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

2011/0129(COD)

6.3.2012

AMENDMENTS

103 - 321

Draft report

Teresa Jiménez-Becerril Barrio, Antonia Parvanova
(PE480.616v01-00)

on the proposal for a directive of the European Parliament and of the Council
establishing minimum standards on the rights, support and protection of
victims of crime

Proposal for a directive
(COM(2011)0275 – C7-0127/2011 – 2011/0129(COD))
(Rule 51 – Joint committee meetings)

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United in diversity

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Amendment 103

Angelika Werthmann

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) The European Union has set itself the objective of maintaining and developing an area of freedom, security and justice, the cornerstone of which is the mutual recognition of judicial decisions in civil and criminal matters.

Amendment

(1) The European Union has set itself the objective of maintaining and developing an area of freedom, security and justice, ***based on respect for human rights' democratic institutions and the rule of law, the*** cornerstone of which is the mutual recognition of judicial decisions in civil and criminal matters.

Or. en

Amendment 104

Izaskun Bilbao Barandica

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) The Union is committed to the protection of victims of crimes and to the establishment of minimum standards and has adopted Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings. Under the Stockholm programme, adopted by the European Council at its meeting on 10 and 11 December 2009, the Commission and the Member States have been asked to examine how to improve legislation and practical support measures for the protection of victims.

Amendment

(2) The Union is committed to the protection of victims of crimes and to the establishment of minimum standards and has adopted Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings. Under the Stockholm programme, adopted by the European Council at its meeting on 10 and 11 December 2009, the Commission and the Member States have been asked to examine how to improve legislation and practical support measures for the protection of victims, ***with attention, support and recognition for all victims, and particularly for victims of terrorism, included as a European priority.***

Amendment 105
Angelika Werthmann

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The Union is committed to the protection of victims of crimes and to the establishment of minimum standards and has adopted Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings. Under the Stockholm programme, adopted by the European Council at its meeting on 10 and 11 December 2009, the Commission and the Member States have been asked to examine how to improve legislation and practical support measures for the protection of victims.

Amendment

(2) The Union is committed to the protection of victims of crimes and to the establishment of minimum standards and has adopted Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings. Under the Stockholm programme, adopted by the European Council at its meeting on 10 and 11 December 2009, the Commission and the Member States have been asked to examine how to improve legislation and practical support measures for the protection of victims ***and how to strengthen the area of freedom, security and justice with actions focusing on the interests and needs of citizens.***

Or. en

Amendment 106
Roberta Angelilli

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) This Directive is part of a legislative package which aims at strengthening the rights of victims in the Union. In implementing it, Member States should take account of 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 pornography¹.

1 OJ L 335, 17.12.11, p.1.

Or. it

Amendment 107
Marc Tarabella

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The Council conclusions on the eradication of Violence Against Women in the European Union of 8 March 2010 called on the Member states to devote appropriate resources to preventing and combating violence against women and to provide adequate assistance and protection to victims.

Or. en

Amendment 108
Raül Romeva i Rueda

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The resolution of the European Parliament of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women¹ proposes a strategy to combat violence against women, domestic violence and female genital mutilation as

a basis for future legislative criminal-law instruments against gender-based violence, including a framework to fight violence against women (policy, prevention, protection, prosecution, provision and partnership) to be followed up by an EU action plan.

¹ *Texts adopted, P7_TA-PROV(2011)0127.*

Or. en

Amendment 109
Iratxe García Pérez

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Crime is as an offence against society as well as a violation of the individual rights of victims. As such, victims should be recognised and treated in a respectful, sensitive and professional manner in all contacts with any **public** authority, victim support service **or** restorative justice service taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity. They should be protected from secondary and repeat victimisation and intimidation, should receive appropriate support to facilitate their recovery and should be provided with **sufficient** access to justice.

Amendment

(5) Crime is as an offence against society as well as a violation of the individual rights of victims. As such, victims should be recognised and treated in a respectful, sensitive and professional manner in all contacts with any **competent** authority, victim support service, restorative justice service **or any relevant organisation that may be in contact with them**, taking into account their personal situation, **their rights** and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity. They should be protected from secondary and repeat victimisation and intimidation, should receive appropriate support to facilitate their recovery and should be provided with **effective** access to justice.

Or. es

Amendment 110
Izaskun Bilbao Barandica

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Crime is **as an offence against society as well as** a violation of the individual rights of victims. As such, victims should be recognised and treated in a respectful, sensitive and professional manner in all contacts with any public authority, victim support service or restorative justice service taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity. They should be protected from secondary and repeat victimisation and intimidation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice.

Amendment

(5) Crime is a violation of the individual rights of victims. As such, victims should be recognised and treated in a **personalised**, respectful, sensitive and professional manner in all contacts with any public authority, victim support service or restorative justice service taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity. They should be protected from secondary and repeat victimisation and intimidation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice.

Or. es

Amendment 111
Judith Sargentini
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Crime is as an offence against society as well as a violation of the individual rights of victims. As such, victims should be recognised and treated in a respectful, sensitive and professional manner in all contacts with any public authority, victim support service or restorative justice service taking into account their personal situation and immediate needs, age,

Amendment

(5) Crime is as an offence against society as well as a violation of the individual rights of victims. As such, victims should be **treated with all due respect to their human rights**, recognised and treated in a respectful, sensitive and professional manner in all contacts with any public authority, victim support service or restorative justice service taking into

gender, **disability** and **level of maturity** and fully respecting their physical, mental and moral integrity. They should be protected from secondary and repeat victimisation and intimidation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice.

account their personal situation and immediate needs **without any kind of discrimination, based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, nationality, membership of a national minority, property, birth, disability, age, gender, gender identity and expression, sexual orientation, immigration and residence status, state of health (including HIV and AIDS)**, and fully respecting their physical, mental and moral integrity. They should be protected from secondary and repeat victimisation and intimidation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice.

Or. en

Amendment 112 **Sonia Alfano**

Proposal for a directive **Recital 5**

Text proposed by the Commission

(5) Crime is as ***an offence against society as well as*** a violation of the individual rights of victims. As such, victims should be recognised and treated in a respectful, sensitive and professional manner in all contacts with any public authority, victim support service or restorative justice service taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity. They should be protected from secondary and repeat victimisation and intimidation, should receive appropriate support to facilitate their recovery and should be provided with

Amendment

(5) Crime is a violation of the individual rights of victims ***as well as an offence against society as a whole***. As such, victims should be recognised and treated in a respectful, sensitive and professional manner in all contacts with any ***competent*** authority, victim support service or restorative justice service taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity. They should be protected from secondary and repeat victimisation and intimidation, should receive appropriate support to facilitate their recovery and should be

sufficient access to justice.

provided with *effective and timely* access to justice.

Or. it

Amendment 113
Auke Zijlstra

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Crime is *as an offence against society as well as* a violation of the individual rights of victims. As such, victims should be recognised and treated in a respectful, sensitive and professional manner in all contacts with any public authority, victim support service or restorative justice service taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity. They should be protected from secondary and repeat victimisation and intimidation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice.

Amendment

(5) Crime is a violation of the individual rights of victims *as well as an offence against society*. As such, victims should be recognised and treated in a respectful, sensitive and professional manner in all contacts with any public authority, victim support service or restorative justice service taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity. They should be protected from secondary and repeat victimisation and intimidation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice.

Or. nl

Amendment 114
Raül Romeva i Rueda

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Crime is as an offence against society as well as a violation of the individual rights of victims. As such, victims should

Amendment

(5) Crime is as an offence against society as well as a violation of the individual rights of victims. As such, victims should

be recognised and treated in a respectful, sensitive and professional manner in all contacts with any public authority, victim support service or restorative justice service taking into account their personal situation and immediate needs, age, gender, **disability** and level of maturity and fully respecting their physical, mental and moral integrity. They should be protected from secondary and repeat victimisation and intimidation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice.

be ***treated with all due respect to their human rights***, recognised and treated in a respectful, sensitive and professional manner in all contacts with any public authority, victim support service or restorative justice service taking into account their personal situation and immediate needs ***without discrimination of any kind, based on any ground such as age, gender, sex, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, legal status, nationality, membership of national minority, property, birth, gender identity and gender expression, sexual orientation, migration and residence status, state of health (including HIV and AIDS) and level of maturity, and fully respecting their physical, mental and moral integrity.*** They should be protected from secondary and repeat victimisation and intimidation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice.

