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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
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 - Confirmation of the final compromise text with a view to agreement at first reading

I. BACKGROUND/INTRODUCTION

1. On 12 July 2023, the Commission submitted a proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.[1]

[1] 11840/23

2. The draft Directive is based on Article 82(2)(c) of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).

3. On 13 June 2024, the Council reached a general approach[2] on the abovementioned proposal, which constituted the mandate for negotiations with the European Parliament in the context of the ordinary legislative procedure.

4. On 10 December 2025, a provisional agreement was reached between co-legislators, which resulted in the final compromise text set out in the Annex to this note.

II. CONCLUSION

5. The Permanent Representatives Committee is therefore invited to:

   a) confirm agreement on the final compromise text as set out in the Annex with a view to reaching an agreement at first reading with the European Parliament;

   b) authorise the Chair of the Permanent Representatives Committee to send a letter to inform the Chairs of the European Parliament's FEMM and LIBE Committees that, should the European Parliament adopt its position at first reading on the proposal in the exact form as set out in the annex to this note, subject, if necessary, to revision of that text by the legal linguists of both institutions, the Council will approve the European Parliament's position and the act will be adopted in the wording which corresponds to the European Parliament's position.

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[2] 11260/24

ANNEX

2023/0250 (COD)

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

PUBLIC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee[3],

Having regard to the opinion of the Committee of the Regions[4],

Acting in accordance with the ordinary legislative procedure,

Whereas:

[3] OJ C , , p. .
[4] OJ C , , p. .

(1) To ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings, the Union has adopted Directive 2012/29/EU of the European Parliament and the Council[5].

(2) The Commission has assessed how victims have accessed their rights under Directive 2012/29/EU of the European Parliament and the Council and published its results in the evaluation report[6]. The evaluation shows that, although Directive 2012/29/EU has broadly delivered the expected benefits and positively affected victims' rights, specific problems related to victims' rights under this Directive persist. The identified shortcomings include insufficient ability to rely on victims' rights to access information, to support and protection in accordance with each victim's individual needs, to participate in criminal proceedings and to receive a decision on compensation from the offender during criminal proceedings. This revision of Directive 2012/29/EU of the European Parliament and the Council ***aims to respond*** to the shortcomings demonstrated in its evaluation and in numerous consultations.

(2a) Victims experiencing intersectional discrimination are at a heightened risk of suffering harm from secondary and repeat victimisation. In the implementation of Directive 2012/29/EU, it is therefore important that Member States address the specific needs of victims affected by intersectional discrimination.

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5 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57).

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

(4) In order to ensure comprehensive channels of communication taking into account the complexity of victims' needs in relation to their right to access information, all victims, independently of where in the EU and in what circumstances the crime took place, should be able to access victims' helplines by using the EU-wide 116 006 telephone number***. 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. Besides telephone, helplines should be accessible through information and communication technologies, including*** websites ***and online applications. Such services may also be provided via chat-boxes. When the information is provided on websites, 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 websites and avoid a duplication of the websites containing information about victims' rights.*** 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. Such helplines should also refer victims to other ***specialist*** helplines, referred to in Commission Decision 2007/116/EC[7], 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 understood language, 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 a minority language 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,***

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

Member States should provide the services referred to in paragraph 1(a) and 1(c) in a language that victims can understand, provided that this is at least possible through translation and interpretation technologies. Helplines should be operated securely, ensuring that information, and 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.

PUBLIC

(6) Crime reporting in the Union should be improved to fight impunity, avoid ***repeat*** victimisation and ensure safer societies***. Victims are sometimes not aware that they are victims of a crime while still suffering harm, such as victims of cybercrime***. It is necessary to fight public insensitivity towards crime ***by raising public awareness, assisting*** victims***, reducing any obstacles to reporting a crime,*** and ▌ creating safer environments for victims to report crime. ***This is particularly relevant*** for victims ***least likely*** to report ***a*** crime***, which are usually those most in need of protection. To prevent under-reporting, it is also important to facilitate persons who know or suspect, in good faith, that a criminal offence has been committed to report it*** to the competent ▌ authorities***.***

▌

(6c) Criminal offences remaining unreported or underreported affect the entire Union and hamper 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.

