



Plenary sitting

A8-0168/2018

14.5.2018

REPORT

on the implementation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (2016/2328(INI))

Committee on Civil Liberties, Justice and Home Affairs
Committee on Women's Rights and Gender Equality

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(Joint committee procedure – Rule 55 of the Rules of Procedure)

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EXPLANATORY STATEMENT – SUMMARY OF FACTS AND FINDINGS

This Report is aimed at assessing the implementation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime in EU Member States. In particular, it focuses on its coherence, relevance, effectiveness and efficiency. In doing so, it covers various aspects of the application of the Directive: the legal transposition measures at the Member States level, the practical implementation of the Directive on the ground, the benefits it has provided to victims as well as the challenges encountered. The Report finally provides a number of recommendations to the Commission and the Member States for further promoting the implementation of the Directive in the future.

The European Parliament has a relevant role in the promotion of further efforts at EU level to strengthen the proper application of the Directive through the support and the promotion of the rights of victims of crime in general and, more particularly, through the support of EU funding aimed at adequate judicial training.

The Parliament should also support and promote more consistency across the different EU legislative instruments on victims' rights by better streamlining the approach and ensuring a more coherent process.

The Member States had to transpose the Directive by 16 November 2015. In November 2017, 23 out of 27 Member States had officially transposed the Directive (Denmark opted out of the Directive). However, the European Commission has not yet assessed the transposition and implementation as regard the Directive, even though its reporting obligations were due in November 2017, according to Article 29 of the Directive.

Since their appointment, the two rapporteurs have collected information and have relied on the following sources, among others:

- a hearing held in the joint committee meeting of LIBE and FEMM Committees on 11 January 2018;
- Ex-post Impact assessment by Parliament's EPRS services, published in December 2017;
- exchange of information with the relevant institutional stakeholders and victim protection organizations;

ASSESSMENT

Many people fall victim to crime in the EU every year - around 30 million crimes, excluding minor offenses, alone are reported to the police. More and more people are travelling, living or studying abroad and are therefore potential victims of crimes committed in a country other than their own. The EU has a mandate to ensure that citizens and foreigners moving within its borders are protected.

Victims must have the right to:

- understand and to be understood during contact with an authority (for example plain and simple language);

- receive information from the first contact with an authority;
- make a formal complaint and receive written acknowledgement;
- interpretation and translation (at least during interviews/questioning of the victim);
- receive information about the case's progress;
- access victim support services.

A range of factors were identified that may undermine the directive's effectiveness in practice, including:

- A lack of awareness-raising measures accompanying the directive's implementation;
- A lack of information available in language that victims can understand, including easy to understand or sign language where necessary;
- A lack of financial support to service provision and a lack of coordination of support services, police, prosecutors, and other relevant actors;
- A lack of stakeholder buy-in and training of practitioners.

One of the key issues with regard to differences in national criminal law affecting victim protection relates to the Member States' use of different definitions of key concepts; most notably, differences in the definition of the concept of 'victim' imply that national legislation extends coverage to differing degrees, e.g. to family members (see Section 3.4 on 'Defining victims of crime'). Stalking is a further example with not all Member States taking this into account in their criminal codes.

An area where most of the Member States have provided significant progress, both at the legislative and administrative level, concerns individual assessment (Article 22 of the Directive). The setting up of individual assessment when victims report a crime is key to ensure their needs and options are assessed properly by practitioners. No victims can be supported adequately if the front-line officials (in most cases, the police where a victim go to report a crime) do not know the personal characteristics of the victims, the type or nature of the crime and the circumstances of the crime.

Nevertheless, the ways in which individual assessments are conducted vary greatly across the Member States, and in some instances rely solely on a 'ticking boxes' exercise. Furthermore, even if individual assessments were conducted adequately across the EU, the availability of victims' support structures is not consistent across Member States, and sometimes even within a Member State. Moreover, proper coordination at Member States level remains challenging. Providers responsible for victims support are usually either organized by the government or by NGOs-and often they co-exist, thus raising the question of consistent and long-term funding for support services, as well as the issue of their respective responsibilities.

CONCLUSIONS

The co-rapporteurs strongly recommend all Member States to transpose and fully implement the Directive.

They also point out that Member States should avoid possible gaps in the implementation of the Directive due to different interpretation at national level and differences in national criminal law affecting victim protection.

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the implementation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (2016/2328(INI))

The European Parliament,

- having regard to Articles 2 and 3 of the Treaty on European Union (TEU) and Articles 8, 10, 18, 19, 21, 79 and 82 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 3, 6, 20, 21, 23, 24, 41 and 47 of the Charter of Fundamental Rights of the European Union,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- having regard to the Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948,
- having regard to the 1989 UN Convention on the Rights of the Child,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the UN General Assembly on 29 November 1985,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), and to Council Decisions (EU) 2017/865¹ and (EU) 2017/866 of 11 May 2017² on the signing, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence,
- having regard to Council of Europe Recommendation CM/Rec(2006)8 of the Committee of Ministers to member states of 14 June 2006 on assistance to crime victims,
- having regard to Council of Europe Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states of 31 March 2010 on measures to combat discrimination on grounds of sexual orientation and gender identity,
- having regard to Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings,
- having regard to the Council conclusions of 6 December 2013 on combating hate crime in the EU and of 5 June 2014 on preventing and combating all forms of violence against

¹ OJ L 131, 20.5.2017, p. 11.