Or. en

Amendment 115
Izaskun Bilbao Barandica

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Crime is moreover an offence against the whole of society and the values of coexistence on which the latter is built. This principle is especially clear when some organisations seek to alter the basic rules of coexistence by undemocratic means or use violence to try to establish unofficial systems of authority alongside legitimately established ones. Such is the case with terrorism and mafia

organisations. In these cases, specific problems appear, such as organised intimidation, which create special requirements in terms of protection, support and recognition of persons so affected.

Or. es

Amendment 116

Ádám Kósa

Proposal for a directive

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) On 25 October 2011 the European Parliament adopted a resolution on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 which states that many disabled people continue to suffer discrimination with regard to the lack of equal recognition before the law and justice and calls on the Member States to remedy these shortcomings, including ensuring real access to justice for people with disabilities, especially with regard to freedom of, and access to, communication (including Braille and sign languages and other alternative forms of communication);

Or. hu

Justification

Clarification in order to safeguard and ensure the rights of victims; the European Parliament has already adopted a position on ensuring the rights of people with disabilities with regard to access to justice.

Amendment 117

Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez, Kyriacos

Triantaphyllides

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) This Directive respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union. In particular it seeks to promote the right to dignity, life, physical and mental integrity, private and family life, right to property, and the rights of the child, the elderly and persons with disabilities, and the right to a fair trial.

Amendment

(7) This Directive respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union. In particular it seeks to promote the right to dignity, life, physical and mental integrity, ***the right to non-discrimination, the right to respect for private and family life, the principle of gender equality***, right to property, and the rights of the child, the elderly and persons with disabilities, and the right to a fair trial.

Or. en

Amendment 118

Judith Sargentini

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) This Directive respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union. In particular it seeks to promote the right to dignity, life, physical and mental integrity, private and family life, right to property, and the rights of the child, the elderly and persons with disabilities, and the right to a fair trial.

Amendment

(7) This Directive respects fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union. In particular it seeks to promote the right to dignity, life, physical and mental integrity, private and family life, right to property, and the rights of the child, the elderly and persons with disabilities, and the right to a fair trial. ***The Directive is without prejudice to the 1951 UN Convention relating to the Status of Refugees as regards the principle of non-refoulement and the fundamental right of victims to seek and enjoy asylum where relevant.***

Or. en

Amendment 119
Sonia Alfano

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) This Directive respects fundamental rights and *observes* the principles recognised by the Charter of Fundamental Rights of the European Union. In particular it seeks to promote the right to dignity, life, physical and mental integrity, private and family life, right to property, and the rights of the child, the elderly and persons with disabilities, and the right to a fair trial.

Amendment

(7) This Directive respects fundamental rights and *complies with* the principles recognised by the Charter of Fundamental Rights of the European Union. In particular it seeks to promote the right to dignity, life, physical and mental integrity, ***freedom and security, the right to respect for*** private and family life, ***the right to non-discrimination*** and the right to property, the rights of the child, the elderly and persons with disabilities, and the right to a fair trial.

Or. it

Amendment 120
Angelika Werthmann

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) This Directive lays down minimum rules. Member States may extend the rights set out in this Directive in order to provide a higher level of protection.

Amendment

(8) This Directive lays down minimum rules. Member States may extend the rights set out in this Directive in order to provide a higher level of protection. ***The rights of victims provided for in this Directive are without prejudice to the rights of the offender. This Directive should also cover the situation when a person has been convicted of having committed a crime. The Directive should apply to criminal offences committed in the Union and to criminal proceedings that take place in the Union.***

Amendment 121
Izaskun Bilbao Barandica

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) This Directive works on the principle that that, for victims of crime to receive the proper degree of attention, public services need to be involved at all administrative levels – at Union level, and at national, regional and local levels. It advocates, therefore, drawing on public services' past experience, interinstitutional coordination and all levels of government being involved in the design and implementation of support programmes and in examining the financial implications. These recommendations aim to achieve three goals: raising the profile of these programmes and facilitating the public's access to them, restricting or removing the red tape encountered by victims wishing to access programmes offered at multiple levels, and ensuring that assistance can be maintained. To achieve this, the principle of 'sole point of access' or 'one-stop shop' should be improved and steps taken towards having a single European corporate identity to identify a service of this type. Management of these points of access should be established at the administrative level closest to the general public or at the level that is most consistent with national legislation in the Member State concerned. Intensive use of ICT should also be favoured to prioritise the inclusion of these programmes in e-management systems.

Or. es

Amendment 122
Kyriacos Triantaphyllides

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) This Directive should be interpreted and applied in a manner compatible with the rights of other persons, including those suspected or accused of committing a crime. The high level of protection of victims of crimes should not prejudice the rights of the defence, enshrined in Article 48 of the Charter of Fundamental Rights of the European Union. The measures provided in this Directive for the protection of victims should be interpreted strictly and in accordance with the principle of the right to a fair trial as provided for in the Charter of Fundamental Rights of the European Union and interpreted by case-law of the European Court of Human Rights.

Or. en

Amendment 123
Teresa Jiménez-Becerril Barrio, Antonia Parvanova

Proposal for a directive
Recital 9

Text proposed by the Commission

Amendment

(9) A person should be considered a victim regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim,

(9) A person should be considered a victim regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim,

who have a legitimate interest in criminal proceedings. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance even before reporting a crime. Such support can be crucial both for the recovery of the victim and in any decision to ultimately report the crime.

who have a legitimate interest in criminal proceedings. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance even before reporting a crime. Such support can be crucial both for the recovery of the victim and in any decision to ultimately report the crime. ***Measures concerning such support and assistance should be gender-specific where appropriate and accessible to victims with disabilities.***

Or. en

Amendment 124
Roberta Angelilli

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) A person should be considered a victim regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim, who have a legitimate interest in criminal proceedings. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance even before reporting a crime. Such support ***can be*** crucial both for the recovery of the victim and in any decision to ultimately report the crime.

Amendment

(9) A person should be considered a victim regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim, who have a legitimate interest in criminal proceedings. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance even before reporting a crime. Such support ***is*** crucial both for the recovery of the victim and in any decision to ultimately report the crime. ***Any measures concerning such support and assistance should be gender-specific and take account of the age of the victim.***

Or. it

Amendment 125
Angelika Werthmann

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) A person should be considered a victim regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim, who have a legitimate interest in criminal proceedings. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance even before reporting a crime. Such support can be crucial both for the recovery of the victim and in any decision to ultimately report the crime.

Amendment

(9) A person should be considered a victim regardless of whether a perpetrator ***or an offender*** is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator ***or the offender*** and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim, who have a legitimate interest in criminal proceedings. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance even before reporting a crime. Such support can be crucial both for the recovery of the victim and in any decision to ultimately report the crime. ***Where a victim is a child, the holder of the parental responsibility should be entitled to exercise the rights provided for by this Directive on behalf of the child.***

Or. en

Amendment 126
Judith Sargentini

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) A person should be considered a victim regardless of whether a perpetrator is identified, apprehended, prosecuted or

Amendment

(9) A person should be considered a victim regardless of whether a perpetrator is identified, apprehended, prosecuted or

convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim, who have a legitimate interest in criminal proceedings. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance even before reporting a crime. Such support can be crucial both for the recovery of the victim and in any decision to ultimately report the crime.

convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim, who have a legitimate interest in criminal proceedings. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance even before reporting a crime. Such support can be crucial both for the recovery of the victim and in any decision to ultimately report the crime. ***Measures concerning such support and assistance should be gender-specific where appropriate and accessible to victims with disabilities.***

Or. en

Amendment 127
Anna Hedh

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) A person should be considered a victim regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim, who have a legitimate interest in criminal proceedings. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance even before reporting a crime. Such support can be crucial both for the recovery of the victim and in any decision to ultimately report the crime.

Amendment

(9) A person should be considered a victim regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim, who have a legitimate interest in criminal proceedings. ***Children who are witnessing domestic violence may also exhibit similar psychological reactions to children who have been subject to actual abuse.*** Such indirect victims should therefore also benefit from protection, ***support and the right to compensation*** under this Directive. Victims need appropriate support and assistance even before reporting a crime.

Such support can be crucial both for the recovery of the victim and in any decision to ultimately report the crime.

