that go unreported. The scale of the problem of unreported crime is by nature difficult to assess but is likely to be considerable, especially in relation to certain types of crime, such as domestic violence, and in relation to categories of victims, especially the most vulnerable ones. In order to address the issue of underreporting, Member States should be encouraged to exchange best practices and consider innovative measures to increase reporting of crimes. In this regard, some Member States implement a policy based on the approach 'free in, free out' which allows persons to report a crime to competent authorities irrespective of their residence status or without fearing any possible repercussions in case their irregular status is disclosed.

Measures taken for the victims' protection before the offender is informed about the reporting of a criminal offence should be without prejudice to Article 3, Article 6 and recital 28 of Directive 2012/13/EU.

Competent authorities should take the general principles of EU data protection law into account, in particular, that personal data should not be processed for a purpose other than for which it has been collected, unless a legal basis exists under national or Union law and where the processing for such other purpose is necessary and proportionate in a democratic society. Depending on the purpose of the processing, competent authorities should apply the appropriate data protection instrument/framework, including where personal data are transmitted between different authorities. ~~In any event, the processing for such other purpose should only be allowed after the completion of the first individual assessment of the victim.~~

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10 The EP has proposed amendments to this recital on third party reporting previously drafted by the Presidency.

Article 6 (agreed)

1. (c) on the decision to prosecute the offender;

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

(e) on victim's role in criminal proceedings in accordance with national rules, including, where applicable, on the possibilities of becoming a party therein;

(f) on applicable rules concerning claiming and obtaining compensation.

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

7. Member States shall ensure that the fact that the victim has been notified of their right to receive information about the criminal proceedings, as well as the victims' request to receive information under this article, is duly recorded in accordance with the recording procedure under national law.

Recital

Member States should ensure that the notification of victims about the right to receive the information about the criminal proceedings and the request of the victims to receive such information be duly recorded.

Article 7 (agreed)

6. Notwithstanding paragraphs 1 and 3, an oral translation or oral summary of essential documents may be provided instead of a written translation on condition that such oral translation or oral summary does not prejudice the fairness of the proceedings, and the ability of victims to exercise their rights, including the ability to participate in criminal proceedings in accordance with their role therein.

PUBLIC

Article 8

Right to access victim support services

2. Member States shall ensure that victims are contacted without undue delay by the relevant general or specialist support services if the individual assessment referred to in Article 22 demonstrates the need for support and if the victim, duly informed of the services that can be provided consents to be contacted by support services or if the victim requests support.

3. Member States shall take measures to establish free of charge and confidential specialist support services in addition to, or as an integrated part of, general victim support services, or to enable victim support organisations to call on existing specialised entities providing such specialist support. Victims, in accordance with their specific needs, shall have access to such services and family members shall have access in accordance with their specific needs and the degree of harm suffered as a result of the criminal offence committed against the victim. Where specialist support services are not provided as an integrated part of general victim support services, general and specialist support services shall be coordinated.

~~3a. Member States shall ensure that the communication between victims and professionals providing support services are adequately protected from undue disclosure.~~[11]

6. Member States shall aim to ensure that specialist support services remain fully operational for victims in times of crisis, such as health crises, humanitarian situations or other states of emergency.

6a. Victim support services shall be easy to access and available, including online through other adequate means, such as information and communication technologies. Member States shall ensure a sufficient geographical distribution and capacity of the victim support services referred to in this article and article 9a, taking into account the geography and demographic composition within the Member States concerned.

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[11] The EP indicated that it could accept a recital explaining that undue disclosure is a part of confidentiality and delete the provision. The rest of the article has been provisionally agreed upon at the ITM on 30/09.

Recital linked to paragraph 6

During times of crisis, it may be particularly necessary to ensure that victims of crime have access to support services in accordance with their individual needs. Due to the crisis, it may be difficult for the Member States to ensure the full functioning of all services normally provided to victims. In such severe cases of a crisis, it is important for Member States to ensure that at least the individual basic needs of victims are addressed. Such individual basic needs could include emergency care, shelters, and measures of physical and psychological protection.[12]

Recital 7b (based on EP's mandate)

General and specialised support services ~~shall, as a minimum,~~ **should** be **easy to** access~~ible to~~ **for** victims on a non-discriminatory basis before, during and for an appropriate time after criminal proceedings**.**~~, ensuring, in particular~~, **Member States should ensure a sufficient geographical distribution** ~~sufficient proximity~~ of services to victims, ~~including~~ **for instance** in rural, remote and sparsely populated areas, **taking into account the geography and demographic composition within the Member States concerned**. ~~appropriate opening hours and delivery of services through multiple channels~~. General and specialised support services should be coordinated in particular through referrals in accordance with victims' specific needs, be free of charge and confidential, **including adequately protected from undue disclosure.**[13] ~~Psychological support should be available to victims in need of such support for as long as necessary, including by taking into account the assessment by the victim's psychologist and the individual assessment for specific support needs pursuant to this Directive.~~

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12 Provisionally agreed at the ITM on 30/09.