² OJ L 131, 20.5.2017, p. 13.

women and girls including female genital mutilation,

- having regard to Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA¹,
- having regard to Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings²,
- having regard to Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters³,
- having regard to 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/JHA⁴,
- having regard to Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order⁵,
- having regard to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA⁶,
- having regard to Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA⁷,
- having regard to its resolution of 14 December 2017 on the implementation of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography⁸,
- having regard to Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union⁹,
- having regard to Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims¹⁰,
- having regard to the study entitled ‘How can the EU and the Member States better help victims of terrorism?’, published by its Policy Department for Citizen’s Rights and

¹ OJ L 88, 31.3.2017, p. 6.

² OJ L 132, 21.5.2016, p. 1.

³ OJ L 181, 29.6.2013, p. 4.

⁴ OJ L 315, 14.11.2012, p. 57.

⁵ OJ L 338, 21.12.2011, p. 2.

⁶ OJ L 101, 15.4.2011, p. 1.

⁷ OJ L 335, 17.12.2011, p. 1.

⁸ Texts adopted, P8_TA(2017)0501.

⁹ OJ L 127, 29.4.2014, p. 39.

¹⁰ OJ L 261, 6.8.2004, p. 15.

Constitutional Affairs in September 2017,

- having regard to the survey by the EU Agency for Fundamental Rights (FRA) entitled ‘Second European Union minorities and discrimination survey’, published in December 2017,
- having regard to the FRA study entitled ‘Child-friendly justice – Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States’, published in February 2017,
- having regard to the FRA Fundamental Rights Report 2017, published in May 2017,
- having regard to the FRA Fundamental Rights Report 2016, published in May 2016,
- having regard to the FRA study entitled ‘Victims of crime in the EU: the extent and nature of support for victims’, published in January 2015,
- having regard to the FRA study entitled ‘Severe labour exploitation: workers moving within or into the European Union’, published in June 2015,
- having regard to the FRA report entitled ‘Violence against women: an EU-wide survey’, published in March 2014,
- having regard to the report on Project IVOR entitled ‘Implementing Victim-Oriented Reform of the criminal justice system in the EU’, published on 6 May 2016,
- having regard to the report by the European Institute for Gender Equality (EIGE) entitled ‘An analysis of the Victims’ Rights Directive from a gender perspective’,
- having regard to the Yogyakarta Principles plus 10 adopted on 10 November 2017 (‘Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics’),
- having regard to its resolution of 12 September 2017 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence¹,
- having regard to the European Parliamentary Research Service’s European Implementation Assessment of Directive 2012/29/EU, produced by the Ex-Post Evaluation Unit,
- having regard to Rule 52 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
- having regard to the joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and Gender Equality under Rule

¹ Texts adopted, P8_TA(2017)0329.

55 of the Rules of Procedure,

- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and Gender Equality (A8-0168/2018),
- A. whereas Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime (‘Victims’ Rights Directive’) seeks to place the victim of a crime at the centre of the criminal justice system, and aims to strengthen the rights of victims of crime so that any victim can rely on the same level of rights, irrespective of where the offence took place, their nationality or residence status;
- B. whereas 23 out of 27 Member States have transposed the Victims’ Rights Directive into national legislation as of September 2017; whereas the Commission has started 16 infringement procedures against Member States that are still not fully compliant in practice; whereas the directive has made it possible to initiate progress in dealing with victims of crime in another Member State; whereas shortcomings remain in cross-border cases;
- C. whereas unified standards and instruments are in place at EU level to improve the lives of EU citizens, but victims of crime are still treated differently from country to country;
- D. whereas despite many changes introduced in Member States, victims still often lack awareness of their rights, undermining the Victims’ Rights Directive’s effectiveness on the ground and in particular the access to information requirement;
- E. whereas legal support aside, victim support groups classify the needs of victims into four categories: the right to justice, dignity, truth and memory, of which the latter stands as an unconditional rebuke of terrorism;
- F. whereas some Member States display a lack of victim support services and coordination between them at local, regional, national and international level, which makes it difficult for victims to access existing support services;
- G. whereas women’s shelters, centres and helplines are core agencies for the support of women victims of violence and their children; whereas there is inadequate provision for women’s shelters and centres in Europe; whereas more women’s shelters are urgently required since they provide safety, accommodation, counselling and support to women survivors of domestic violence and their children; whereas the lack of women’s shelters may constitute a risk to life;
- H. whereas in cases where a terrorist attack occurs in one Member State and the victim is resident in another Member State, the two Member States should cooperate closely to facilitate assistance for the victim;
- I. whereas if government entities and national institutions took effective and protective action to help victims, citizens would support and trust the institutions which would boost their reputation;
- J. whereas a wide range of health professionals are likely to come into contact with

victims, especially victims of gender-based violence, and are often initially contacted by the victim to report a crime; whereas evidence shows that health professionals, such as doctors and other clinical professionals, receive limited training in responding effectively to gender-based violence;