Or. en

Amendment 128
Axel Voss

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) A person should be considered a victim regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim, who have a legitimate interest in criminal proceedings. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance *even before reporting a* crime. Such support can be crucial both for the recovery of the victim and in any decision to ultimately report the crime.

Amendment

(9) A person should be considered a victim regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim, who have a legitimate interest in criminal proceedings. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance, *regardless of whether or not they report the* crime. Such support can be crucial both for the recovery of the victim and in any decision to ultimately report the crime.

Or. de

Justification

The amendment is merely for the purpose of clarification and does not change the meaning of the Commission proposal. The amendment just makes it clear that victims need support and assistance before they report a crime, but this need for help also exists even if they decide not to report it.

Amendment 129
Sonia Alfano

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) A person should be considered a victim regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim, who have a legitimate interest in criminal proceedings. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance even before reporting a crime. Such support can be crucial both for the recovery of the victim and in any decision to ultimately report the crime.

Amendment

(9) A person should be considered a 'victim' regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim, who have a legitimate interest in criminal proceedings ***and in all relevant remedial and compensatory measures***. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance even before reporting a crime. Such support can be crucial both for the recovery of the victim and in any decision to ultimately report the crime. ***Any measures concerning such support and assistance should be gender-specific where appropriate.***

Or. it

Amendment 130
Rolandas Paksas

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) A person should be considered a victim regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim,

Amendment

(9) A person should be considered a victim regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. Family members of victims are also harmed as a result of the crime, in particular the family of a deceased victim,

who have a legitimate interest in criminal proceedings. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance even before reporting a crime. Such support can be crucial both for the recovery of the victim and in any decision to ultimately report the crime.

who have a legitimate interest in criminal proceedings, ***as are surviving victims who are so seriously injured that they may need considerable support, family members or other support persons***. Such indirect victims should therefore also benefit from protection under this Directive. Victims need appropriate support and assistance even before reporting a crime. Such support can be crucial both for the recovery of the victim and in any decision to ultimately report the crime.

Or. It

Amendment 131
Sonia Alfano

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Victimisation that occurs not as a direct result of a criminal act but through the response or inertia of institutions and individuals in respect of the victim, which is also known as ‘secondary victimisation’, should be avoided through services to victims which demonstrate an approach relevant to their users. Those services should recognise the gender dynamics, impact and consequences of specific forms of violence, while operating within a gender equality and human rights framework.

Or. it

Amendment 132
Anna Záborská

Proposal for a directive
Recital 9 b (new)

Text proposed by the Commission

Amendment

(9b) The concept of ‘family members’ is defined by the national laws of the Member States and should not be regulated by this Directive.

Or. en

Amendment 133
Ádám Kósa

Proposal for a directive
Recital 10

Text proposed by the Commission

Amendment

(10) When providing information, sufficient detail should be given to ensure that victims are treated in a respectful manner and to enable them to make informed decisions about their participation in proceedings and how to access their rights. In this respect, information allowing the victim to know about the current status of any proceedings and their progress is particularly important. This is equally relevant for information to enable a victim to decide whether to request a review of a decision not to prosecute.

(10) When providing information, sufficient detail should be given to ensure that victims are treated in a respectful manner and to enable them to make informed decisions about their participation in proceedings and how to access their rights. In this respect, information provided ***in an appropriate and intelligible way*** allowing the victim to know about the current status of any proceedings and their progress is particularly important. This is equally relevant for information to enable a victim to decide whether to request a review of a decision not to prosecute.

Or. hu

Justification

Clarification in order to safeguard and ensure the rights of victims.

Amendment 134
Angelika Werthmann

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) Information and advice provided by public authorities, victim support services and restorative justice services should as far as possible be given through a range of media in a manner which can be understood by the victim. It should also be ensured that the victim can be understood during proceedings. In this respect, the victim's knowledge of the language used to provide information, their age, maturity, intellectual and emotional capacities, literacy levels and any mental or physical impairment such as those related to sight or hearing, should be taken into account. Equally, limitations on a victim's ability to communicate information should be taken into account during criminal proceedings.

Amendment

(11) Information and advice provided by public authorities, victim support services and restorative justice services should as far as possible be given through a range of media in a manner which can be understood by the victim.

This information and advice should be provided in a simple and accessible language. It should also be ensured that the victim can be understood during proceedings. In this respect, the victim's knowledge of the language used to provide information, their age, maturity, intellectual and emotional capacities, literacy levels and any mental or physical impairment such as those related to sight or hearing, should be taken into account. Equally, limitations on a victim's ability to communicate information should be taken into account during criminal proceedings. ***Victims should be enabled to report the crime in a language they understand.***

Or. en

Amendment 135
Ádám Kósa

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) Information and advice provided by public authorities, victim support services and restorative justice services should as far as possible be given through a range of media in a manner which can be

Amendment

(11) Information and advice provided by public authorities, victim support services and restorative justice services should as far as possible be given through a range of media in a manner which can be

understood by the victim. It should also be ensured that the victim can be understood during proceedings. In this respect, the victim's knowledge of the language used to provide information, their age, maturity, intellectual and emotional capacities, literacy levels and any mental *or* physical impairment such as those related to sight or hearing, should be taken into account. Equally, limitations on a victim's ability to communicate information should be taken into account during criminal proceedings.

understood by the victim. It should also be ensured that the victim can be understood during proceedings. In this context, the following should be taken into account: the victim's knowledge of the language used to provide information, their age, maturity, intellectual and emotional capacities, literacy levels and any mental, physical *or sensory* impairment such as those related to sight or hearing, should be taken into account. Equally, limitations on a victim's ability to communicate information should be taken into account during criminal proceedings.

Or. hu

Justification

The categories were in need of clarification.

Amendment 136 **Auke Zijlstra**

Proposal for a directive **Recital 11**

Text proposed by the Commission

(11) Information and advice provided by public authorities, victim support services and restorative justice services should as far as possible be given through a range of media in a manner which can be understood by the victim. It should also be ensured that the victim can be understood during proceedings. In this respect, the victim's knowledge of the language used to provide information, their age, maturity, intellectual and emotional capacities, literacy levels and any mental or physical impairment such as those related to sight or hearing, *should* be taken into account. Equally, limitations on a victim's ability to communicate information *should* be taken

Amendment

(11) Information and advice provided by public authorities, victim support services and restorative justice services should as far as possible be given through a range of media in a manner which can be understood by the victim. It should also be ensured that the victim can be understood during proceedings. In this respect, the victim's knowledge of the language used to provide information, their age, maturity, intellectual and emotional capacities, literacy levels and any mental or physical impairment such as those related to sight or hearing, *may* be taken into account. Equally, limitations on a victim's ability to communicate information *may* be taken

into account during criminal proceedings.

into account during criminal proceedings.

Or. nl

Amendment 137
Izaskun Bilbao Barandica

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Justice cannot be effectively achieved unless the victim can properly explain the circumstances of the crime they have suffered and provide their evidence in a manner understandable to the competent authorities. It is equally important to ensure the respectful treatment of the victim and to ensure they are able to access their rights. Free of charge interpretation should therefore always be available during questioning of the victim and for their participation in court hearings. For other aspects of criminal proceedings, the need of interpretation and translation can vary depending on specific issues, the status of the victim and their involvement in proceedings and any specific rights they have. As such interpretation and translation for these other cases need only be provided to the extent necessary for victims to exercise their rights.

Amendment

(12) Justice cannot be effectively achieved unless the victim can properly explain the circumstances of the crime they have suffered and provide their evidence in a manner understandable to the competent authorities. It is equally important to ensure the respectful treatment of the victim and to ensure they are able to access their rights. Free of charge interpretation should therefore always be available during questioning of the victim and for their participation in court hearings: ***this refers to both interpretation for linguistic reasons and interpretation due to communication problems arising from a possible disability suffered by the victim.*** For other aspects of criminal proceedings, the need of interpretation and translation can vary depending on specific issues, the status of the victim and their involvement in proceedings and any specific rights they have. As such interpretation and translation for these other cases need only be provided to the extent necessary for victims to exercise their rights.

Or. es

Amendment 138
Izaskun Bilbao Barandica

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Justice cannot be effectively achieved unless the victim can properly explain the circumstances of the crime they have suffered and provide their evidence in a manner understandable to the competent authorities. It is equally important to ensure the respectful treatment of the victim and to ensure they are able to access their rights. Free of charge interpretation should therefore always be available during questioning of the victim and for their participation in court hearings. For other aspects of criminal proceedings, the need of interpretation and translation can vary depending on specific issues, the status of the victim and their involvement in proceedings and any specific rights they have. As such interpretation and translation for these other cases need only be provided to the extent necessary for victims to exercise their rights.