13 Addition to the recital in exchange of the deletion of paragraph 3a.

Article 9

Support from victim support services

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

(c) emotional and, where available, psychological support or, where psychological support is not available, a referral to services that can provide psychological support. If the special need for ~~additional~~ psychological support has been demonstrated by individual assessment referred to in Article 22, **additional** psychological support shall be available to victims in need of such support **in line with their individual needs. Member States shall ensure that all the possibilities in their national healthcare systems are used to provide the additional psychological support to victims,** for as long as necessary, ~~in accordance with national healthcare systems, in line with any~~ **taking into account** relevant protocol or guideline**s** referred to in Article 26a~~(1).~~

2. Member States shall take necessary measures to ensure that victim support services pay particular attention to the specific needs of victims who have suffered considerable harm due to the severity of the crime.[14]

[14] Provisionally agreed in the ITM on 30/09.

3. (b) targeted and integrated support as well as information on and, where appropriate, referral to services providing medical and forensic examinations, which may include comprehensive medical healthcare services, including sexual and reproductive healthcare services, in accordance with national law, and information on and, where appropriate, referral to social and psychological counselling, including trauma care, for victims with specific needs, such as victims of sexual violence, victims of gender-based violence, including violence against women and domestic violence covered by Directive (EU) …/… of the European Parliament and of the Council [on combating violence against women and domestic violence], victims of trafficking in human beings, victims of organised crimes, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism, victims of torture, victims of enforced disappearance, victims of crimes of genocide, crimes against humanity, war crimes and crimes of aggression as defined in Articles 6, 7, 8 and 8bis of the Statute of the International Criminal Court.[15]

3a. Member States shall provide for victims of sexual violence timely access to healthcare services, including sexual and reproductive healthcare services, in accordance with national law and with Directive (EU) 2024/1385.

4. Member States shall provide the protection and specialist support services necessary in accordance with national procedures referred to in Article 22(1) to address the multiple needs of victims with specific needs [in line with/ taking into account] the protocols or guidelines referred to in Article 26a(1), point (d).

4a. Member States shall ensure that certain standards are applied regarding the quality of the support services referred to in this Article and Article 9a. The services provided by the support services shall be reviewed, where appropriate, and where necessary, adapted accordingly. The reviews shall not place an undue burden on organisations ~~and shall use a clear and transparent evidence-based methodology that is focused on determining the quality of the support services~~.[16]

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[15] The EP is still reflecting on its position as regards sexual and reproductive healthcare services.

[16] This deletion has not been discussed with the EP yet.

Recital

Where national victim support services do not provide the services contained in article 9 themselves, MS should facilitate the referral of victims to services able to provide such services.

For victims of sexual violence, such as rape, access to sexual and reproductive healthcare services, such as emergency contraception, post-exposure prophylaxis treatment, testing for sexually transmitted infections, is of vital importance and should be provided by the Member States. This is without prejudice to the Member States´ policies on the scope of sexual and reproductive healthcare for the general population.

Article 9a

Targeted and integrated support services for children

1. Member States shall take the necessary measures to ensure the availability of child-friendly targeted and integrated support services for children to provide age-appropriate support and protection necessary to comprehensively address the multitude of needs of child victims, including children who have suffered harm because they have witnessed a crime.

2. Targeted and integrated support services for child victims referred to in paragraph 1 shall provide for a coordinated multi-agency mechanism that includes the following services:

   (a) the provision of information as referred to in Article 4;

   (b) medical examination;

   (c) emotional, social and psychological support;

   (ca) administrative assistance;

   (d) possibility of crime reporting;

   (e) individual assessment of protection and support needs referred to in Article 22;

   (f) video recording of testimonies referred to in Article 24(1).[17]

[17] Paragraph 2 provisionally agreed in the ITM on 30/09.

3. Member States shall consider ~~ensuring the provision of~~ **providing**[18] the services referred to in paragraph 2 within the same premises. Particular attention should be paid to the interest of the child victims, including the seriousness of harm suffered by child victims as a result of the crime.

4. Targeted and integrated support services for child victims referred to in this provision may be set up as public or non-governmental organisations.

Recital

To avoid serious consequences of victimisation at an early age, that may negatively affect victims' entire life, it is crucial to ensure that all child victims receive the highest standard of support and protection. All competent authorities should adopt a child friendly approach. Moreover, it is important that most vulnerable child victims, in accordance with their individual needs, benefit from the targeted and integrated support and protection services that include coordinated and cooperative approach of judicial authorities and social services. Without prejudice to existing national support systems, Member States are encouraged to provide such support and protection services within the same premises, where this may improve accessibility, coordination, and the overall well-being of the child.

Article 10a (agreed)

Right to assistance at the court premises

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

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18 Following the consultation of lawyer-linguists, the Presidency proposes a linguistic improvement. According to the lawyer-linguists, the obligation would still only relate to "considering" the provision of services within the same premises. The EP has again indicated that their position has not changed on this provision.

Article 10b

Right to information on decision taken during court proceedings and right to review

1. Member States shall ensure that victims, in accordance with their status in the criminal proceedings as defined under national law, are informed without delay of a decision provided for in articles 7(1) and 7(3) in relation to decisions on interpretation and translation during court hearings and 23(3), taken in court proceedings, that affect them directly.

2. Member States shall ensure that victims, in accordance with their status in criminal proceedings, have the right to request and obtain a review under national law of a decision **taken during court hearings**, at least, in respect of their right to interpretation or translation pursuant to Article 7(1) **and 7(3), their right to be heard pursuant to Article 10** and their right to legal aid pursuant to Article 13. Member States may provide the possibility for victims to request and obtain a review of decisions pursuant to Article**s 18 and** 23(3)[19].