- K. whereas women victims of gender-based violence always require special support and protection, owing to their particular vulnerability to secondary and repeat victimisation;
- L. whereas there is still systematic underreporting of incidents or perpetrators of violence in the EU, particularly in cases involving minorities, migrants, people with dependent or precarious residence status, LGBTI persons, anti-Semitic offences, child sexual abuse, domestic and gender-based violence, and trafficking and forced labour victims; whereas about two thirds of women victims of gender-based violence do not report to an authority because they fear retaliation, embarrassment and social stigma;
- M. whereas hate crimes against LGBTI persons are an EU-wide reality; whereas these crimes are underreported and the rights of the victims are therefore not respected;
- N. whereas the FRA study entitled ‘Making hate crime visible in the European Union: acknowledging victims’ rights’ states that immigrant status enhances the risk of being criminally victimised, independent of other known risk factors;
- O. whereas racist hate crimes against migrants and asylum seekers have increased across the Member States; whereas very few perpetrators of these hate crimes are brought to justice;
- P. whereas even though all victims of crime are granted equal rights without discrimination under Article 1 of the directive, in reality most Member States have not put in place policies or processes to ensure that undocumented victims can safely report severe labour exploitation, gender-based violence and other forms of abuse without the risk of immigration penalties; whereas this disproportionately affects women and girls, who are also more exposed to trafficking and sexual exploitation; whereas the FRA’s Second European Union Minorities and Discrimination Survey states that only 1 in 8 respondents reported or filed a complaint about the most recent incident of discrimination they experienced as a result of their ethnic or immigrant background;
- Q. whereas Article 1 of the directive states that the rights set out therein apply to victims in a non-discriminatory manner, including with respect to their residence status;
- R. whereas the #MeToo campaign has highlighted that the justice system does not deliver adequate justice and protection to women and girls and that consequently, victims of gender-based violence do not receive the necessary support;
- S. whereas the ratification and full implementation of the Istanbul Convention provides a coherent European legal framework to prevent and combat violence against women and protect the victims thereof; whereas the definition of gender-based violence should be based on the Istanbul Convention, and should acknowledge the structural nature of violence against women and other forms of gender-based violence and their links to inequality between women and men, which remains prevalent in society; whereas violence in close relationships must be seen from a gender perspective, since it affects

women disproportionately;

- T. whereas women are most exposed to stalking, which is a common form of gender-based violence, and whereas stalking as a specific offence has not been taken into account in the criminal codes of seven Member States;
- U. whereas specific attention must be given to the safety and protection of the children of women victims of gender-based violence and domestic violence;
- V. whereas victims are often not well informed of trials and their outcomes; whereas all too often victims are unexpectedly informed of the release of an offender through media or other external factors, instead of by competent authorities;
- W. whereas victims and family members are not given sufficient information about their rights when a crime occurs in a Member State other than that in which the victim resides; whereas the Member States have different definitions of the concept of ‘victim’; whereas the scope of national legislation differs as a consequence (sometimes extending to cover family members, for example);
- X. whereas easily accessible and widely publicised helplines are for many women the first step towards obtaining the help and support they need when experiencing violence in close relationships;
- Y. whereas only 27 % of Europeans are familiar with the single European emergency telephone number 112; whereas not everyone has access to it yet;
- Z. whereas in a considerable number of cases, the victim is the most important witness in the trial and needs to be protected from possible retaliatory or threatening behaviour from the offender, including by preventing repeated or secondary victimisation; whereas witness testimony is crucial to the proper functioning of and trust in the criminal justice system and essential for the effective investigation and prosecution of organised crime and terrorist groups, which could lead to their dismantling; whereas Member States should take appropriate measures to protect witnesses effectively and to step up the exchange of best practices and international cooperation in this area;
- AA. whereas shortcomings in the implementation of the Victims’ Rights Directive have been reported, in particular as regards:
- delivering appropriate services to victims in accordance with their specific needs;
 - implementing properly the requirements for guaranteeing an individual assessment of victims;
 - properly establishing mechanisms allowing the alleged offender to have a copy of the complaint;
 - ensuring equal accessibility to victim and specialist support services for all victims, including persons with disabilities, LGBTI persons, child victims, victims of gender-based violence, including sexual violence, and victims of hate and honour crimes, regardless of their residence status;

- guaranteeing rapid, efficient and victim-sensitive procedures in criminal court cases that take account of the specific needs of the most vulnerable groups;
 - collecting data on and analysing the culture of violence, misogyny and gender stereotypes, and their link with the incidence of hate crimes;
 - briefing victims on their aggressors’ situation under criminal or procedural law;
- AB. whereas victims of crime regularly report that enduring the process of justice is itself a type of victimisation – a secondary or re-victimisation; whereas factors that impact how victims experience the system include how they are treated during the process and the amount of control and participatory access they are given;
- AC. whereas victims of terrorism have been subjected to attacks that are ultimately intended to harm society or a larger group they represent; whereas they therefore require special attention, support and social recognition owing to the particular nature of the crime committed against them;
- AD. whereas certain rights, such as the right to financial aid and compensation, were not properly implemented or granted to the victims of the 2016 terrorist attacks in Brussels in accordance with the provisions of the Victims’ Rights Directive;

Assessment of the implementation of the directive

1. Criticises the Commission’s failure to submit a report to Parliament and to the Council on the application of the Victims’ Rights Directive by November 2017, in accordance with Article 29 of the directive; calls on the Member States to cooperate and send all relevant data and statistics to the Commission in order to facilitate its assessment of the implementation of the directive;
2. Criticises the fact that two years after transposition was due, only 23 out of 27 Member States had officially transposed the Victims’ Rights Directive by September 2017, and among these, some are only partially compliant and only on some provisions;
3. Notes the successful implementation by some Member States of certain provisions of the Victims’ Rights Directive, namely:
 - the right to interpretation and translation,
 - the right to be heard,
 - the protection of child victims,
 - the rights of victims when making a complaint,
 - the right to receive information from the first contact with a competent authority;
4. Deplores, however, the remaining important shortcomings in the transposition and implementation of the directive in many Member States, in particular as regards:
 - the complexity of procedures for accessing support services and shortcomings in

the victim support system, including insufficient access to legal aid and compensation, lack of financial support and coordination between support services, and inconsistent referral mechanisms,