Amendment

(12) Justice cannot be effectively achieved unless the victim can properly explain the circumstances of the crime they have suffered and provide their evidence in a manner understandable to the competent authorities. It is equally important to ensure the respectful treatment of the victim and to ensure they are able to access their rights. Free of charge interpretation *in the language selected by the victim* should therefore always be available during questioning of the victim and for their participation in court hearings. For other aspects of criminal proceedings, the need of interpretation and translation can vary depending on specific issues, the status of the victim and their involvement in proceedings and any specific rights they have. As such interpretation and translation for these other cases need only be provided to the extent necessary for victims to exercise their rights.

Or. es

Amendment 139
Judith Sargentini

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Justice cannot be effectively achieved unless the victim can properly explain the circumstances of the crime they have suffered and provide their evidence in a manner understandable to the competent authorities. It is equally important to ensure the respectful treatment of the victim and to ensure they are able to access their

Amendment

(12) Justice cannot be effectively achieved unless the victim can properly explain the circumstances of the crime they have suffered and provide their evidence in a manner understandable to the competent authorities. It is equally important to ensure the respectful treatment of the victim and to ensure they are able to access their

rights. Free of charge interpretation should therefore always be available during questioning of the victim and for their participation in court hearings. For other aspects of criminal proceedings, the need of interpretation and translation can vary depending on specific issues, the status of the victim and their involvement in proceedings and any specific rights they have. As such interpretation and translation for these other cases need only be provided to the extent necessary for victims to exercise their rights.

rights. Free of charge interpretation, ***including sign language interpretation, should*** therefore always be available during questioning of the victim and for their participation in court hearings. For other aspects of criminal proceedings, the need of interpretation and translation can vary depending on specific issues, the status of the victim and their involvement in proceedings and any specific rights they have. As such interpretation and translation for these other cases need only be provided to the extent necessary for victims to exercise their rights.

Or. en

Amendment 140
Ádám Kósa

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Justice cannot be effectively achieved unless the victim can properly explain the circumstances of the crime they have suffered and provide their evidence in a manner understandable to the competent authorities. It is equally important to ensure the respectful treatment of the victim and to ensure they are able to access their rights. Free of charge interpretation should therefore always be available during questioning of the victim and for their participation in court hearings. For other aspects of criminal proceedings, the need of interpretation and translation can vary depending on specific issues, the status of the victim and their involvement in proceedings and any specific rights they have. As such interpretation and translation for these other cases ***need only*** be provided to the extent necessary for victims to

Amendment

(12) Justice cannot be effectively achieved unless the victim can properly explain the circumstances of the crime they have suffered and provide their evidence in a manner understandable to the competent authorities. It is equally important to ensure the respectful treatment of the victim and to ensure they are able to access their rights. Free of charge interpretation should therefore always be available during questioning of the victim and for their participation in court hearings. For other aspects of criminal proceedings, the need of interpretation and translation can vary depending on specific issues, the status of the victim and their involvement in proceedings and any specific rights they have. As such interpretation and translation for these other cases ***should*** be provided to the extent necessary for victims to exercise their rights. ***Interpretation – including***

exercise their rights.

interpretation in sign language – and translation according to the Directive must be provided in one of the languages spoken and understood by the victims (and provided in any form chosen by them) so that they may fully exercise their rights.

Or. hu

Justification

People with hearing difficulties are particularly vulnerable in the area of communication. Solutions exist – and are becoming increasingly available and proficient – which make possible info-communication accessibility for people with hearing difficulties, ensuring barrier-free access to justice, which continues to be restricted.

Amendment 141 **Auke Zijlstra**

Proposal for a directive **Recital 12**

Text proposed by the Commission

(12) Justice cannot be effectively achieved unless the victim can properly explain the circumstances of the crime they have suffered and provide their evidence in a manner understandable to the competent authorities. It is equally important to ensure the respectful treatment of the victim and to ensure they are able to access their rights. Free of charge interpretation should therefore always be available during questioning of the victim and for their participation in court hearings. For other aspects of criminal proceedings, the need of interpretation and translation can vary depending on specific issues, the status of the victim and their involvement in proceedings and any specific rights they have. As such interpretation and translation for these other cases need only be provided to the extent necessary for victims to

Amendment

(12) *Does not affect the English version.*

exercise their rights.

Or. nl

Justification

This amendment should be made throughout the Dutch version of the text. It is a linguistic correction: the noun 'slachtoffer' (victim) is neuter. Accordingly, a neuter pronoun should be used to refer to it throughout the text. This does not, of course, alter the fact that victims may be male or female.

Amendment 142 **Emine Bozkurt**

Proposal for a directive **Recital 12**

Text proposed by the Commission

(12) Justice cannot be effectively achieved unless the victim can properly explain the circumstances of the crime they have suffered and provide their evidence in a manner understandable to the competent authorities. It is equally important to ensure the respectful treatment of the victim and to ensure they are able to access their rights. Free of charge interpretation should therefore always be available during questioning of the victim and for their participation in court hearings. For other aspects of criminal proceedings, the need of interpretation and translation can vary depending on specific issues, the status of the victim and their involvement in proceedings and any specific rights they have. As such interpretation and translation for these other cases need only be provided to the extent necessary for victims to exercise their rights.

Amendment

(12) Justice cannot be effectively achieved unless the victim can properly explain the circumstances of the crime they have suffered and provide their evidence in a manner understandable to the competent authorities. It is equally important to ensure the respectful treatment of the victim and to ensure they are able to access their rights ***regardless of their nationality***. Free of charge interpretation should therefore always be available during questioning of the victim and for their participation in court hearings. For other aspects of criminal proceedings, the need of interpretation and translation can vary depending on specific issues, the status of the victim and their involvement in proceedings and any specific rights they have. As such interpretation and translation for these other cases need only be provided to the extent necessary for victims to exercise their rights.

Or. en

Amendment 143
Izaskun Bilbao Barandica

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Support, whether provided by governmental or non-governmental organisations, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution to allow all victims the opportunity to access such services. Certain groups of victims such as victims of sexual violence, gender, race hate or other bias crimes or victims of terrorism *may* require specialist support services due to the particular characteristics of the crime they have fallen victim to.

Amendment

(13) Support, whether provided by governmental or non-governmental organisations, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution to allow all victims the opportunity to access such services. Certain groups of victims such as victims of sexual violence, gender, race hate or other bias crimes or victims of terrorism *and organised crime* require specialist support services due to the particular characteristics of the crime they have fallen victim to.

Or. es

Amendment 144
Judith Sargentini
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Support, whether provided by governmental or non-governmental organisations, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support

Amendment

(13) Support, whether provided by governmental or non-governmental organisations, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support

should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution to allow all victims the opportunity to access such services.

Certain groups of victims such as victims of sexual violence, gender, race hate or other bias crimes or victims of **terrorism** may require specialist support services due to the particular characteristics of the crime they have fallen victim to.

should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution to allow all victims the opportunity to access such services.

Children and certain groups of victims such as victims of sexual violence, gender, race hate or other bias crimes or victims of **mass victimisation** may require specialist support services due to the particular characteristics of the crime they have fallen victim to.

Or. en

Amendment 145

Raül Romeva i Rueda

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) Support, whether provided by governmental or non-governmental organisations, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution to allow all victims the opportunity to access such services.

Certain groups of victims such as victims of sexual violence, gender, race hate or other bias crimes or victims of **terrorism** may require specialist support services due to the particular characteristics of the crime they have fallen victim to.

Amendment

(13) Support, whether provided by governmental or non-governmental organisations, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution to allow all victims the opportunity to access such services.

Children and certain groups of victims such as victims of sexual violence, gender, race hate, **torture, cruel, inhuman or degrading treatment, criminal violation of human rights at hands of state agents or** other bias crimes or victims of **mass victimisation** may require specialist support services due to the particular characteristics of the crime they have fallen victim to. **Member States should provide the necessary resources for the support,**

Amendment 146
Kyriacos Triantaphyllides

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Support, whether provided by governmental or non-governmental organisations, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution to allow all victims the opportunity to access such services. Certain groups of victims such as victims of sexual violence, gender, race hate or other bias crimes or victims of terrorism may require specialist support services due to the particular characteristics of the crime they have fallen victim to.