PUBLIC

(6d) In order to ensure efficient access to justice for victims, Member States should put in place free, accessible, easy to use, safe, and readily available channels for reporting. 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 non-violent cases. Violent cases include both physical and psychological violence. When determining the availability of the online reporting, Member States should consider the best interest of the victim, taking into account whether the online reporting would ensure the timely verification, assessment, or processing of the report by the competent authority, or whether online reporting would not create a risk of loss or deterioration of evidence, or whether a delayed or inadequate interview of the victim would harm the case.

PUBLIC

(6e) Member States should facilitate third-party reporting. Third-party reporting can present an alternative to reporting directly to the competent authorities and allows victims to inform, in good faith, an appropriately trained third party, such as a civil society organisation or a non-governmental organisation, about a criminal offence. The third party then informs, with the consent of the victim where feasible, the competent authorities. Third party reporting can facilitate victims' access to justice, in particular circumstances, such as 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 accurate 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 is 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.

(6f) 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.

PUBLIC

(6g) 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.

(6h) 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 considerable. As demonstrated by the Fundamental Rights Agency survey on "Crime, Safety and Victims' Rights" from 2021, even two thirds of crime is not being reported. This is of a particular concern 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. Competent authorities should comply with the EU data protection law, 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 framework, including where personal data are transmitted between different authorities.

PUBLIC

(6i) 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 should be duly recorded.

(7) Targeted and integrated support services should be available to a broad range of victims with specific needs. Such victims may include not only victims of sexual violence, victims of gender-based violence and victims of domestic violence, but also victims of trafficking in human beings, victims of organised crimes, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism or victims of ***torture, enforced disappearance, 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. Sexual and reproductive healthcare services as part of the targeted and integrated*** response to ***victims of sexual violence, can include, where legally available in a given Member State in accordance with national law***, ***including Constitutional laws and provisions, emergency contraception, post-exposure prophylaxis treatment, testing for sexually transmitted infections and access to abortion. This should be in full respect of*** Member States***' responsibilities for their definition of health policy and the organisation and delivery of health*** services and ***medical care in accordance with Article 168(7) TFEU***.

PUBLIC

(7a) General support services are services established for supporting all victims of crime. Specialist support services offer services tailored to specific groups of victims or specific types of services. Such specialist support services can be offered to particular groups of victims, for instance based on the type of crime or the personal characteristics of the victim.

(7b) General and specialised support services should be easy to access for victims on a non-discriminatory basis before, during and for an appropriate time after criminal proceedings. Member States should ensure a sufficient geographical distribution of services to victims, for instance in rural, remote and sparsely populated areas, taking into account the geography and demographic composition within the Member State 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.

(7c) 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.

PUBLIC

(7d) ***Additional psychological support should be available to victims in need of such support for as long as necessary in accordance with their individual needs, if the special need for psychological support has been demonstrated by the individual assessment for specific support needs pursuant to this Directive.***

(8) 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***, including children who have suffered harm because they have witnessed a crime,*** 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.

(8a) ***Participating in a trial can be an emotionally difficult and challenging experience for the victims. Therefore, it is important that victims that are present at court premises, are assisted and are able to actively participate in the criminal proceedings, in accordance with their role therein. For this reason, all victims who need information and emotional support at court premises where criminal proceedings are held, in particular victims of serious crimes, should be provided with the practical information regarding organisational aspects of the criminal court proceedings, as well as emotional support. Emotional support can be understood as an empathetic approach toward the victim to make them feel accepted, and safe and to enable them to express themself freely. Emotional support can be offered, for instance, by the court staff, by trained volunteers, victim support services or by competent authorities as defined by Member States. Such assistance does not require the provision of additional facilities or the permanent presence of victims support services in these court premises.***