- the fact that clear information is often not provided in more than one language, making it difficult, de facto, for victims to seek protection abroad in another Member State;
 - the lack of a legislative foot-hold in cross-border cases and the rights of victims resident in other Member States, and failure to take measures to ensure that the lack of or uncertain residence status poses no barrier to victims' ability to assert their rights under this directive;
5. Highlights the vital importance of conducting the first contact with the victim properly, especially in the case of victims of gender-based violence; notes, however, that some of the most vulnerable victims – such as minors and uneducated, disabled or elderly victims, as well as (for language reasons) migrants and victims of human trafficking – may have difficulties in understanding the information that is communicated to them and, as a result, their right to information stipulated in Article 4 of the directive will not be fully exercised, making it necessary to ensure the presence of a qualified expert to assist victims; notes that Article 4 is one of the directive's strengths, as it helps victims to exercise their right to the available support and protection as set out in the directive;
 6. Calls on the Member States to promote easy access to justice and adequate legal aid free of charge, as this contributes greatly to breaking the silence and increasing the victim's trust in the criminal justice system, decreases the possibility of impunity and enables the victim to begin the process of psychological recovery;
 7. Calls on all the Member States to implement and effectively enforce the right to information laid down in Article 4 of the Victims' Rights Directive for all victims and potential victims; stresses the need to improve information mechanisms in Member States to ensure that victims are not only aware of their rights, but also know where to go to exercise them; points out that the professionals who first see to victims should be their first contact point for information on their rights and about programmes designed to tackle situations that lead to victimisation; underlines that failure to provide information to the victim before, during and after criminal proceedings results in poor enjoyment of victims' rights and dissatisfaction with the justice system, and discourages victims from actively participating in the criminal proceedings;
 8. Deplores the fact that too many Member States have failed to implement, in their legislation, individual victim assessments, leading to inefficiency when it comes to detecting and identifying their specific needs, to treating them with respect and dignity and, as a consequence, to granting them protection in accordance with their specific needs;
 9. Notes that failure to transpose the directive into national law in certain Member

States means that citizens of those Member States suffer discrimination when it comes to upholding their rights as European citizens;

10. Deplores the fact that the Victims' Rights Directive limits the exercise of the victim's right to legal aid owing to provisions obliging Member States to provide legal aid only when the victim has the status of a party to criminal proceedings and stipulating that the conditions or procedural rules under which victims have access to legal aid shall be determined by national law; stresses that these restrictions may be particularly onerous for victims of gender-based violence who do not make complaints and whose cases will never be dealt with as part of the criminal justice system;
11. Notes that other instruments addressing similar successive additions to victims' rights complicate coherence with the Victims' Rights Directive;
12. Recalls that third country nationals and EU citizens who have fallen victim to crime in another Member State can also enjoy the rights, support and protection offered by this directive regardless of their residence status, and that victims of criminal offences committed in a Member State other than the one in which the victim resides can lodge their complaint to the competent authorities of the Member State of residence; notes, however, that this right is often undermined by the uncertainty of Member State provisions on extraterritoriality; calls on Member States to ensure that residency status is not a criterion for full enjoyment of the rights of victims and to clarify their national provisions on extraterritoriality; calls on the Member States to guarantee access for non-resident victims of crime to support services and information concerning their rights, and to adopt specific measures that focus in particular on the rights of all victims to compensation and within criminal proceedings; calls, in this regard, on the Member States to take appropriate action to facilitate cooperation between their competent authorities or entities providing specialist support to ensure that victims have effective access to such information and services;
13. Reminds the Member States that victims in an irregular situation of residence should also have access to rights and services, including shelters and other specialised services under this directive, such as legal protection and psychosocial and financial support from the Member States, without fear of being deported; calls on the Member States to put in place measures to ensure that these rights and services are made available without discrimination; welcomes steps taken by some Member States to grant undocumented victims a residence permit on humanitarian grounds or for the duration of criminal proceedings, which could encourage victims to report crimes and counter the climate of impunity; encourages Member States to enact legislation that provides avenues for victims with dependent residence status to escape from situations of abuse by making it possible to obtain independent residence status; urges the Commission to encourage and facilitate the exchange and evaluation of existing good practices among Member States, integrating the perspectives of victims and civil society;

Recommendations

Individual assessment

14. Recalls that one of the most important objectives of the Victims' Rights Directive is to improve the position of victims of crime across the EU and to place the victim at the

centre of the criminal justice system;

15. Calls on the Member States to reinforce the rights of victims of hate crimes, including those against LGBTI persons or with racist motives;
16. Highlights the fact that individual assessments are crucial to empowering all victims by informing them of their rights, and the right to make decisions, in the proceedings they are involved in and, in the case of children, the right to have access to the specific procedural safeguards that would apply to them from the very beginning of the legal proceedings; calls on the Member States to properly implement in their legislation timely individual assessments of the victims, including during their initial contact with a competent authority if necessary, as an essential procedural step for recognising and identifying a victim's specific needs, to then grant specific protection in accordance with those needs, and to prevent secondary and repeat victimisation, intimidation and retaliation; emphasises that individual assessments need to be reviewed on a regular basis in order to determine ongoing support needs, and that victims should be provided with a follow-up review within an appropriate period of time after the crime took place, based on existing knowledge of trauma reactions; recalls that individual assessments are particularly necessary for the victims of human trafficking and the child victims of sexual abuse, given the social, physical and psychological repercussions of these crimes; recalls that all individual assessments should be gender sensitive, given that women and LGBTIQI victims of gender-based violence require special attention and protection owing to a high risk of repeated victimisation, and that specific measures and specialist support should therefore be ensured;