Amendment

(13) Support, whether provided by governmental or non-governmental organisations, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution to allow all victims the opportunity to access such services. Certain groups of victims such as victims of sexual violence, gender, race hate or other bias crimes or ***crimes motivated by discrimination or victims of terrorism, or victims of torture or other cruel, inhuman or degrading treatment or punishment,*** may require specialist support services due to the particular characteristics of the crime they have fallen victim to.

Amendment 147
Licia Ronzulli

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Support, whether provided by governmental or non-governmental organisations, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution to allow all victims the opportunity to access such services. Certain groups of victims such as victims of sexual violence, gender, race hate or other bias crimes or victims of terrorism may require specialist support services due to the particular characteristics of the crime they have fallen victim to.

Amendment

(13) Support, whether provided by governmental or non-governmental organisations ***which are registered and monitored under national law***, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution to allow all victims the opportunity to access such services. Certain groups of victims such as victims of sexual violence, gender, race hate or other bias crimes or victims of terrorism may require specialist support services due to the particular characteristics of the crime they have fallen victim to.

Or. it

Amendment 148
Sonia Alfano

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Support, whether provided by governmental or non-governmental organisations, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support should be provided through a variety of means, without excessive formalities and through ***a sufficient*** geographical distribution to allow all victims the opportunity to access such services. Certain groups of victims such as victims

Amendment

(13) Support, whether provided by ***suitably identified*** governmental or non-governmental organisations, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support should be provided through a variety of means, without excessive formalities and through ***an appropriate*** geographical distribution to allow all victims the opportunity to access such services. Certain groups of victims such as

of sexual violence, gender, race hate or other bias crimes or victims of terrorism may require specialist support services due to the particular characteristics of the crime they have fallen victim to.

victims of sexual violence, gender, race hate or other bias crimes or victims of terrorism **or organised crime** may require specialist support services due to the particular characteristics of the crime they have fallen victim to. **Member States should supply the resources necessary for the support, assistance and protection of victims, and the proceeds seized in the context of various forms of common, organised or terrorist-related crime should be set aside for this purpose as a matter of priority.**

Or. it

Amendment 149
Kinga Göncz

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Support, whether provided by governmental or non-governmental organisations, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution to allow all victims the opportunity to access such services. Certain groups of victims such as victims of sexual violence, gender, **race** hate or **other bias crimes** or victims of terrorism may require specialist support services due to the particular characteristics of the crime they have fallen victim to.

Amendment

(13) Support, whether provided by governmental or non-governmental organisations, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution to allow all victims the opportunity to access such services. Certain groups of victims such as victims of sexual violence, gender, hate **speech** or **hate crime** or victims of terrorism may require specialist support services due to the particular characteristics of the crime they have fallen victim to.

Or. en

Amendment 150
Anna Záborská

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Support, ***whether provided by governmental or non-governmental organisations***, should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution to allow all victims the opportunity to access such services. Certain groups of victims such as victims of sexual violence, ***gender***, race hate ***or other bias*** crimes or victims of terrorism may require specialist support services due to the particular characteristics of the crime they have fallen victim to.

Amendment

(13) Support should be made available from the moment a crime takes place as well as throughout criminal proceedings and after such proceedings in accordance with the needs of the victim. Support should be provided through a variety of means, without excessive formalities and through a sufficient geographical distribution to allow all victims the opportunity to access such services. Certain groups of victims such as victims of sexual violence, race ***or*** hate crimes or victims of terrorism may require specialist support services due to the particular characteristics of the crime they have fallen victim to.

Or. en

Amendment 151
Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez, Kyriacos Triantaphyllides

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In order to respond to the specific needs of women victims of gender-based violence, specific support structures are essential. Those structures should be built upon the experience and expertise of the women's shelter movement, and should reinforce their capacity to develop further their victim support activities.

Amendment 152

Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez, Kyriacos Triantaphyllides

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Although the provision of support should not be dependent on a victim making a complaint of an offence to a competent authority such as the police, such authorities are often best placed to inform victims of the possibility of support. Member States are therefore encouraged to establish appropriate conditions to enable the referral of victims to victim support services, including by ensuring that data protection requirements can be adhered to.

Amendment

(14) Although the provision of support should not be dependent on a victim making a complaint of an offence to a competent authority such as the police, such authorities are often best placed to inform victims of the possibility of support. Member States are therefore encouraged to establish appropriate conditions to enable the referral of victims to victim support services, including by ensuring that data protection requirements can be adhered to. ***In cases of specific types of crimes, such as gender-based violence, referral should be made directly to specialised victim support services in order to avoid stress caused by repeat referral.***

Amendment 153

Rosa Estaràs Ferragut

Proposal for a directive

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) People who suffer from a physical or mental disability as a result of a crime should receive medical treatment and care appropriate to their special situation.

Amendment 154
Roberta Angelilli

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) For those cases where the offences resulting in victim protection are committed with the purpose of financial gain, Member States are invited to consider providing for the possibility to impose financial penalties on offenders.

Or. it

Amendment 155
Iratxe García Pérez

Proposal for a directive
Recital 16

Text proposed by the Commission

Amendment

(16) Restorative justice services, including for example victim-offender mediation, family group conferencing and sentencing circles, can be of great benefit to the victim, but require safeguards to prevent any further victimisation. Such services should therefore have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm. Factors such as power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim's ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to and in conducting a restorative process. Whilst ***private*** proceedings should in general be

(16) Restorative justice services, including for example victim-offender mediation, family group conferencing and sentencing circles, can be of great benefit to the victim, but require safeguards to prevent any further victimisation. Such services should therefore have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm. Factors such as ***the type, nature and gravity of the crime, the ensuing degree of trauma,*** power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim's ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to and in conducting a

confidential, unless agreed otherwise by the parties, factors such as threats *made* during the process *may* be considered as requiring disclosure in the public interest.

restorative process. Whilst proceedings should in general be confidential, unless agreed otherwise by the parties, factors such as threats *or any other forms of violence occurring* during the process *should* be considered as requiring disclosure in the public interest.

Or. es

Amendment 156 **Izaskun Bilbao Barandica**

Proposal for a directive **Recital 16**

Text proposed by the Commission

(16) Restorative justice services, including for example victim-offender mediation, family group conferencing and sentencing circles, can be of great benefit to the victim, but require safeguards to prevent any further victimisation. Such services should therefore have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm. Factors such as power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim's ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to and in conducting a restorative process. Whilst private proceedings should in general be confidential, unless agreed otherwise by the parties, factors such as threats made during the process may be considered as requiring disclosure in the public interest.

Amendment

(16) Restorative justice services, including for example victim-offender mediation, family group conferencing and sentencing circles, can be of great benefit to the victim, but require safeguards to prevent any further victimisation. Such services should therefore have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm. Factors such as power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim's ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to and in conducting a restorative process. Whilst private proceedings should in general be confidential, unless agreed otherwise by the parties, factors such as threats made during the process may be considered as requiring disclosure in the public interest. ***In all cases, any such step requires the express permission of the victim concerned.***

Or. es

Amendment 157
Claude Moraes

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Restorative justice services, including for example victim-offender mediation, family group conferencing and sentencing circles, can be of great benefit to the victim, **but require safeguards** to prevent **any** further victimisation. **Such** services should **therefore** have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm. Factors such as power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim's ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to and in conducting a restorative process. Whilst private proceedings should in general be confidential, unless agreed otherwise by the parties, factors such as threats made during the process may be considered as requiring disclosure in the public interest.

Amendment

(16) Restorative justice services, including for example victim-offender mediation, family group conferencing and sentencing circles, can be of great benefit to the victim. **In order** to prevent further victimisation **such** services **have to be conducted in a competent manner and** should have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm. Factors such as power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim's ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to and in conducting a restorative process. Whilst private proceedings should in general be confidential, unless agreed otherwise by the parties, factors such as threats made during the process may be considered as requiring disclosure in the public interest.