PUBLIC

(9) ▌ All victims in the Union, ***in accordance with*** their status in the criminal ***proceedings***, should ***be informed on*** decisions that were taken during court proceedings and affect them directly. Such decisions should include at least decisions on interpretation during court hearings and decisions ***regarding*** special protection measures available to victims with special protection needs. ***Additionally, they should have a right to*** request a review ***in respect to their right to interpretation and translation, their right to be heard and their right to legal aid, when*** such decisions ***are*** taken during court proceedings***. The right to request a review of a decision pursuant to Article 10b*** should be ***construed in accordance with procedures in*** national law ***and the victims' status therein. That right does not require Member States to*** provide for ***a separate or new mechanism or procedure in which the decision can be challenged, if*** such a ***mechanism or procedure already exist, and should not unreasonably*** prolong ▌ criminal ***proceedings or suspend them***. ***Review also includes review rights within the same instance, possibly by the same authority. It should also be possible to carry out the review orally during the court proceedings, with due respect to the right to translation and interpretation of the victim.***

PUBLIC

(9a) ***Member States should ensure that personal data concerning the place of residence or other equivalent contact details will not be disclosed. In exceptional cases where such data 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 and any legitimate interest in disclosure that might outweigh the victim's right to protection of personal data. In exceptional cases, where such data needs to be disclosed the competent authorities should consider taking appropriate protection measures to mitigate any potential risks of psychological or physical harm. This directive does not prejudice national laws on transparency and public access to information, which are based on the constitutional traditions of the Member States.***

PUBLIC

(9b) ***The right to legal aid is essential to guarantee universal access to justice and effective participation for victims in criminal proceedings and should therefore be made available to victims who have the right to become parties to the in criminal proceedings. This should include those victims who have the status of a party at the moment of introducing the request for legal aid, as well as those whose formal status as a party will be decided at a later stage of the proceedings, such as in a situation where the status of a party is only granted after a decision to prosecute the offender. Legal aid should cover the costs and expenses relating to the assistance by a lawyer during criminal proceedings, including such costs incurred before a status of a party has been granted. When carrying out a merits test, where an individual assessment pursuant to Article 22 has already been carried out, Member States are encouraged to take the results of that assessment into account. Certain categories of victims, in particular victims in a vulnerable situation, such as victims with disabilities or minors, or victims of certain crimes, who have the right to become parties to criminal proceedings should be granted legal aid when they do not have sufficient means. These categories shall be defined by Member States in national law. This Directive does not create any right to become a party to criminal proceedings. 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

(10) All victims should be assessed in a timely, adequate, efficient and proportionate manner***, in accordance with this Directive and with national procedures relevant in order to give effect to the rules in this Directive. National procedures are important to ensure that support and protection measures are adapted to individual needs and circumstances and that competent authorities at national, regional or local level can determine the practical organisation, including the most appropriate institutions or bodies to carry out assessments***. 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.*** 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***, where appropriate, in collaboration or coordination with the relevant institutions and bodies, as well as general and specialist*** support services***,*** including ***referrals thereto, depending on victims' individual needs and the stage of the procedure***. Such services ***and law enforcement authorities*** are best placed to assess the state of victims' well-being. The ***contact with helplines*** should ***not be considered as the first contact with competent authorities. The institutions and bodies may include competent justice and law enforcement authorities working with*** victims ***as well as those responsible for the adoption of protection measures.*** The individual assessment of victims' needs should ▌ 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 ***support*** is provided to those who need it.

When assessing the victim's protection and support needs, the concern should lie in safeguarding the victim's safety and providing targeted support and protection, taking into account, among other matters, the individual circumstances of the victim, the impact of crime and their specific vulnerabilities.

In particular, the individual assessment should take into account the personal characteristics of the victims, including experiences of discrimination, also based on intersectional forms of discrimination such as on the grounds of gender, including

gender identity, age, disability, resident status, religion or belief, language, racial, social or ethnic origin, and sexual orientation, The individual assessment should also take into account, on the basis of the available information, the risks emanating from the offender, who may have a history of violence, use of weapons or abusing drugs and as such pose higher risks for victims, as well as a situation when victims are dependent on the offender, for instance financially. The individual assessment should be conducted in the best interest of the victim, avoiding secondary or repeated victimisation. Where relevant and appropriate, the protection and support needs of the victim's family members and dependents should be duly considered in the individual assessment.