Victim support services

17. Regrets the difficulties experienced by victims in accessing support services; deplores the fact that in some Member States, victim support services have still not been set up; highlights that victim support services and rights should be granted to all victims throughout the EU and should be accessible even when a person has not yet proven that he or she is victim of a crime, or before any official procedure or act has taken place; calls on the Member States to provide for, and increase the number and improve the accessibility of, women's shelters and women's centres, assisting the female victims of all types of gender-based violence, and to ensure that women survivors of violence are never declined a place; insists that services need to be expanded to more adequately meet the needs of all women, in particular differently-abled women and migrant women, including undocumented migrant women; stresses that such services should also include non-residential specialist support, such as information and advice, court accompaniment and outreach services; considers that women's shelters should help all women facing violence in close relationships, and should be available 24/7 and free of charge for women and their children, so that women can feel safe and able to report gender-based violence;
18. Calls on the Member States to pay particular attention to the individual assessment of children and the child victims of any form of crime, in particular human trafficking, including for sexual exploitation, of gender-based violence and of sexual abuse and exploitation; recalls that child victims shall always be considered as having specific protection needs due to their vulnerability, pursuant to Article 22(4) of the directive;

stresses the need to deal with children and young victims in a manner that takes proper account of their vulnerability;

Training

19. Stresses that ensuring further training programmes at EU level is of paramount importance for the harmonisation and standardisation of procedures across the Member States and for ensuring equal treatment for European citizens;
20. Calls on the Member States to provide specific training for those responsible for assisting the victims of terrorist acts, and to grant the necessary resources to that effect;
21. Calls on the Commission and the Member States to provide gender-sensitive training programmes and guidelines for all professionals involved in dealing with the victims of crime, such as law practitioners, police officers, prosecutors, judges, health professionals, social workers and civil society organisations; encourages the Member States to adequately use EU funding for these training purposes; calls on the Member States to specifically ensure that they comply with all obligations on training for police officers, so that they can conduct individual assessments better and in a timely manner once a crime has taken place; calls on the Member States to prevent the further victimisation or secondary victimisation experienced by the victims of crime, to provide victims with information about their rights and the services which they can access, and to empower them, as a means of reducing post-traumatic stress; stresses that such training should also be included in education programmes, in cooperation with civil society and NGOs, and that compulsory and specific training should be regularly available to all professionals involved in dealing with the victims of crime, in order to develop a mindset suited to handling the specific characteristics and needs of each type of victim, to help professionals prevent violence and to provide adequate support for vulnerable groups, such as children, women victims of gender-based violence, the victims of human trafficking, LGBTI people and people with disabilities; points out that personal training is essential in order for the objectives of the directive to be implemented effectively; considers that such training should include guidance on how to ensure that victims are protected from coercion, abuse and violence and that their physical and mental integrity is respected; believes, moreover, that all training sessions should emphasise the principle of non-discrimination – a cornerstone of the directive;
22. Recalls that child victims of crime are particularly vulnerable and that particular attention should be devoted to training professionals dealing with the victims of child-related crimes, especially in cases of sexual abuse and sexual exploitation, taking into account the needs associated with the various age groups; stresses that such professionals should communicate in a child-friendly manner;
23. Encourages the Commission to give practical meaning to the international day for the victims of terrorism by organising, at least twice a year, an international meeting specifically devoted to the exchange of experiences and best practices between local, regional and national authorities of Member States and to the gathering of victims' testimonies; considers that this should help ensure the quick, uniform and full transposition of the directive, the early identification of common application problems, and a process for the ongoing assessment of its ability to raise awareness, and add an operational dimension to shows of solidarity and institutional and social support for

victims;

24. Underlines the fact that healthcare professionals are key to recognising the victims of domestic violence, since violence against women in close relationships affects both physical and mental health in the long term; calls on the Member States to ensure that information about victim support services and victims' rights is accessible to health professionals, and to provide targeted training for a wide range of healthcare professionals, including general practitioners, doctors specialised in emergency assistance, nurses, medical assistants, clinical social workers and reception staff, with a view to providing an effective response for the victim, particularly in cases of gender-based violence, thus enabling health professionals to identify cases of potential abuse, and to encourage women victims to contact a competent authority;

Cross-border dimension

25. Calls on the Member States to provide financial and legal aid to family members in the event of a serious crime – i.e. where the victim has died or has been seriously injured – taking place in a different Member State to where the victim is resident, particularly in cases where the family cannot afford to travel to that Member State to attend court, to pay for psychological support or to bring the victim home;
26. Calls on the Member States to make the procedures more flexible and speed up the process of forwarding the judgments for gender-based violence handed down in a country, particularly in the case of international couples, so that the authorities in the countries which the spouses come from can act accordingly as soon as possible and prevent custody of their children being given to a father accused of gender-based violence in another country;
27. Asks the Commission and the Council to further develop the rights of victims so that the EU can play a leading role in the protection of victims' rights;

Procedural rights

28. Highlights the importance of providing free legal aid while ensuring that the bureaucratic burden for the victim is as low as possible;
29. Calls, in particular, for Member States to set up confidential and anonymous procedures for reporting crimes, particularly in cases of sexual abuse and the abuse of disabled people and minors, with a view to monitoring and evaluating the number of reports and ensuring that undocumented victims can lodge complaints without the risk of immigration-related consequences;
30. Calls on the Member States to step up legal measures in criminal procedures guaranteeing the protection of child victims, including the specific needs of the child victims of gender-based violence, particularly in cases where the child's mother is murdered by their partner, throughout the entirety of criminal proceedings, and to ensure that they receive assistance and social and psychological support thereafter, in order to prevent child victims from being exposed to secondary victimisation; calls on the Member States to step up specific measures to improve the role of national helplines in the context of child victims, given that self-reporting of children is limited;