Or. en

Amendment 158
Raül Romeva i Rueda

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Restorative justice services, including

Amendment

(16) Restorative justice services, including

for example victim-offender mediation, family group conferencing and sentencing circles, can be of great benefit to the victim, **but require safeguards** to prevent **any further** victimisation. **Such** services should **therefore** have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm. Factors such as power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim's ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to and in conducting a restorative process. Whilst private proceedings should in general be confidential, unless agreed otherwise by the parties, factors such as threats made during the process may be considered as requiring disclosure in the public interest.

for example victim-offender mediation, family group conferencing and sentencing circles, can be of great benefit to the victim. **In order** to prevent **secondary** victimisation **such** services **have to be conducted in a competent manner and** should have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm. Factors such as power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim's ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to and in conducting a restorative process. Whilst private proceedings should in general be confidential, unless agreed otherwise by the parties, factors such as threats made during the process may be considered as requiring disclosure in the public interest. **Considering the potential benefits of restorative justice, victims should have the possibility to take advantage of such services to the widest extent possible**

Or. en

Amendment 159
Antonyia Parvanova

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Restorative justice services, including for example victim-offender mediation, family group conferencing and sentencing circles, can be of great benefit to the victim, **but require safeguards** to prevent **any further** victimisation. **Such** services should **therefore** have as a primary consideration the interests and needs of the

Amendment

(16) Restorative justice services, including for example victim-offender mediation, family group conferencing and sentencing circles, can be of great benefit to the victim. **In order** to prevent **secondary** victimisation **such** services **have to be conducted in a competent manner and** should have as a primary consideration the

victim, repairing the harm done to the victim and avoiding further harm. Factors such as power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim's ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to and in conducting a restorative process. Whilst private proceedings should in general be confidential, unless agreed otherwise by the parties, factors such as threats made during the process may be considered as requiring disclosure in the public interest.

interests and needs of the victim, repairing the harm done to the victim and avoiding further harm. Factors such as power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim's ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to and in conducting a restorative process. Whilst private proceedings should in general be confidential, unless agreed otherwise by the parties, factors such as threats made during the process may be considered as requiring disclosure in the public interest.

Considering the potential benefits of restorative justice, victims should have the possibility to take advantage of such services to the widest extent possible.

Or. en

Amendment 160
Sonia Alfano

Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) To ensure that victims and their rights are fully protected, individuals who are recognised as being responsible for a crime should be able to have access to benefits that may be provided for under their own procedural and substantive law (plea bargaining, extenuating circumstances, prison benefits, etc.) only when – provided that all requirements have been met – they have fully compensated for the damage done to the victims and their family members.

Or. it

Amendment 161
Izaskun Bilbao Barandica

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Some victims are particularly vulnerable during criminal proceedings to secondary **and repeat** victimisation and **to intimidation** by the offender or his associates. Such vulnerability can broadly be identified from the personal characteristics of the victim and the type or nature of the crime. On this basis some victims such as children, persons with disabilities, victims of sexual violence **and** victims of human trafficking are in most cases vulnerable to further victimisation and in need of special protection measures. Only in exceptional circumstances, such as balancing the fundamental rights of the accused or suspected person, or where the victim so wishes, should access to such protection measures be limited. In the case of victims of human trafficking and victims of child sexual abuse, sexual exploitation and child pornography, where specific and more detailed provisions are already included in separate instruments adopted or in course of negotiation this Directive does not deal with those same matters.

Amendment

(17) Some victims are particularly vulnerable during criminal proceedings to secondary victimisation and **can easily be intimidated** by the offender or his associates. Such vulnerability can broadly be identified from the personal characteristics of the victim and the type or nature of the crime. On this basis some victims such as children, persons with disabilities, victims of sexual violence, victims of **organised crime, by terrorists, mafia organisations and drug traffickers for example, and victims of** human trafficking are in most cases vulnerable to further victimisation and in need of special protection measures. Only in exceptional circumstances, such as balancing the fundamental rights of the accused or suspected person, or where the victim so wishes, should access to such protection measures be limited. In the case of victims of human trafficking and victims of child sexual abuse, sexual exploitation and child pornography, where specific and more detailed provisions are already included in separate instruments adopted or in course of negotiation this Directive does not deal with those same matters.

Or. es

Amendment 162
Judith Sargentini
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Some victims are particularly vulnerable during criminal proceedings to secondary and repeat victimisation and to intimidation by the offender or his associates. Such vulnerability can broadly be identified from the personal characteristics of the victim and the type or nature of the crime. On this basis some victims such as children, **persons with disabilities**, victims of sexual violence and victims of human trafficking are in most cases vulnerable to further victimisation and in need of special protection measures. Only in exceptional circumstances, such as balancing the fundamental rights of the accused or suspected person, or where the victim so wishes, should access to such protection measures be limited. In the case of victims of human trafficking and victims of child sexual abuse, sexual exploitation and child pornography, where specific and more detailed provisions are already included in separate instruments adopted or in course of negotiation this Directive does not deal with those same matters.

Amendment

(17) Some victims are particularly vulnerable during criminal proceedings to secondary and repeat victimisation and to intimidation by the offender or his associates. Such vulnerability can broadly be identified from the personal characteristics of the victim and the type or nature of the crime. On this basis some victims such as children, victims of sexual violence, victims of human trafficking, **migrants and refugees, and in particular migrant and refugee women whose legal status may depend on that of the perpetrator, asylum-seekers, children on the move, stateless persons, lesbian, gay, bisexual and transgender (LGTB) individuals and victims who are required to provide testimony** are in most cases vulnerable to further victimisation and in need of special protection measures. Only in exceptional circumstances, such as balancing the fundamental rights of the accused or suspected person, or where the victim so wishes, should access to such protection measures be limited. In the case of victims of human trafficking and victims of child sexual abuse, sexual exploitation and child pornography, where specific and more detailed provisions are already included in separate instruments adopted or in course of negotiation this Directive does not deal with those same matters.

Or. en

Amendment 163
Ádám Kósa

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Some victims are particularly vulnerable during criminal proceedings to secondary and repeat victimisation and to intimidation by the offender or his associates. Such vulnerability can broadly be identified from the personal characteristics of the victim and the type or nature of the crime. On this basis some victims such as children, persons with disabilities, victims of sexual violence and victims of human trafficking are in most cases vulnerable to further victimisation and in need of special protection measures. Only in exceptional circumstances, such as balancing the fundamental rights of the accused or suspected person, or where the victim so wishes, should access to such protection measures be limited. In the case of victims of human trafficking and victims of **child** sexual abuse, sexual exploitation and **child** pornography, where specific and more detailed provisions are already included in separate instruments adopted or in course of negotiation this Directive does not deal with those same matters.

Amendment

(17) Some victims are particularly vulnerable during criminal proceedings to secondary and repeat victimisation and to intimidation by the offender or his associates. Such vulnerability can broadly be identified from the personal characteristics of the victim and the type or nature of the crime. On this basis some victims such as children, persons with disabilities, victims of sexual violence and victims of human **and organ** trafficking are in most cases vulnerable to further victimisation and in need of special protection measures. Only in exceptional circumstances, such as balancing the fundamental rights of the accused or suspected person, or where the victim so wishes, should access to such protection measures be limited. In the case of victims of human **and organ** trafficking and victims of **the** sexual abuse **and** sexual exploitation **of children and mentally retarded people** and pornography **involving both groups**, where specific and more detailed provisions are already included in separate instruments adopted or in course of negotiation this Directive does not deal with those same matters.

Or. hu

Justification

There is a need to provide the same protection as is enjoyed by children to people with disabilities who have the same level of comprehension as children (or have none at all), i.e. people with disabilities (who also suffer from poverty), who form one of the groups which fall victim to illegal organ trafficking.

Amendment 164
Nathalie Griesbeck

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Some victims are particularly vulnerable during criminal proceedings to secondary and repeat victimisation and to intimidation by the offender or his associates. Such vulnerability can broadly be identified from the personal characteristics of the victim and the type or nature of the crime. On this basis some victims such as children, persons with disabilities, victims of sexual violence *and* victims of human trafficking are in most cases vulnerable to further victimisation and in need of special protection measures. Only in exceptional circumstances, such as balancing the fundamental rights of the accused or suspected person, or where the victim so wishes, should access to such protection measures be limited. In the case of victims of human trafficking and victims of child sexual abuse, sexual exploitation and child pornography, where specific and more detailed provisions are already included in separate instruments adopted or in course of negotiation this Directive does not deal with those same matters.

Amendment

(17) Some victims are particularly vulnerable during criminal proceedings to secondary and repeat victimisation and to intimidation by the offender or his associates. Such vulnerability can broadly be identified from the personal characteristics of the victim and the type or nature of the crime. On this basis some victims such as children, persons with disabilities, *asylum seekers*, victims of sexual violence, victims of human trafficking *victims of torture and victims of inhuman or degrading treatment* are in most cases vulnerable to further victimisation and in need of special protection measures. Only in exceptional circumstances, such as balancing the fundamental rights of the accused or suspected person, or where the victim so wishes, should access to such protection measures be limited. In the case of victims of human trafficking and victims of child sexual abuse, sexual exploitation and child pornography, where specific and more detailed provisions are already included in separate instruments adopted or in course of negotiation this Directive does not deal with those same matters.