PUBLIC

(11) As a result of the ▌ 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 should include the presence of law enforcement authorities or ***other bodies providing physical protection, or measures 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 ***can*** 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. Shelters and other appropriate interim accommodations for victims of crime play a vital role in protecting victims from acts of violence. They provide safe and emergency accommodation where victims can seek refuge from violence and support to rebuild their lives free from violence. Member States are also bound by the obligation under Directive (EU) 2024/1385 of the European Parliament and of the Council and should have in place specific shelters and interim accommodations for victims of gender-based violence and domestic violence as they are some of the most vital services for these victims.***

PUBLIC

(12) ***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.***

(12a) Competent authorities maintain full judicial discretion when deciding on which appropriate measures are taken to minimize the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed.

PUBLIC

(12b) 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 victims of other types of crime, such as sexual violence, who face a high risk of secondary victimisation, and can suffer additional harm and deprivation of dignity from the glorification of such offences. 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.

(12c) 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.

PUBLIC

(13a) Officials who are likely to come into personal contact with victims should have access to and receive regular, sufficient and appropriate training to a level appropriate to their contact with victims with regard to implementation of key aspects of Directive 2012/29/EU. This is especially relevant for police officers, court staff, judges, prosecutors, lawyers, those providing victim support and restorative justice services as well as health practitioners to the extent they come into contact with victims. Training for competent authorities should be effective and interdisciplinary, and should aim to take advantage of new technologies for enhancing engagement and interaction. It is important that training programs cover matters such as the identification of the type of harm suffered by victims, prevention of repeat and secondary victimisation, victim-sensitive and empathetic communication, the choice of adequate support and protection measures as well as effective coordination and referrals to victim support services. Trainings should be gender, disability, child and trauma sensitive. The effectiveness of trainings can be further enhanced by cooperating with non-governmental organisations including victims' associations and civil society organisations in a multi-agency approach. Mutual training and exchange of good practices among national authorities, including judicial and law enforcement authorities, and victim support organisations are important to promote to ensure better support and protection of victims as well as coordination among the involved institutions and organisations. Specific guidelines and checklists for law enforcement officers should also be considered a good practice. Trainings should also focus on cybercrime in order to enable persons coming into contact with victims of cybercrime to respond to their specific needs.

PUBLIC

(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.

PUBLIC

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

PUBLIC

(14) ***In response to the shortcomings identified in the evaluation, Member States should set up specific*** protocols ***or guidelines. 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 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. 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***, including general and specialist support services,*** and actions under ***this*** Directive ▌ in a comprehensive manner without however dealing with individual cases. ***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.***

PUBLIC

(14a) In order to provide victims with seamless and modern means of exercising their rights, the Member States should make it possible for victims to communicate electronically with national competent authorities through information and communication technologies. Information and communication technologies could include, for instance, emails, internet messaging live chats, video calls and on-line portals with access to information to registered participants. Member States are free to decide which means of communication are the most suitable in relation to the different provisions of this Directive. Victims should enjoy the possibility of using electronic tools to contact victims' helplines, receive written acknowledgment of their formal complaint, or to report a crime online under the conditions set out under this Directive, and submit evidence where feasible. Additionally, victims should enjoy, where available, electronic tools to receive information about their rights from the first contact with competent authorities and to receive information about their case, including to be given the opportunity to be notified about the release or escape of the offender from detention, and to receive a translation of the written acknowledgement of their formal complaint upon request, and to otherwise communicate with competent authorities and with support services through accessible, easy-to use, secure and user-friendly information and communication technologies. The information from the first contact with a competent authority can be provided electronically in a standard format. Victims should be able to choose between the methods of communication made available, and the Member States should provide, where applicable, for such information and communication technologies as an alternative to the standard methods of communication, without however replacing them. The in-person method of communication, including those with the competent authorities and with support services, should remain available to victims, if they wish so. Where Member States' national systems necessitate specific electronic identification and signature methods, those systems should afford victims residents of other Member States equitable access opportunities in accordance with the e-IDAS Regulation.