   The procedural rules for such review, including whether it has or not a suspensive effect, shall be determined by national law and any consideration of such review shall not unreasonably prolong the criminal proceedings.

Recital

The right to request a review of a decision pursuant to Article 10b shall be construed in accordance with procedures in national law and the victims' status therein. That right does not entail the obligation for Member States to provide for a separate mechanism or complaint procedure in which such decision may be challenged and should not unreasonably prolong the criminal proceedings or suspend them, unless strictly necessary. An internal review of the decision in accordance with existing national procedures would suffice. Review also includes review rights within the same instance, possibly by the same authority.

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[19] The EP insisted on a "shall" clause, including for Article 23(3).

Article 13[20]

Legal Aid

1. Member States shall ensure that victims who have the right to become parties in criminal proceedings and who do not have sufficient means to pay for assistance by a lawyer during criminal proceedings have access to legal aid, including where applicable, for the purpose of claiming compensation, and may apply a means test, a merits test, or both to determine whether legal aid is to be granted. Where a Member State applies a means test to assess eligibility for legal aid, it shall take into account all relevant and objective factors, such as the income, capital and family situation of the person concerned, the costs of the assistance of a lawyer and the standard of living in that Member State as well as the dependence to the offender. Where a Member State applies a merits test, it shall take into account the seriousness of the criminal offence, the complexity of the case and the seriousness of the harm suffered by the victim as assessed in Article 22, paragraph 3 of this Directive. The procedural rules under which victims have access to legal aid shall be determined by national law.

2. Notwithstanding paragraph 1, Member States shall ensure that certain categories of victims, as defined under national law, such as children or persons with disabilities[21], who have the right to become parties in criminal proceedings and who do not have sufficient means, are entitled to legal aid.

Recital

(9a) The right to legal aid is essential to guarantee universal access to justice and effective participation for victims in criminal proceedings. Therefore, where victims have a status of a party in criminal proceedings, Member States should provide legal aid, covering costs and expenses relating to the assistance by a lawyer, including, where relevant, costs incurred before a status of a party has been granted, for victims who do not have sufficient means to pay such costs and expenses in order to ensure their access to justice, in particular victims with disabilities and minors due to their situation of vulnerability. **This Directive does not create any right to become a party to criminal proceedings.** Member States should take into account specific protection needs as identified by the individual assessment pursuant to Article 22 in Directive 2012/29/EU.

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[20] The Presidency has conveyed the comments made by delegations at the last meeting. The Presidency considers that more discussions are needed on this Article with the EP before proposing additional amendments.

[21] The reference to children and persons with disabilities is important to the EP. As the text stands, these are mere examples.

(XX) In applying the right to legal aid, Member States are encouraged to grant legal aid to victims of gender-based violence, terrorism and human trafficking irrespective of a means or a merits test.

PUBLIC

Article 16

Compensation

1. (deleted)

2. Member States shall have execution or enforcement measures in place, aimed at facilitating the payment of the awarded compensation by the offender without undue delay.

3. In relation to victims of violent intentional crimes that have not received the awarded compensation from the convicted offender within a reasonable time and the measures referred to in paragraph 2 of this Article, were unsuccessful within a reasonable time, Member States may advance ~~partially or fully~~ the awarded compensation to the victim as defined under national law. **Such advance could be partial or in full.** Such advanced payment shall not substitute the obligation of the offender to pay the awarded compensation and Member States shall maintain the right to recuperate the advanced compensation from the convicted offender.

Recital

Once a decision on compensation to the victim is made in the course of criminal proceedings, the awarded compensation should be paid by the offender without undue delay. For the purpose of assessing delay, time shall be calculated from the last day of the deadline for final payment, and a delay is considered "undue" where it exceeds what could reasonably be expected given the circumstances of the case.

The awarded compensation referred to in this Directive is the compensation awarded after the decision on compensation has become final.

Member States should have in place appropriate execution or enforcement measures to help victims in obtaining the awarded compensation. Such execution or enforcement measures may include, for example, the seizure of assets, enforcement by bailiffs, garnishment of income or public payments, or other civil or criminal procedures ensuring execution of the compensation.

Member States should have discretion whether to advance the full or partial awarded compensation to the victim in accordance with national law. The advancement of compensation does not entail the obligation for Member States to establish new compensation mechanisms or to be the primary payer of the compensation.

PUBLIC

Article 17

Rights of victims resident in another Member State

1. Member States shall ensure that their competent authorities take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed, particularly with regard to the organisation of the proceedings. For this purpose, the authorities of the Member State where the criminal offence was committed shall:

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

   (b) hear victims who are resident abroad by videoconference or other audiovisual transmission in accordance with the Convention on Mutual Legal Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 and Directive 2014/41/EU of 3 April 2014 regarding the European Investigation Order in criminal matters;

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

4. Member States shall ensure that the competent authorities may request assistance from Eurojust in accordance with Regulation (EU) 2018/1727 and from the European Judicial Network set up by Council Joint Action 98/428/JHA, and transmit to Eurojust and the European Judicial Network the information aimed at facilitating cooperation with the competent authorities of other Member States in cross-border cases**, in accordance with their respective mandates**.