31. Calls on the Member States to take into account significant incidents of gender-based violence, including domestic violence, when determining custody and visitation rights, and considers that the rights and needs of child witnesses should also be taken into account when providing victims with protection and support services;
32. Reminds the Member States of the requirement to provide translation and interpretation services free of charge, noting that a lack of information in other languages may constitute an obstacle to the effective protection of the victims and a form of discrimination against them;
33. Urges the Commission and the Member States to engage actively and cooperate closely in information campaigns to raise general public awareness of the rights of victims as established by EU law, including the specific needs of child victims; stresses that these awareness-raising campaigns should also be organised in schools in order to inform children of their rights and provide them with the tools to recognise any form of crime they may have suffered or witnessed; calls on the Commission and the Member States to set up campaigns to encourage women and LGBTQI persons to report any kind of gender-based violence so that they can be protected and get the support they need;
34. Calls on the Member States to exchange best practices for a victim-oriented approach for police officers in their daily work;
35. Calls on the Member States to actively engage, both at regional and national level, in campaigns to prevent gender-based violence and re-victimisation in the justice system and in the media, and to promote a cultural change in public opinion in order to prevent victim-blaming attitudes or behaviours, which may result in additional trauma for the victims of specific crimes such as gender-based violence or sexual abuse; calls on the Member States to encourage the private sector, the IT sector and the media to make the best use of their potential and to participate in the prevention of violence against women and domestic violence;
36. Calls on the Member States to exchange best practices on establishing mechanisms to encourage and facilitate the process for victims to report the crimes they have suffered;
37. Calls on the Member States to establish specific measures in the case of attacks resulting in mass casualties, so that large numbers of victims can participate in criminal proceedings;
38. Reminds the Member States that particular attention should be paid to the risk of intimidation and retaliation and to the need to protect the dignity and physical integrity of victims, including during questioning and when testifying, in order to determine whether and to what extent they should receive protection measures during the criminal proceedings;
39. Stresses the importance of the obligation to keep victims informed about the progress of criminal proceedings brought against the perpetrators of crimes against them, particularly when prison sentences have been handed down or are being served;

Institutional perspective

40. Calls on the Commission to meet its reporting obligations as set out in the directive;
41. Highlights the importance of relevant disaggregated comparable data on all crimes, particularly when it comes to violence against women and human trafficking, in order to ensure a better understanding of the problem, and to raise awareness, assess and improve Member States' action to support victims;
42. Calls on the Commission to counteract the judicial and practical flaws in the implementation of this directive by a proper interplay of the various EU victim-protection instruments, such as Directive 2011/99/EU on the European Protection Order, Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography, and Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime in the EU; calls on all Member States and the EU to ratify and fully enforce the Council of Europe Istanbul Convention¹, to prevent and combat violence against women and girls and to implement these important instruments coherently in order to ensure that victims in Europe fully enjoy their rights;
43. Calls on the Commission to include sectoral examinations in its monitoring and reporting, and to ensure a uniform application of the directive in order to protect all victims, irrespective of the grounds of victimisation or specific characteristics, such as race, colour, religion, gender, gender identity, gender expression, sexual orientation, sex characteristics, disability, migration status or any other status;
44. Recalls that family members of victims are included in the definition of 'victim', and calls on the Member States to interpret the term 'family members' – and other key terms, such as 'particularly vulnerable' – broadly, so as not to restrict the list of potential rights holders unnecessarily;
45. Calls on the Member States to put in place measures to ensure that written and oral communications comply with simple language standards, and are adapted to minors and people with disabilities, in a language that the victim can understand, so that victims can be kept informed of their rights in a comprehensible, adequate and targeted manner before, during and after criminal proceedings;
46. Calls on the Member States to ensure that where the exercise of rights is bound by time limitation periods, delays resulting from translation and interpretation difficulties shall be taken into account;
47. Given that it is a common form of gender-based violence that requires specific prevention measures, calls on the seven Member States that have not yet done so to legislate to make stalking a criminal offence, as called for by Article 34 of the Istanbul Convention, on the basis of the relevant provisions in the Victims' Rights Directive on the right to protection of privacy, the right to protection and, in particular, the right to avoid contact with the offender or with other potential perpetrators or accomplices;
48. Calls on the Member States to prevent further victimisation arising from humiliation

¹ See Parliament's resolution of 12 September 2017 on the conclusion of the Istanbul Convention..

and honour attacks on the victim by sections of society close to the original attacker; reiterates that such acts constitute additional victimisation and should not be protected by the right to freedom of expression, as set out in Article 10(2) of the European Convention on Human Rights and the case law of the European Court of Human Rights¹;

49. Calls on the Member States to ensure that an emergency information telephone line is in operation following an attack or, preferably, to incorporate this service within the services provided by the European emergency number 112, and that provisions are made to provide foreign language assistance; calls, therefore, on all Member States to immediately implement Article 22 of the Victims' Rights Directive in their legislation;
50. Calls on the Member States to ensure that, in the event that a victim of terrorism does not reside in the Member State in which the act took place, this Member State should cooperate with the Member State of residence in order to facilitate assistance for the victim;
51. Calls on the Member States to provide a national helpline, open 24/7 and free of charge, for women and the LGBTQI victims of gender-based violence;
52. Calls on the Member States to guarantee assistance to victims from victim support services before, during and after criminal proceedings, including psychological support; underlines the important role of civil society in victim support; considers, nevertheless, that governments must not rely only on NGOs to provide key support services to victims ('volunteerism'); insists that the Member States make sure to increase funding and resources for NGOs working in the area of women's rights and victim's rights and must build capacity to develop victim support mechanisms, involving law enforcement authorities, health and social services and civil society;
53. Calls on the Member States to provide specialist support to the victims of terrorism in emergency response planning, in order to ensure the provision of adequate support services, both in the immediate aftermath of an attack and in the long term;
54. Calls on the Member States to establish specific measures to ensure the provision of information to victims not resident in the territory of the Member State in which the terrorist attack has taken place; believes that these measures should focus in particular on the rights of non-resident victims in criminal proceedings and on compensation;
55. Calls on all Member States to combat impunity at all times and to ensure that perpetrators are brought to justice, so that victims can feel protected; calls on all Member States, moreover, to work across sectors to identify and address the systemic factors that contribute to the repeat victimisation of people in vulnerable situations and/or who face high levels of discrimination, as not doing so could have a severe impact on the psychological recovery process of the victim;
56. Calls on the Member States to set up legal mechanisms to criminalise the glorification of a specific act of terrorism in the event that it humiliates the victims and causes