Or. fr

Amendment 165
Auke Zijlstra

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Some victims are particularly vulnerable during criminal proceedings to

Amendment

(17) Some victims are particularly vulnerable during criminal proceedings to

secondary and repeat victimisation and to intimidation by the offender or his associates. Such vulnerability can broadly be identified from the personal characteristics of the victim and the type or nature of the crime. On this basis some victims such as children, persons with disabilities, victims of sexual violence and victims of human trafficking are in most cases vulnerable to further victimisation and in need of special protection measures. ***Only in exceptional circumstances, such as balancing the fundamental rights of the accused or suspected person, or where the victim so wishes, should access to such protection measures be limited.*** In the case of victims of human trafficking and victims of child sexual abuse, sexual exploitation and child pornography, where specific and more detailed provisions are already included in separate instruments adopted or in course of negotiation this Directive does not deal with those same matters.

secondary and repeat victimisation and to intimidation by the offender or his associates. Such vulnerability can broadly be identified from the personal characteristics of the victim and the type or nature of the crime. On this basis some victims such as children, persons with disabilities, victims of sexual violence and victims of human trafficking are in most cases vulnerable to further victimisation and in need of special protection measures. In the case of victims of human trafficking and victims of child sexual abuse, sexual exploitation and child pornography, where specific and more detailed provisions are already included in separate instruments adopted or in course of negotiation this Directive does not deal with those same matters.

Or. nl

Amendment 166
Silvia Costa

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Some victims are particularly vulnerable during criminal proceedings to secondary and repeat victimisation and to intimidation by the offender or his associates. Such vulnerability can broadly be identified from the personal characteristics of the victim and the type or nature of the crime. On this basis some victims such as children, persons with disabilities, victims of sexual violence and victims of human trafficking are in most

Amendment

(17) Some victims are particularly vulnerable during criminal proceedings to secondary and repeat victimisation and to intimidation by the offender or his associates. Such vulnerability can broadly be identified from the personal characteristics of the victim and the type or nature of the crime. On this basis some victims such as children, persons with disabilities, victims of sexual violence and victims of human trafficking are in most

cases vulnerable to further victimisation and in need of special protection measures. Only in exceptional circumstances, such as balancing the fundamental rights of the accused or suspected person, or where the victim so wishes, should access to such protection measures be limited. In the case of victims of human trafficking and victims of child sexual abuse, sexual exploitation and child pornography, where specific and more detailed provisions are already included in separate instruments adopted or in course of negotiation this Directive does not deal with those same matters.

cases vulnerable to further victimisation and in need of special protection measures. Only in exceptional circumstances, such as balancing the fundamental rights of the accused or suspected person, or where the victim so wishes, should access to such protection measures be limited. In ***addition to measures available to all victims, Member States should ensure that specific assistance, support and protection measures are available to child victims. Those measures should be provided in the best interests of the child and in accordance with the 1989 United Nations Convention on the Rights of the Child.*** In the case of victims of human trafficking and victims of child sexual abuse, sexual exploitation and child pornography, where specific and more detailed provisions are already included in separate instruments adopted or in course of negotiation this Directive does not deal with those same matters.

Or. en

Amendment 167

Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez, Kyriacos Triantaphyllides

**Proposal for a directive
Recital 17 a (new)**

Text proposed by the Commission

Amendment

(17a) Gender-based violence refers to violence that is directed against a person because of his or her gender. It is a form of violence that affects women disproportionately and it may be interrelated but is not limited to cases of violence in close relationships, sexual violence (including sexual assault and sexual harassment), sexual trafficking and slavery, intimate relationship violence and other harmful practices such as

forced marriages and female genital mutilation. Homophobic and transphobic attacks have also been defined as a form of gender-based violence. Research shows that one-fifth to one-quarter of all women have experienced physical violence at least once during their adult lives and more than one-tenth have suffered sexual violence involving the use of force. It is therefore crucial to criminalise all forms of gender-based violence and provide victims with specific prevention and protection measures, and remedies.

Women victims of gender-based violence and their children also require special attention and protection because of a high risk of repeat victimisation with this type of crime and due to the severe trauma such a crime causes because it is committed by a person the victim should be able to trust and also because victims cannot rely on support by the partner in overcoming the trauma.

Or. en

Amendment 168
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) The right to remembrance should be recognised for victims of terrorism, a vital aspect of which will be the political significance of victims of terrorism; this political significance finds its expression in the defence of everything that terrorism tries to eliminate in order to impose its exclusive totalitarian plan, namely the freedoms enshrined in democratic States governed by the rule of law.

Amendment 169

Teresa Jiménez-Becerril Barrio, Antonia Parvanova

Proposal for a directive

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) All victims should be provided reasonable accommodation where needed in a particular case, which means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden to ensure to victims with disabilities realisation of their rights under this Directive on an equal basis with other victims. Reasonable accommodation could include, but may not be limited to, provision of assistance with communicating, including through a qualified sign language interpreter, ensuring physical accessibility to premises and the information directly related to their case, providing information in easy-to-understand language, and modification of the format of hearing to accommodate the victim with a disability.

Or. en

Amendment 170

Izaskun Bilbao Barandica

Proposal for a directive

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Nor does this Directive address specifically the issue of victims of

terrorism and of mafia organisations, which have a specific structure in some Member States. Specific sections covering this particular problem should be included in the statistics produced from data provided by the Member States on the operation of victim support services. Once the extent of this very specific problem has been determined and any new needs detected, an EU Charter focusing on recognition of the rights of victims of crimes of this kind will be drawn up. This document will be based on five principle points:

To establish an EU definition of the victim of organised crime and terrorist crimes with a structured report on the specificities involved.

To acknowledge the suffering, offer protection and accept that those who die or are injured are victims as are also members of their family, those who are threatened and intimidated, and their freedom, which is also our freedom.

To repair the damage done with substantial and decisive measures, promote remembrance and ensure that justice is done.

To give a human face to debates concerning victims of these organisations, as these are individual people who are suffering and in whom the attack on common values and the fight against the perpetrators of these crimes is embodied.

To de-politicise the debate over victims. This is a question of principles: totalitarians and fanatics kill. The perversion of the basic values of humanity kills. The origin of violence lies in this, never in the free exchange of democratic ideas.

Or. es

Amendment 171
Sonia Alfano

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) The innocent victims of terrorism and organised crime are particularly vulnerable due to the specific nature of the crime. They suffer intimidation, hostile behaviour and threats of retaliation by members of the communities associated with the perpetrators. These victims should therefore be granted specific help and recognition from society and must be protected against any exposure to intimidation, hate and fear. The Commission and Member States should consider adopting specific legislation on victims of terrorism and organised crime to recognise their public character and include more detailed provisions that ensure adequate protection and support, recognition, among other rights, long-term emergency assistance, comprehensive reparation, protection of private and family life, protection of dignity and security, the right to knowledge of truth and the right to memory. In this regard, the establishment of truth by the courts, within a reasonable time frame, must be a priority.

Or. it

Amendment 172
Sonia Alfano, Gianni Vattimo

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Gender-based violence refers to violence that is directed against a person because of his or her gender, gender identity or gender expression. It is a form of violence that affects women disproportionately and it may be interrelated but it is not limited to cases of violence in close relationship, sexual violence (both sexual assault and harassment), sexual trafficking and slavery, intimate relationship violence and other harmful practices such as forced marriages and female genital mutilation. Homophobic and transphobic attacks have also been defined as a form of gender-based violence. Research shows that one-fifth to one-quarter of all women have experienced physical violence at least once during their adult lives and more than one-tenth have suffered sexual violence involving the use of force. In this perspective, it is crucial to criminalise all forms of gender-based violence and provide victims thereof with special prevention, protection and remedies measures.

Or. en

Amendment 173
Sonia Alfano

Proposal for a directive
Recital 17 b (new)

Text proposed by the Commission

Amendment

(17b) Innocent victims of terrorism and of organised crime should be granted specific support given the fact that violating an individual right in such a context also violates the rights of society as a whole. As a consequence, a right with

an individual nature should be protected in a specific way as it affects collective rights. Any remedial and compensatory measures provided for by the public authorities, in particular those concerning compensation, should be accessible solely to the innocent victims of terrorism and organised crime and their families.