Article 18a

Additional right to protection

Member States shall ensure that access to support and protection measures under this Directive may be granted to a victim who suffered additional harm, including deprivation of dignity from glorification of serious criminal offences as defined under national law, such as public provocation to commit a terrorist offence as defined under Article 5 of Directive 2017/541, or paying tribute to offenders of such crimes.

Recital

Glorification of serious criminal offences as defined under national law, including of terrorism offences as defined under Article 5 of Directive 2017/541, or paying tribute to the offender of a serious criminal offence, can result in deprivation of victims' dignity and cause additional suffering or harm to victims. Those victims should have access to support and protection measures provided under this directive. Such acts can render victims particularly vulnerable to secondary victimisation, repeat victimisation, intimidation and retaliation. In this context, it should be recalled that public provocation to commit a terrorist offence comprises, inter alia, the glorification of terrorism, constitutes a criminal offence under Directive 2017/541 on Combatting terrorism. In addition, public incitement to any acts of racism or xenophobia or publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes constitute criminal offences under Framework Decision 2008/913 on Combatting Racism and Xenophobia. This Directive does not require Member States to criminalise glorification of serious criminal offences nor the criminalisation of hate speech or hate crime. At the same time, the Council Conclusions on improving support and recognition of victims of terrorism from 4 December 2023 include a valuable list of best practices and measures to better protect victims of such crimes. **It is important that Member States take measures also to support** ~~V~~**v**ictims of other types of crime, such as sexual violence, ~~also~~ **who** face a high risk of secondary victimisation ~~from glorification of such offences~~, **and can suffer additional harm and** deprivation of dignity ~~and the resulting additional harm and suffering~~ **from the glorification of such offences**. ~~This is why Member States should apply measures to protect victims and their dignity from such harm~~. For the purposes of the provision concerning the glorification of crimes, the notion of "victim" should be understood in accordance with the definition laid down in Article 2 of this Directive.

Article 19[22]

Right to avoid contact between victim and offender

1. Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members and the offender, where necessary, ex officio or upon victim request, within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact.

2. Member States shall ensure that new court premises have separate waiting areas for victims and shall assess the possibility and feasibility of the creation of separate waiting areas in existing court premises.

2a. Member States shall ensure that, where necessary, victims are duly informed about the availability of measures that enable avoidance of contact with the offender.

Recital

Examples of measures that enable victims and their family members to avoid contact with the offender can include the availability of mobile screens in courtrooms.

Article 21

Right to protection of privacy

3. Member States shall ensure that, upon assessment by the competent authorities of the need for protection of the victim and the rights of defence, personal data concerning the victim's place of residence or other equivalent contact details, such as phone number and email address, is not provided to the offender in accordance with Article 7 paragraph 2 of the Directive 2012/13 EU.

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22 The article and the recital have been provisionally agreed at the ITM on 30/09.

Recital

In determining whether personal data concerning the victim's place of residence or other equivalent contact details, such as phone number and email address**,** should be provided to the offender, the competent authority should, in its assessment of the needs to reveal the data, take into account the exercise of the right of the defence, with due respect to Article 7 of Directive 2012/13/EU in order to preclude any prejudice to the rights of the defence. Against this background, the competent authority should assess the risk of threat, damage or harm that the victim might be exposed to as a result of providing offender with such personal data. Member States are also encouraged to ensure that, to the extent that is necessary to protect the privacy of the victim, competent authorities may decide not to publish victims' personal data included in judgements or decisions. This directive does not interfere with national constitutional rules regarding public access to information.

Question Do Member States see any possible alternatives to this provision, in order to reach a compromise with the EP? The Presidency encourages delegations to share their proposals ahead of the meeting.

Article 22

Individual assessment of victims to identify specific support and protection needs

1. Member States shall ensure that victims receive a timely and individual assessment, in accordance with national procedures[23], to identify specific support and protection needs throughout the proceedings, and to determine whether and to what extent they would benefit from special measures provided for under Article 9(1), point (c), in relation to additional psychological support, 9a and Articles 18, **18a,** 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.

[23] The EP considers that some procedural aspects of the individual assessment are determined in the Directive, and therefore objects to the reference to national procedures.

1a. The individual assessment shall be initiated at the earliest stage possible such as at the first contact of the victim with the competent authorities and shall last as long as necessary depending on the specific needs of each victim. Where the result of the individual assessment demonstrates the need to continue the assessment, such assessment shall be undertaken where appropriate, in ~~cooperation~~ **collaboration** and coordination with the institutions and bodies **or victim support services**, ~~including through referrals, inter alia with general or specialist support services,~~ depending on the stage of the procedure and victims' individual needs ~~in accordance with any relevant protocol or guideline referred to in Article 26a~~. **Member States shall take the necessary measures to ensure cooperation and coordination with general or specialist victim support services throughout the individual needs assessment process, including through referrals to general or specialist victim support services for an in-depth assessment of support needs, in line with relevant protocols or guidelines established pursuant to Article 26.** The assessment shall be conducted by **appropriately** trained staff or volunteers, in the best interest of the victim, paying special attention to the avoidance of secondary or repeated victimisation. ~~Member States shall ensure that~~ **T**the competent authorities **shall** respond to victims' requests for **protection and** support ~~in a timely~~ **without undue delay** and **in a** coordinated manner.[24]