PUBLIC

(14b) Persons who have fallen victims to a crime in a Member State other than their Member State of residence, might be incapable of giving consent, such as in situations where a victim is severely injured, or dead or in the immediate aftermath of a terrorist attack. In such cases, Member State should be able to process, including transmit, data of such victims without their consent with the Member State of residence of the victim, in accordance with applicable Union legislation, in particular Article 6(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council. For law enforcement purposes, the provisions set out in Directive (EU) 2016/680 shall apply.

(15) Member States should ***ensure*** sufficient human and financial resources ***for the*** effective compliance with the measures set out in ***this*** Directive ▌. 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.

PUBLIC

(16) The Union and the Member States are parties to the UN Convention on the Rights of Persons with Disabilities[8] 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 ***need*** 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***. The accessibility requirements set in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council[9] 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. ***Article 13 of the UN Convention on the Rights of Persons with Disabilities expressly refers to the provision of "procedural accommodation" as a means to facilitate effective role of persons with disabilities in criminal proceedings, without however providing for a definition of the concept. Useful guidelines in this regard can be found in the 2020 International Principles and Guidelines on Access to Justice for Persons with Disabilities by the United Nations Committee on the Rights of Persons with Disabilities. According to these Guidelines, procedural accommodation means all necessary and appropriate modifications and adjustments in the context of access to justice, where needed in a particular case, to ensure the participation of persons with disabilities on an equal basis with others. It can include intermediaries or facilitators, procedural adjustments and communication support. Procedural accommodation is not limited by the concept of disproportionate or undue burden.***

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8 OJ L 23, 27.1.2010, p. 37.

9 ***[2]*** Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

(17) Eurojust should ensure that appropriate consideration is given to requests concerning victims' rights in accordance with its mandate under Regulation (EU) 2018/1727 of the European Parliament and of the Council[10].

(18) The collection of accurate and coherent data and the timely publication of collected data and statistics are fundamental to ensure full knowledge on the rights of victims of crime within the Union ***and to monitor the implementation of this Directive***. Introducing a requirement for Member States to collect and report to the Commission ***disaggregated data, by sex, age group and, where possible and relevant, relationship between the victim and the offender and the type of offence, available at central level*** on victims of crime every three years in a harmonised way is expected to constitute a relevant step to ensure the adoption of data-informed policies and strategies. ***The data on the relationship between the victim and the offender and the type of offence is helpful for identifying underlying patterns, enhancing understanding of risk dynamics, and identifying vulnerable groups.*** The Fundamental Rights Agency should continue to assist the European Commission and Member States in the collection, production and dissemination of statistics on victims of crime and in reporting ***data available at central level showing*** how victims have accessed the rights set out in this Directive.

I

[10] Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).

(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.

(19) ***In accordance with Article 47 of the Charter of Fundamental Rights of the European Union, an effective remedy is to be available where the rights under this Directive are violated. In addition,*** the principle of effectiveness of Union law requires that ***national procedural law does not make it impossible or excessively difficult to enforce*** rights under ***Union law.***

(19a) As a horizontal Directive that applies to all victims of all crimes, this Directive does not affect more specific provisions in other Union acts which address the specific needs of particular categories of victims, such as victims of trafficking in human beings, victims of sexual abuse, and sexual exploitation of children, including child sexual abuse material, victims of violence against women and domestic violence and victims of terrorism, in a more targeted manner.

(20) Since the objectives of this Directive cannot be sufficiently achieved by the Member States due to the need to facilitate judicial cooperation in criminal matters by ensuring trust in equal access to victims' rights no matter where in the EU the crime happened, but can rather by reason of the scale and effects of the envisaged measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

PUBLIC

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

(22) ▌ In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified ▌ by letter of ***27 October 2023***, ▌ its wish to take part in the adoption and application of this Directive.