¹ Chamber judgment of 16 July 2009, *Féret v Belgium*, C-573.

secondary victimisation by damaging the victims' dignity and recovery;

57. Considers that the victims of terrorism must be kept central to European society, as a symbol of the defence of democratic pluralism; calls, to this end, for conferences, memorials and audiovisual material in order to raise awareness among European citizens, and for a European register of victims for administrative use;
58. Calls on the Member States to ensure stronger protection for the victims of gender-based violence, including sexual violence, as a means to improve access to justice and the efficiency of criminal proceedings.
59. Recalls the specific nature of the victims of terrorist attacks, who fall into a separate category and have specific needs; calls on the Commission to draft a specific directive on the protection of the victims of terrorism;
60. Calls on the Member States to guarantee support services, such as trauma support and counselling, and access to the necessary healthcare, including sexual and reproductive health, as part of targeted support for victims with specific needs, such as children, women victims of gender-based violence, the victims of human trafficking, LGBTI people, and people with disabilities;
61. Calls on the Member States to establish adequate quality control mechanisms for assessing whether they have met the requirements for gender-sensitive and women- and child-friendly standards as regards provisions made by victim support services to encourage the reporting of crimes and protect victims effectively;
62. Calls on the Member States to help victims deal with legal, financial and practical issues as well as the risk of further victimisation;
63. Calls on the Commission to highlight the potential use of the EU-funded 'Infovictims' project, as a tool to inform and reach out to victims about criminal processes via different communication methods, such as brochures and posters; considers that this project enhances the sharing of good practices for informing the victims of crimes;
64. Calls on the Member States to establish coordinated mechanisms for collecting information on the victims of terrorist attacks taking place in their territory, and, through the creation and development of a one-stop shop, to provide victims with a web portal and emergency telephone line or other means of communication, such as e-mail or multimedia messaging tools, giving access to secure, personalised, specific and relevant information in accordance with the user's needs, with a confidential, free-of-charge and easily accessible support service; stresses that this support service must be able to provide assistance and support to the victims of terrorism in line with their specific needs, such as emotional and psychological support, and advice and information on any legal, practical or financial matters, must be able to assist victims liaising with the various administrative departments and, if necessary, represent them in this regard in the immediate aftermath of the attack and during any criminal proceedings, as well as assistance with national compensation claim procedures;
65. Calls on the Member States to adopt appropriate measures to prevent, as far as possible, attacks on victims' private lives and family members, in particular as regards

investigative activities and during legal procedures;

66. Calls on the Commission to turn the current e-Justice portal into a more user-friendly platform that provides concise and easy-to-understand information to victims about their rights and the procedures they need to follow;
67. Calls on the Member States to engage, with complete respect for freedom of expression, with media and journalists to adopt self-regulation measures in the aftermath of a terror attack in order to guarantee that the private lives of victims and their family members are protected and, moreover, to recognise the value of cooperating with specialised victim assistance services and support in helping victims deal with the media attention they receive;
68. Calls on the Member States to establish coordination mechanisms to ensure an effective transition of support for victims, from immediate gender-sensitive care in the aftermath of a crime, to the assistance they require in the longer term; notes that the local and regional authorities that provide the majority of assistance services to victims should be included in all stages of planning, decision-making and implementation; stresses that such mechanisms should, in particular, ensure that victims are referred to long-term services, with different organisations providing support during the various phases; considers that these mechanisms should also fulfil a cross-border function in order to provide victim support services, and guarantee the victim's right to be informed, assisted and compensated in their place of residence when the crime has taken place in a Member State other than the one in which the victim resides;
69. Calls on the Member States, in the event of a terrorist attack, to establish a coordination centre to bring together organisations and experts with the necessary expertise to provide information, support and practical services to the victims and to their families and relatives; stresses that these services should be confidential, free of charge and easily accessible to all victims of terrorism, and should include, in particular:
 - (a) Specialist emotional and psychological support, such as trauma support and counselling specifically adapted to the needs of the victims of terrorism;
 - (b) Vocational rehabilitation services to help victims suffering from injuries and harm to find new jobs or change careers;
 - (c) The facilitation of safe virtual connections for victims with other victims and victim-run support groups;
 - (d) Community-based support services;
 - (e) Services to inform family members of the identification of victims and their remains and to repatriate remains;
70. Regrets the fact that, compared to the Istanbul Convention, the scope of the Victims' Rights Directive is more limited as regards the protection of victims of gender-based violence (including people affected by FGM); welcomes, nevertheless, the directive's stronger accountability mechanism and stresses that the two instruments should be promoted together in order to maximise the protection offered to the victims of gender-

based violence;