[24] The proposed wording mirrors Article 18(2) of the Violence against women Directive.
The EP proposed the following wording:
1a. The individual assessment shall be initiated at the earliest stage possible such as at the first contact of the victim with the competent authorities and shall last as long as necessary depending on the specific needs of each victim.
Where the result of the individual assessment demonstrates the need to continue the assessment, such assessment shall be undertaken in collaboration and coordination with the relevant institutions and bodies or victim support services depending on victims' individual needs and the stage of the procedure. Member States shall take the necessary measures to ensure cooperation and coordination with general or specialist victim support services throughout the individual needs assessment process, including through referrals to general or specialist victim support services for an in-depth assessment of support needs, in line with relevant protocols or guidelines established pursuant to Article 26.
The assessment shall be conducted by appropriately trained persons, in the best interest of the victim, paying special attention to the avoidance of secondary or repeated victimisation.
Where the individual assessment referred to in paragraph 1 has identified specific protection or support needs or if the victim requests support, Member States shall ensure that the competent authorities respond to these needs in a timely and coordinated manner.

2. The individual assessment shall take into account:

(a) the personal characteristics of the victim, including relevant experiences of discrimination, also when based on intersectional grounds, such as gender, including gender identity, age, disability, resident status, religion or belief, language, racial, social or ethnic origin, and sexual orientation;

(b) the type or nature of the crime;

(c) the circumstances of the crime;

(d) the relationship to and the risks emanating from the offender.

3. In the context of the individual assessment, particular attention shall be paid to:

(a) victims who have suffered considerable harm [or trauma] due to the severity or repetition of the crime;

(b) victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics;

(c) victims whose relationship to and dependence on the offender make them particularly vulnerable.

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, including child sexual abuse, exploitation or hate crime, victims of torture, victims of enforced disappearance, victims of crimes of genocide, crimes against humanity, war crimes and crimes of aggression as defined in Articles 6, 7, 8 and 8bis of the Statute of the International Criminal Court, and victims with disabilities shall be duly considered. Victims of online forms of those types of crime shall be taken into consideration and particular attention shall be paid to victims who fall under more than one of those categories**.** ~~and victims who are irregular migrants and victims with a dependent residence status or permit.~~ **Where relevant, the individual assessment shall take into account the specific needs of victim's family members and dependants.**

PUBLIC

3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender as referred to in 2, d), such as the risk of violent behaviour and of bodily harm, of the use of weapons, links to or involvement in a group of organised crime, drug or alcohol abuse, child abuse, mental health issues, behaviour of stalking, expression of threats or hate speech.[25]

4. For the purposes of this Directive, child victims shall be presumed to have specific support and protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 18, **18a,** 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article. The individual assessment of child victims shall be organised within the framework of targeted and integrated support services referred to in Article 9a and shall take into account the specific needs of children without parental care**, where appropriate**.

6. Individual assessments shall be carried out with the close involvement of the victim and shall take into account their wishes including where they do not wish to benefit from special measures as provided for in Articles 8, 9 ,9a, 23 and 24.

7. Member States shall ensure that the individual assessment ~~at regular intervals/ periodically~~ is reviewed according to the individual needs of the victim and, where relevant, new measures are taken or ongoing measures are updated according to the individual needs of the victim to ensure the support and protection measures relate to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, Member States shall ensure that it is updated throughout the criminal proceedings.[26]

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[25] Provisionally agreed in the ITM on 30/09.
[26] This provision seems acceptable to the EP.

Recital (based on the general approach)

(10) All victims should be assessed in a timely, adequate, efficient and proportionate manner, in accordance with national procedures. It is essential to ensure that victims receive the support and protection that correspond to their individual needs. The individual assessment of victims' needs of support and protection should last for as long as necessary, depending on victims' individual needs. It means that it should be done in stages, some victims will only have a contact with a police service, other victims will go through further stages of individual assessment. Victims needs for support and protection may change in the course of the criminal proceedings. All victims should be assessed at the earliest stage possible such as the first contact with the competent authorities, **whose staff should be adequately trained,** for instance law enforcement and prosecution authorities, to ensure that the most vulnerable victims are identified at the very early stages of the proceeding. As of the next stages, victims who need such enhanced assessment should be assessed by the competent authorities or any other **relevant** institution, organisation or body, such as victim support services and where possible by psychologists**, depending on victims' individual needs and the stage of the procedure**. **Collaboration and coordination with general or specialist victim support services should be ensured throughout the whole individual assessment process. Such services are best placed to assess the state of victims' well-being.** The contact with helplines should not be considered as the first contact with competent authorities. The individual assessment should also take into account, on the basis of the available information, the situation of the perpetrator, who may have a history of violence, be in a possession of arms or abusing drugs and as such pose higher risks for victims. The individual assessment of victims' needs should also include the assessment of victims' needs of support, not only of protection. It is essential to identify victims who are in need of special support, so a targeted support such as psychological aid is provided to those who need it. Member States can determine the practical organisation of the individual assessment via any relevant protocol or guideline as provided for in this Directive. Member States should ensure that any personal data is dealt with in accordance with the Union law on data protection, which may require the provision of legislative measures if necessary.[27]

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[27] The EP has proposed the following wording:
All victims should be assessed in a timely, adequate, efficient and proportionate manner. It is essential to ensure that victims receive the support and protection that correspond to their individual needs. The individual assessment of victims' needs of support and protection should last for as long as necessary, depending on victims' individual needs. It means it should be done in stages. Within the first stage, all victims should be assessed from the first contact with the competent authorities, whose staff should be adequately trained, to ensure that the most vulnerable victims are identified at the very early stages of the proceeding. As of the next stages, victims who need such enhanced assessment should be assessed by relevant institutions and bodies or victim support services including psychologists, depending on victims' individual needs and the stage of the procedure. Collaboration and coordination with general or specialist victim support services should be ensured throughout the whole individual assessment process. Such services are best placed to assess the state of victims' well-being. Contact with helplines should not be considered as the first contact with competent authorities.