(23) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[11] and delivered an opinion on [XX XX 2023][12],

(24) Directive 2012/29/EU should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

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

12 [OP: Footnote once available]

Article 1

Directive 2012/29/EU is amended as follows:

(1) the following Article is inserted:

'Article 3a

Victims' helpline

1. Member States shall take the necessary measures to establish ***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.

PUBLIC

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 Member State other than their Member State 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.

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. ’

PUBLIC

(2) the following Article 5a is inserted:

‘Article 5a

Reporting of crime

1. Member States shall ensure that victims can report criminal offences to the competent authorities through ***free,*** accessible, ***easy to use, safe, and readily available channels. In addition to in-person crime reporting methods, reporting of criminal offences shall also be available through free, accessible, easy to use, secure, and*** user friendly information and communication technologies ***at least for non-urgent cases and non-violent criminal offences, where such reporting is in the best interest of the victim.*** Such possibility shall include submission of evidence where feasible. ***Such possibilities shall be without prejudice to national procedural rules regarding formalisation of online reporting and submission of evidence.***

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

2a. For the purpose of facilitating third-party reporting by civil society organisations who are likely to receive information with regard to criminal offences, Member States shall take the necessary measures to enable cooperation between competent authorities and such organisations.

PUBLIC

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.

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 ***centers*** 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 centers for persons with disabilities, children and elderly people***.

PUBLIC

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. ***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, 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.***

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.***

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.'

PUBLIC

(2a) Article 6 is amended as follows:

[redacted]

(b) in paragraph 1 the following points are added:

'(c) on the decision to prosecute the offender;

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

(e) on victims' 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.'

[redacted]

(d) paragraph (5) is replaced by the following:

'5. Member States shall ensure that victims are offered the opportunity to be notified, without unnecessary delay, when the person remanded in custody, prosecuted or sentenced for criminal offences concerning them is released from or has escaped detention, including release under judicial supervision. Furthermore, 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.'

PUBLIC

(2b) Article 7 is amended as follows:

▌

(d) paragraph 6 is replaced by the following:

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

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

(3) Article 8 is amended as follows:

(a) paragraph 2 is replaced by the following:

'2. Member States shall ensure that victims are contacted ***without undue delay*** by the relevant general or ***specialist*** support services if the individual assessment referred to in Article 22 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. ▌***'***

PUBLIC

(aa) paragraph 3 is amended as follows:

'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.'

(b) the following ***paragraphs are*** added:

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

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. '

▌

PUBLIC

(4) Article 9 is amended as follows:

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

'(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; '

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

'(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 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 for as long as necessary***, in accordance with their individual needs and in line with the relevant national healthcare or social systems governing access to psychological support***. ▌ ***'***

(aa) paragraph 2 is replaced by the following:

'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.'

PUBLIC

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

‘(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[13] [on combating violence against women and domestic violence], victims of trafficking in human beings, victims of organised crimes, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism, victims of ***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***. ▌ ’

(c) the following ***paragraphs are*** added:

‘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.

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

4. Member States shall provide the protection and specialist support services necessary to ▌ address the multiple needs of victims with specific needs in line with the protocols 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.'

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

'Article 9a

Targeted and integrated support services for children

1. Member States shall take the necessary measures to ensure the availability of child-friendly targeted and integrated ***support*** 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***.

PUBLIC

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);***

3. ***Member States shall consider ensuring the provision of*** the services referred to in paragraph 2 ▌ within the same premises. ***Particular attention shall 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 organizations.'

PUBLIC

(6) the following Articles 10a and 10b are inserted:

‘Article 10a

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***.

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**.**

PUBLIC

2. ***Member States shall ensure that victims, in accordance with their status in criminal proceedings as defined*** under ***national law, have the right to request a review under national law of a decision, 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, when such a decision is taken during court hearings. Member States may provide the possibility for*** victims ***to*** request a review of decisions ***pursuant to Articles 18 and 23(3)***.