71. Encourages the Member States to provide adequate information material and free legal aid to the victims of terrorism who are also parties to criminal proceedings, in order that they may obtain a decision on compensation;
72. Calls on the Commission to propose the creation of a European fund for assistance to the victims of terrorism;
73. Calls on the Member States to establish:
 - a) A permanent dedicated website on which all public information on the support services established following a terrorist attack that has taken place in that Member State can be accessed, and which should include the following information, to be made available as a matter of urgency: the contact details of any organisations responsible for providing support and information to victims, family members and members of the public following a terrorist attack, and information on the attack and measures established in response to it, including information on finding or getting in touch with missing victims and measures to help victims to return home, which should include:
 - i. How to retrieve any property lost as a result of an attack;
 - ii. Normal psychological responses of victims to an attack and guidance for victims on ways to mitigate any negative responses, and information on possible invisible injuries, such as hearing loss;
 - iii. Information on how to replace identification documents;
 - iv. Information on how to obtain financial assistance, compensation or government benefits;
 - v. Information on the specific rights of the victims of terrorism and family members, including rights within criminal proceedings as prescribed in the Victims' Rights Directive;
 - vi. Any other information deemed necessary for the purposes of ensuring that victims are informed of their rights, their safety, or the services available to them;
 - b) A private-access website, available to the victims of terrorist attacks and their family members, providing information to the victims which is not publicly available;
 - c) Planning on how to inform family members about victims' situations;
 - d) The uniform collection of information on victims by all authorities and organisations responsible for the reception, treatment and assistance of victims; information should be collected in accordance with the needs of all organisations involved in the response to a terrorist attack and in support of the victims and their families;

74. Calls on the Member States to establish a national network of victim support services in order to enhance cooperation between these organisations, and to launch working groups to share good practices, develop training and improve communication between authorities and the victims of crime;
75. Calls on the Commission to enter into a dialogue with the Member States in order to reduce the glaring disparities¹ in the financial compensation granted by each Member State to the victims of terrorist attacks;
76. Emphasises that it is vital that the Member States respond to the victims of crime in a respectful, sensitive and professional manner in order to help encourage them to report to law enforcement or medical staff;
77. Calls on the Member States to ensure that the 112 emergency hotline is fully accessible to disabled persons and that campaigns are launched to raise awareness of it;
78. Reiterates its call on the Commission to present, as soon as possible, a European strategy for preventing and combating all forms of gender-based violence, including a legal act to support the Member States in the prevention and suppression of all forms of violence against women and girls and of gender-based violence; reiterates its call on the Council to activate the passerelle clause by adopting a unanimous decision to identify violence against women and girls (and other forms of gender-based violence) as a criminal offence under Article 83(1) TFEU;
79. Calls on the Member States to set up mechanisms for recovering adequate compensation payments from offenders;
80. Calls on the Member States to implement efficiently, with sufficient economic and financial resources and in full cooperation with the Commission and other relevant actors, including civil society, all provisions of the Victims' Rights Directive;
81. Calls on the Commission to include the priority of safeguarding personal security and the protection of all individuals from gender-based and interpersonal violence in the European Agenda on Security;

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82. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.

¹ National financial compensation ranges from the token amount of one euro in some Member States to up to EUR 250 000 or more in others.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

| | |
|---|---|
| Date adopted | 26.4.2018 |
| Result of final vote | +: 42 -: 4 0: 2 |
| Members present for the final vote | Asim Ademov, Jan Philipp Albrecht, Beatriz Becerra Basterrechea, Malin Björk, Vilija Blinkevičiūtė, Michał Boni, Caterina Chinnici, Anna Maria Corazza Bildt, Rachida Dati, Agustín Díaz de Mera García Consuegra, Cornelia Ernst, Tanja Fajon, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Sophia in 't Veld, Teresa Jiménez-Becerril Barrio, Eva Joly, Dietmar Köster, Agnieszka Kozłowska-Rajewicz, Barbara Kudrycka, Florent Marcellesi, Louis Michel, Angelika Mlinar, Claude Moraes, Maria Noichl, Ivari Padar, Marijana Petir, Pina Picierno, Judith Sargentini, Branislav Škripek, Michaela Šojdrová, Helga Stevens, Ernest Urtaşun, Udo Voigt, Josef Weidenholzer, Kristina Winberg, Anna Záborská |
| Substitutes present for the final vote | Carlos Coelho, Andrejs Mamikins, Maite Pagazaurtundúa Ruiz, Evelyn Regner, Elissavet Vozemberg-Vrionidi, Julie Ward |
| Substitutes under Rule 200(2) present for the final vote | Francisco Assis, Esther Herranz García, Verónica Lope Fontagné, Patricija Šulin |

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

| 42 | + |
|-----------|--|
| ALDE | Beatriz Becerra Basterrechea, Nathalie Griesbeck, Sophia in 't Veld, Louis Michel, Angelika Mlinar, Maite Pagazaurtundúa Ruiz |
| EFDD | Kristina Winberg |
| GUE/NGL | Malin Björk, Cornelia Ernst |
| PPE | Asim Ademov, Michał Boni, Carlos Coelho, Anna Maria Corazza Bildt, Rachida Dati, Agustín Díaz de Mera García Consuegra, Esther Herranz García, Monika Hohlmeier, Teresa Jiménez-Becerril Barrio, Agnieszka Kozłowska-Rajewicz, Barbara Kudrycka, Verónica Lope Fontagné, Patricija Šulin, Elissavet Vozemberg-Vrionidi |
| S&D | Francisco Assis, Vilija Blinkevičiūtė, Caterina Chinnici, Tanja Fajon, Sylvie Guillaume, Dietmar Köster, Andrejs Mamikins, Claude Moraes, Maria Noichl, Ivari Padar, Pina Picierno, Evelyn Regner, Julie Ward, Josef Weidenholzer |
| VERTS/ALE | Jan Philipp Albrecht, Eva Joly, Florent Marcellesi, Judith Sargentini, Ernest Urtasun |

| 4 | - |
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| ECR | Branislav Škripek |
| PPE | Marijana Petir, Michaela Šojdrová, Anna Záborská |

| 2 | 0 |
|-----|---------------|
| ECR | Helga Stevens |
| NI | Udo Voigt |

Key to symbols:

+ : in favour

- : against

0 : abstention