~~Where relevant, the individual assessment shall take into account the specific needs of children without parental care and of victim's family members other than children~~.

The institution and bodies may include competent justice and law enforcement authorities working with victims as well as those responsible for the adoption of protection measures.

PUBLIC

Article 23

Right to protection of victims with specific protection needs during criminal proceedings

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

2. (d) all interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) …/… of the European Parliament and of the Council1 [on combating violence against women and domestic violence], unless conducted by a prosecutor or a judge, being conducted by a person of the same sex as the victim, if the victims so wishes, provided that the course of the criminal proceedings will not be prejudiced;

3. (c) measures to avoid unnecessary questioning concerning the victim's private life, including the person's sexual orientation, gender, including gender identity or past sexual conducts, not related to the criminal offence; and

4. ~~Measures to ensure victims' physical protection shall be available for victims with specific protection needs identified in accordance with Article 22(1) during criminal proceedings. Those measures may include~~ **Member States shall ensure that their competent authorities are granted the power to take adequate measures during criminal proceedings and for as long as necessary to ensure the physical protection of victims with specific protection needs as identified in accordance with Article 22(1), including**[28]:

(a) continuous or temporary presence of law enforcement authorities or other bodies providing physical protection in accordance with national law;

(b) barring, restraining or protection orders to provide protection for victims against any acts of violence, in accordance with national law;

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

4a. Member States shall ensure that, where relevant for the safety of the victim, the competent authorities inform victims of the possibility to apply for barring, restraining or protection orders as well as the possibility to seek cross-border recognition of protection orders pursuant to Directive 2011/99/EU or Regulation (EU) No 606/2013.[29]

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28 The EP insists on a mandatory list of measures that are available in national law to protect victims.

29 Provisionally agreed in the ITM on 30/09.

Recital (based on the general approach)

(11) As a result of the enhanced assessment of victims' needs for protection, victims who are in need of physical protection**, in particular victims in life threatening situations,** should be able to receive it in a form adapted to their particular situation. Such measures can, in accordance with national law, include the presence of law enforcement authorities, or other bodies providing physical protection, or to keep the offender away from the victim on the basis of national **barring, restraining or** protection orders **or the referral to shelters and other interim accommodations**. Such measures may be of a criminal, administrative or civil law nature. **Member States should enhance the awareness about the availability of such protection measures among relevant competent authorities and should ensure that victims are informed about the availability of such measures and are informed of their right to apply for them. In order to safeguard the effectiveness of barring, restraining or protection orders, breaches of such orders should be subject to effective, proportionate and dissuasive penalties. Those penalties could be of a criminal, administrative or civil law nature and could include prison sentences, fines or any other legal penalty that is effective, proportionate and dissuasive.**

Article 24

Right to protection of child victims during criminal proceedings

1. (ca) the child's right to be heard and the best interests of the child are ensured during the criminal investigations and proceedings, in accordance with Article 10.

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

Article 25[30]

Training of practitioners

1. Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims to increase their awareness of the needs of victims, to avoid secondary victimisation and to enable them to deal with them in an impartial, respectful, non-discriminatory, and professional manner and where relevant, also in a trauma-sensitive, gender-sensitive, disability - sensitive and child-sensitive manner. Training shall be provided in relation to victims of cybercrime.[31]

2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall take the necessary measures to ensure that both general and specialist training is provided for judges and prosecutors involved in criminal proceedings and investigations with respect to the objectives of this Directive and appropriate to the functions of those judges and prosecutors. Such training shall be human – rights based, victim centred and gender, disability and child sensitive.[32]

3. Without prejudice to the independence of the legal profession, Member States shall recommend that those responsible for the training of lawyers make available both general and specialist training to increase the awareness of lawyers of the needs of victims and to treat victims in a trauma-, gender-, disability- and child-sensitive manner.[33]

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30 The Presidency believes that the compromise is acceptable to a broad majority of Member States.
31 Provisionally agreed in the ITM on 30/09.
32 Provisionally agreed in the ITM on 30/09.
33 Provisionally agreed in the ITM on 30/09.

4. Through their public services or by funding victim support organisations, Member States shall encourage initiatives enabling those providing victim support and restorative justice services to receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful, non-discriminatory, child sensitive and professional manner.[34]

5. In accordance with the duties involved, and the nature and level of contact the practitioner, including relevant health practitioners, has with victims, training shall aim to enable the practitioner to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

5a. Training referred to in this Article shall take into account the protocols or guidelines referred to in Article 26a (1).[35]

5d. Training activities referred to in this Article, which are under the responsibility of Member States, shall be carried out regularly. Member States shall take measures to support bodies and organisations responsible for carrying out such training activities to develop, deliver and ensure the receipt of such training activities as well as its quality and availability throughout the territory of the Member States.