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. The*** review ***of the decision may be carried out*** within ***the same instance and by the same authority, including orally during the court proceedings***. ▌***'***

(6a) Article 13 paragraph (1) is replaced by the following:

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

PUBLIC

(6b) Article 13 (2) is added:

'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, who have the right to become parties in criminal proceedings and who do not have sufficient means, are entitled to legal aid.'

(7) Article 16 is amended as follows:

[redacted]

(b) paragraph 2 is replaced by the following:

'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. [redacted] ***'***

(c) the following paragraph is added:

'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 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.'

PUBLIC

(8) Article 17 is amended as follows:

(-a) in paragraph 1 the introductory part is replaced by the following:

'1. Member States shall ensure that their competent authorities take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that 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 be in a position to:'

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

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

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

'(b) ***hear*** victims who are resident ***in another Member State 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 in another Member State to the extent possible under Union and national law and in accordance with the victim's role in the criminal proceedings. '

PUBLIC

(b) the following paragraph is added:

'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***. ▌ ***'***

(8a) The following Article 18a is inserted:

'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. '

(8b) in Article 19, paragraph 1 is replaced by the following:

'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. '

PUBLIC

(8c) In Articles 19, paragraph 2 is replaced by the following:

'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.'

(8d) In Article 19, the following paragraph is added:

'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.'

▌

(8e) Article 21 is amended as follows:

(a) the title is replaced by the following:

'Right to protection of privacy and non-disclosure of personal data'

(9) in Article 21, the following ***paragraphs are*** added:

'3. Member States shall ensure that ***the*** personal data concerning ▌ the victim's place of residence or ***other equivalent*** contact ***details, such as phone number and email address*** is not provided to the offender***, unless disclosure is necessary for the purpose of Article 7 of Directive 2012/13/EU or when the competent authorities*** either ***upon request or ex officio, following a case-by-case assessment, have established that the legitimate interest in disclosure outweighs the victim's right to protection of personal data***.▌

3a. Paragraph 3 shall apply to criminal proceedings opened one year after the end of the transposition period of this Directive.'

PUBLIC

(10) Article 22 is amended as follows:

(a) the title is replaced by the following:

'Individual assessment of victims to identify specific support and protection needs'

(b) paragraph 1 is replaced by the following:

'1. Member States shall ensure that victims receive a timely and individual assessment ▌ 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.***'***

(c) the following paragraph 1a is inserted:

'1a. The individual assessment shall be initiated ***at the earliest stage possible such as at*** the first contact of the victim with the competent authorities ▌ and shall last as long as necessary depending on the specific needs of each victim. Where the result of the initial stage of the individual assessment by the first contact authorities demonstrates the need ***for an enhanced*** assessment, such assessment shall be undertaken***, where appropriate,*** in collaboration ***or coordination*** with the ***relevant*** institutions and bodies***, as well as general and specialist support services, including referrals thereto,*** depending on ▌ victims' individual needs ***and the stage of the procedure. 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***. ***The competent authorities, institutions, bodies and support services shall respond to victims' needs for protection and support without undue delay and in a coordinated manner. Member States shall determine the practical organisation of the individual assessment. '***

▌

PUBLIC

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

‘2. The individual assessment shall take into account:

(a) the personal characteristics of the victim, including relevant experiences of discrimination, also when based on ***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 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.

PUBLIC

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

(e) the following paragraph 3a is inserted:

'3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender ***as referred to in 2, d), 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. ***'***

PUBLIC

(f) paragraph 4 is replaced by the following:

‘4. For the purposes of this Directive, child victims shall be presumed to have specific support and protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles ***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 any specific need that child victims without parental care might have as a result of a crime***. ’

(g) paragraph 6 is replaced by the following:

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

(h) paragraph 7 is replaced by the following

‘7. ***Member States*** shall ***ensure that*** the individual assessment ***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.***'***

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

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

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

'(d) all interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) …/… of the European Parliament and of the Council[14] [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.;

[14] Directive (EU) …/… of the European Parliament and of the Council on combating violence against women and domestic violence (OJ …).''

(11a) in Article 23, paragraph 3 (c) is replaced by the following:

'(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'

(12) in Article 23, the following ***paragraphs are*** added:

'4. ***Member States shall ensure that their competent authorities are granted the power to take adequate*** measures ***during criminal proceedings and for as long a necessary to provide*** physical protection ***to*** victims with specific protection needs ***as*** identified in accordance with Article 22(1)***, including***:

(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, in accordance with national law.

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.'

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(12a) in Article 24 paragraph (1), the following point is added:

'(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'; '

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

'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. ▌ ***'***

(13a) Article 25 is amended as follows:

(a) paragraph 1 is replaced by the following:

'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. Additionally, training shall be provided in relation to victims of cybercrime. '

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(c) paragraph 2 is replaced by the following:

'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. '

(d) paragraph 3 is replaced by the following:

'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. '

(e) paragraph 4 is replaced by the following:

'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. '

PUBLIC

(f) paragraph 5 is replaced by the following:

'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.'

(g) the following paragraphs are added:

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

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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. '

PUBLIC

(13b) the following Article 25a is inserted:

'Article 25a

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 and victims of gender-based violence. Such action may include information and awareness raising campaigns and research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders, as well as measures to increase the awareness of victims 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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PUBLIC

(13c) Article 26 is amended as follows:

(a) (a) paragraph 2 is replaced by the following:

'2. Member States shall ensure that their competent authorities are able to process, including transmit, personal data of victims to the competent authorities of the Member State of residence of the victim with the victim's consent, and without such consent where the victim is incapable of giving consent, in accordance with applicable Union legislation. '

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

'Article 26a

Protocols ***or guidelines for*** coordination and cooperation ***in the Member States***

1. Member States shall establish and implement specific protocols ***or guidelines, binding or non-binding in nature depending on national law,*** on the organisation of services and actions under this Directive ***of*** the competent authorities and 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) ***Article 5a of this Directive should be applied by the competent authorities;***

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(c) ***the*** individual assessment of victims' needs for support and protection as referred to in Article 22, and provision of support services for victims with specific needs, ***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***.

▌

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 ▌ 5(1), Article 5a ***(1) only insofar as it concerns online reporting, by*** using ***information and*** communication ***technologies***.

1a. Member States shall ensure that victims of crime may exercise their rights provided for in Article 4(1), Article 5(3), Article 5a(4), Article 6(1), (2), (4), (5) and (6), and Article 10b by using, where available, information and communication technologies in accordance with national law.

PUBLIC

2. Victims of crime shall not be prevented from accessing or otherwise using ***the services provided by*** national systems offering the ***information and*** communication ***technologies*** referred to in paragraph 1***, and if such systems are available in the Member States, the services referred to in paragraph 1a,*** 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[15].

Article 26c

Rights of victims with disabilities

1. Member States shall ensure that victims with disabilities benefit on equal basis with others from ***information and*** communication ***technologies*** 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[16].

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15 Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

16 Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).'

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. ’

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(16) Article 28 is replaced by the following:

‘Article 28

Provision of data and statistics

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

PUBLIC

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.

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. ***'***

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(16a) The following Article 28b is inserted:

'Article 28b

Resources

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

PUBLIC

(17) Article 29 is replaced by the following:

‘Article 29

Reporting by the Commission and review

By [six years after adoption], the Commission shall submit a report on the application of this Directive to the European Parliament and the Council. The report shall assess the extent to which the Member States have taken the necessary measures to comply with this Directive, including the technical implementation. ***The report shall specifically assess the way the Member States implemented Article 9a(3). The Commission shall take into consideration the findings of the European Union Agency for Fundamental Rights and Eurostat in that report.***

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

Article 2

Transposition

1. Member States shall take the necessary measures to comply with this Directive [by two years after the entry into force] with the exception of the provisions necessary to comply with Article 26b which shall be adopted and published [by four years after the entry into force]. They shall immediately inform the Commission thereof.

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

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

Article 3

Entry into force

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

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

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

PUBLIC