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[34] Provisionally agreed in the ITM on 30/09.
[35] Provisionally agreed in the ITM on 30/09.

Article 25a[36]

Awareness raising and communication of victims' rights

1. Member States shall take appropriate action, including through the information and communication technologies, aimed at raising awareness of the rights set out in this Directive, reducing the risk of victimisation, and minimising the negative impact of crime and the risks of secondary and repeat victimisation, of intimidation and of retaliation, in particular by targeting groups at risk such as children, victims of gender-based violence and violence in close relationships. Such action may include information and awareness raising campaigns and research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders, as well as measures to increase the awareness of victims on where to obtain help and exercise their rights, including by public registers of accredited support organisations.

2. Member States shall provide information to the public on reporting a crime, victims' rights, available general and specialist victim support services, functioning of the justice system as well as relevant procedures and application processes. This information should be easy to access, user friendly, provided in a plain language and readily available, such as on a website. Member States shall ensure that the content of information communicated to the public is developed, where relevant, in collaboration with civil society organisations and that the content is consistent and regularly updated to ensure accuracy.

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36 The Presidency believes that the compromise is acceptable to a broad majority of Member States.

Recital

(13c) Despite significant improvements achieved since the entry into force of Directive 2012/29/EU, evidence shows that victims still often lack awareness of their rights, undermining the effectiveness of the Directive on the ground and discouraging victims from coming forward and reporting crime. It is therefore imperative that Member States put in place effective awareness-raising campaigns in order to increase the awareness of victims of their rights under this Directive, as revised, or further rights under national law, where applicable. At the same time, Member States should work to increase awareness also among the population at large, including in schools. Such campaigns should be conducted via a variety of channels such as the media, social media, posters in public transport, leaflets in courts, hospitals and police stations or mobile applications. Moreover, Member States should improve the identification of places to which victims can reach out and find help in exercising their rights under this Directive, for example including through signposting or setting up of public directories and registries, for instance of accredited support organisations or lawyers. When introducing those measures, Member States should aim to develop them equally for all types of crimes. Member States should ensure enhanced measures addressing the needs of victims who face higher barriers to communication, including victims who are residents of a Member State other than where the crime was committed, victims with disabilities and child victims.

Article 26a

Protocols or guidelines for coordination and cooperation in the Member States

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

The protocols or guidelines shall at least provide general instructions on how:

(a) all the necessary information is provided to victims in line with this Directive that is adapted to their changing individual needs;

(b) the **channels for** reporting of criminal offences as set out in Article 5a of this Directive **are made available by the competent authorities** ~~is carried out~~;

(c) the individual assessment of victims' needs for support and protection as referred to in Article 22, and the provision of support services for victims with specific needs, is carried out, taking into account the victims' individual needs at different stages of the criminal procedure.

(d) the cooperation between general and specialist support services is carried out, including targeted and integrated support services for child victims as referred to in Article 9a.

2. Member States shall ensure that the protocols or guidelines referred to in paragraph 1 are reviewed where necessary to ensure their effectiveness, such as in case of significant changes of national law.

3. Member State shall ensure that the protocols or guidelines include provisions on the collection and sharing of information, including information containing personal data of victims between competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims. The collection and sharing of information shall be done in accordance with Regulation (EU) 2016/679 and in a way that respects the will of the victim.

PUBLIC

Recital

(14) Protocols or guidelines are essential to ensure that victims receive information about their rights and about their case and that victims are adequately assessed to enable them to receive the support and protection that corresponds to each victims' individual needs that change in time. Protocols or guidelines ~~should be~~ **can be binding or non-binding,** established in a way that corresponds best to national legal orders and the organisation of justice in the Member States~~,~~ **Protocols or guidelines** should be followed by those to whom they are addressed when **being** implemented ~~and can be binding or non-binding in nature, allowing sufficient flexibility to adapt their implementation to Member States' legal orders~~. These protocols or guidelines should cover the actions on provision of information to victims, facilitating crime reporting for the most vulnerable victims, including those in detention and in closed settings, such as in institutional care, and the individual assessment of victims' needs. When it comes to the provision of information to victims, it is important to ensure that such information is simple and easy to understand, provided in a timely manner, repeated over time, in multiple formats including orally, in writing and digitally. With regards to reporting of crimes, including for victims deprived of liberty or whose liberty is restricted, the protocols or guidelines should specify victims' access to information about their rights, methods of crime reporting and access to support and protection in accordance with their needs. The protocols or guidelines should provide for general instructions on how to deal with services and actions under this Directive in a comprehensive manner without however dealing with individual cases. In this context, Member States should take, where appropriate, the necessary legislative measures to allow for collection and sharing of information in accordance with Regulation (EU) 2016/679 and respecting the will of the victim, including information containing personal data of the victim between the competent authorities and victim support services to ensure access to information and appropriate support and protection of the affected victim. The protocols or guidelines can build upon the already existing methods of cooperation and coordination among the competent authorities and other persons coming in contact with victims in the Member States.[37]

[37] The EP has proposed amendments to this recital previously drafted by the Presidency.

Article 26b

Use of information and communication technologies

1. Member States shall ensure that victims of crime may exercise their rights provided for in Article 3a, Article 4(1), Article 5(1), Article 5a (1) and (4), Article 6(1), (2), (4), (5) and (6) as well as Article 10b in relation to informing victims about decisions taken in court proceedings, by using where available information and communication technologies.

2. Victims of crime shall not be prevented from accessing or otherwise using, ~~where available~~, the services provided by national systems offering the information and communication technologies, **if such systems are available under national law,** referred to in paragraph 1 on the basis that they are residents of another Member State.

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

The Presidency understands that paragraph 1 raises technical issues for delegations, which it would like to discuss during the meeting on 10/10, in particular, as regards issues related to the identification of victims that contact competent authorities and the sharing of personal data through electronic platforms. The Presidency invites delegation to indicate how these issues could be addressed in this provision

PUBLIC

Article 26c[38]

Rights of victims with disabilities

1. Member States shall ensure that victims with disabilities benefit on equal basis with others from information and communication technologies as referred to in Article 26b of this Directive by complying with the accessibility requirements set out in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council.

2. Member States shall ensure that victims with disabilities can access on equal basis with others, any procedure as well as the support services and protection measures covered by this Directive in line with the accessibility requirements set out in Annex I to Directive (EU) 2019/882.

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

Recital

(16) The Union and the Member States are parties to the UN Convention on the Rights of Persons with Disabilities[39] and are bound by its obligations to the extent of their respective competences. Under Article 13 of that Convention the States Parties are obliged to ensure effective access to justice for persons with disabilities on an equal basis with others, hence the needs to ensure accessibility and provide reasonable accommodation and procedural accommodation, so that victims with disability enjoy their rights as victims on equal basis with others. As defined by Article 2 of the UN Convention on the Rights of Persons with Disabilities, "reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms. "Procedural accommodation" means necessary and appropriate modifications and adjustments in the context of access to justice to ensure the participation of persons with disabilities on an equal basis with others, including for example measures needed to ensure communication with the court. Procedural accommodation is not limited by the concept of disproportionate or undue burden. The accessibility requirements set in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council can facilitate the implementation of that Convention and ensure that the victims' rights laid down by Directive 2012/29/EU are accessible for persons with disabilities.

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38 The Presidency believes that the compromise is acceptable to a broad majority of Member States.

39 OJ L 23, 27.1.2010, p. 37.

Article 26d

Remedies

(deleted)

Article 27a (agreed – deleted)

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

Article 28

Provision of data and statistics

1. Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims of crime. The statistics shall, as a minimum, include the following data, available at central level, disaggregated by sex, age group (child/adult) of the victim and, where possible and relevant, relationship between the victim and the offender and type of offence, on:

   (a) the number of victims of crime;

   (b) the number and type of reported crimes.

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

2. Member States shall endeavour to collect the statistics referred to in this Article on the basis of common disaggregation developed in cooperation with and in accordance with the standards developed by the Commission (Eurostat) in cooperation with national authorities. They shall transmit this data to the Commission (Eurostat) every three years. The transmitted data shall not contain personal data.

PUBLIC

3. The European Union Agency for Fundamental Rights shall support Member States and the Commission in the collection, production and dissemination of available statistics on victims of crime and in reporting available data showing how victims have accessed the rights set out in this Directive.
4. The Commission (Eurostat) shall support Member States in the data gathering referred to in paragraph 1, including by establishing common standards.
5. The Member States shall make the collected statistics available to the public in an accessible and user-friendly manner. The statistics shall not contain personal data.

PUBLIC

Article 28a[40]

Coordination of the EU strategy on victims' rights

Recital 18b

Member States take note that in order to ensure consistency and effectiveness of actions in relation to victims' rights policy which is cross-cutting along many different policy areas, the Commission has appointed a Victims' Rights Coordinator responsible for ensuring a smooth functioning of the Victims' Rights Platform and commit to working constructively with such Coordinator.

Article 28b[41]

Resources

Member States shall ensure sufficient human and financial resources ~~secure~~ **for** the effective application of the measures set out in this Directive in accordance with their national budget. Particular attention shall be paid to the functioning of the particular services provided for in Articles 3(a), 8, 9, 9(a) and 22.

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[40] The Presidency believes that the compromise is acceptable to a broad majority of Member States.

[41] The main issue for the EP relates to "national budget".

Recital

(15) Member States should ~~allocate~~ **ensure** sufficient human and financial resources ~~to ensure an~~ **for the** effective compliance with the measures set out in **this** Directive ~~2012/29/EU~~. Special attention should be paid to the establishment of victims' helplines, ensuring smooth functioning of **general and** specialist support services**, provision of legal aid** and individual assessment of victims' needs for protection and for support, including where such services are provided by non-governmental organisations. ~~Where such organisations receive financial assistance from the state for the provision of services under this Directive, Member States should ensure that such financial assistance is sufficient to ensure that the services are carried out effectively in accordance with national budgetary procedures.~~[42]

Article 29[43]

Reporting by the Commission and review

By [*six years after adoption*], the Commission shall submit a report on the application of this Directive to the European Parliament and the Council. The report shall assess the extent to which the Member States have taken the necessary measures to comply with this Directive, including the technical implementation. The report shall specifically assess the way the Member States implemented Article 9a(4). The Commission shall take into consideration the findings of the European Union Agency for Fundamental Rights and Eurostat in that report.

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42 This deletion seems acceptable to the EP.

43 The Presidency believes that the compromise is acceptable to a broad majority of Member States.