Or. it

Amendment 174
Iratxe García Pérez

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should in particular take into account age, gender and gender identity, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime, terrorism, or bias crimes and whether the victim is a foreign victim. Victims of terrorism require particular attention in any assessment given the varying nature of such acts ranging from mass acts of terrorism to targeted terrorism against individuals.

Amendment

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable **and at greater risk of secondary and repeated victimisation at the hands of the same attacker, for example women who are victims of gender-based violence**. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should in particular take into account age, gender and gender identity, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime, terrorism, or bias crimes, **the results of the crime and the trauma suffered by the victim, and** whether the victim is a foreign victim. Victims of terrorism require particular attention in any assessment given the varying nature of such acts ranging from mass acts of

terrorism to *targeted* terrorism against individuals. ***Women who are victims of gender-based violence and their children also require special attention and immediate protection because there is a high risk of repeat victimisation together with huge trauma due to the crime being committed by someone whom the victim ought to be able to trust.***

Or. es

Amendment 175
Izaskun Bilbao Barandica

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should in particular take into account age, gender and gender identity, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime, terrorism, or bias crimes and whether the victim is a foreign victim. Victims of terrorism require particular attention in any assessment given the varying nature of such acts ranging from mass acts of terrorism to targeted terrorism against individuals.

Amendment

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should in particular take into account age, gender and gender identity, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime, terrorism, or bias crimes and whether the victim is a foreign victim. Victims of terrorism require particular attention in any assessment given the varying nature of such acts ranging from mass acts of terrorism to *targeted* terrorism against individuals. ***Special attention needs to be paid to 'organised intimidation' wherein the full complexity of criminal***

organisations and the social groups that support them come together in coordinated direct intimidation of specific individuals and, through them, of society as a whole. They intimidate and place pressure on people who, on account of their activities, thoughts, attitudes or position in the social and professional fabric may be targeted for more serious attacks, including assassination.

Or. es

Amendment 176
Kyriacos Triantaphyllides

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should in particular take into account age, gender and gender identity, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime, terrorism, or bias crimes *and* whether the victim is a foreign victim. Victims of terrorism require particular attention in any assessment given the varying nature of such acts ranging from mass acts of terrorism to targeted terrorism against individuals.

Amendment

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should in particular take into account, *inter alia*, age, gender and gender identity, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime, terrorism, or bias crimes, whether the victim is a foreign victim *and whether the victim is a migrant, an asylum seeker or a beneficiary of international protection, in particular a woman whose legal status may depend on that of the alleged offender*. Victims of terrorism require particular attention in any assessment given

the varying nature of such acts ranging from mass acts of terrorism to targeted terrorism against individuals.

Or. en

Amendment 177
Judith Sargentini

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should in particular take into account age, gender and gender identity, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime, **terrorism, or** bias crimes and whether the victim is a foreign victim. ***Victims of terrorism require particular attention in any assessment given the varying nature of such acts ranging from mass acts of terrorism to targeted terrorism against individuals.***

Amendment

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should in particular take into account age, gender and gender identity, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime, bias crimes and whether the victim is a foreign victim.

Or. en

Amendment 178
Raül Romeva i Rueda

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should in particular take into account age, gender and gender identity, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime, **terrorism**, or bias crimes and whether the victim is a foreign victim. **Victims of terrorism require particular attention in any assessment given the varying nature of such acts ranging from mass acts of terrorism to targeted terrorism against individuals.**

Amendment

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable **and could have specific needs**. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should in particular take into account age, gender and gender identity **and gender expression**, ethnicity, race, religion, sexual orientation, state of health, disability, **legal status**, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime, **torture or cruel, inhuman or degrading treatment, violation of human rights at the hands of state agents** or bias crimes and whether the victim is a foreign victim.

Or. en

Amendment 179
Sonia Alfano

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable. Only through individual assessments, carried out at the earliest opportunity by those in a position to make

Amendment

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable **and have specific needs**. Only through individual assessments, carried out at the earliest opportunity by those in a position

recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should in particular take into account age, gender and gender identity, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime, terrorism, or bias crimes and whether the victim is a foreign victim. Victims of terrorism require particular attention in any assessment given the varying nature of such acts ranging from acts of mass terrorism to targeted terrorism against individuals.

to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should in particular take into account age, gender and gender identity, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime and the type or nature of the crime such as bias crime, organised crime or terrorism. Victims of terrorism require particular attention in any assessment given the varying nature of such acts ranging from mass acts of terrorism to targeted terrorism against individuals *or to the victims of organised crime, especially mafia-style crime.*

Or. it

Amendment 180
Sonia Alfano, Gianni Vattimo

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should in particular take into account age, gender and gender identity, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime,

Amendment

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable *and could have specific needs*. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should in particular take into account age, gender, and gender identity *and gender expression*, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as

terrorism, or bias crimes and whether the victim is a foreign victim. Victims of terrorism require particular attention in any assessment given the varying nature of such acts ranging from mass acts of terrorism to **targeted** terrorism against individuals.

organised crime, terrorism, or bias crimes and whether the victim is a foreign victim. Victims of terrorism require particular attention in any assessment given the varying nature of such acts ranging from mass acts of terrorism to **targeted** terrorism against individuals.

Or. en

Amendment 181
Auke Zijlstra

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment **should in particular** take into account age, gender and gender identity, **ethnicity, race, religion**, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime, terrorism, or bias crimes and whether the victim is a foreign victim.

Amendment

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment **may** take into account age, gender and gender identity, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime, terrorism, or bias crimes and whether the victim is a foreign victim.

Or. nl

Amendment 182
Anna Záborská

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should ***in particular*** take into account age, ***gender and gender identity***, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime, terrorism, ***or bias crimes*** and whether the victim is a foreign victim. Victims of terrorism require particular attention in any assessment given the varying nature of such acts ranging from mass acts of terrorism to targeted terrorism against individuals.

Amendment

(18) Beyond these categories, but again based on personal characteristics and the crime, any person could be vulnerable. Only through individual assessments, carried out at the earliest opportunity by those in a position to make recommendations on protection measures, can such vulnerabilities be effectively identified. The assessment should ***inter alia*** take into account age, ***sex***, ethnicity, race, religion, sexual orientation, state of health, disability, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime, the type or nature of the crime such as organised crime ***or*** terrorism and whether the victim is a foreign victim. Victims of terrorism require particular attention in any assessment given the varying nature of such acts ranging from mass acts of terrorism to targeted terrorism against individuals.

Or. en

Amendment 183
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Victims of terrorism are particularly vulnerable due to the specific nature of the crime. Victims of terrorism suffer intimidation, hostile behaviour, threats of retaliation by members of the communities associated with the

perpetrators of terrorist acts and should therefore be granted specific help and recognition from society and must be protected against any exposure to hate and fear. Commission and Member States should consider, without delay, adoption of specific legislation on victims of terrorism to recognise their public character and include more detailed provisions that ensure adequate protection and support, recognition amongst other rights, long term emergency assistance, comprehensive reparation, protection of private and family life, protection of dignity and security, the right to knowledge of truth and the right to memory.

Or. en

Amendment 184
Iratxe García Pérez

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) Victims who ***have been identified as vulnerable*** should be offered appropriate measures to protect them during criminal proceedings. The exact nature and extent of any such measures should be determined through the individual assessment, in discussions with the victim and in accordance with rules of judicial discretion. The victim's concerns and fears in relation to proceedings should be a key factor in determining whether they need any particular measure.

Amendment

(19) Victims who ***are deemed to have specific needs*** should be offered appropriate measures to protect them ***from when victimisation begins, and before, during and after*** criminal proceedings ***or any other judicial process connected with the crime***. The exact nature and extent of any such measures should ***comply with the dictates of international law and with international rules on protection, and should*** be determined through the individual assessment, in discussions with the victim and in accordance with rules of judicial discretion. The victim's concerns and fears in relation to proceedings should be a key factor in determining whether they need any particular measure.

Amendment 185
Izaskun Bilbao Barandica

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) Victims who have been identified as vulnerable should be offered appropriate measures to protect them during criminal proceedings. The exact nature and extent of any such measures should be determined through *the* individual assessment, in discussions with the victim and in accordance with rules of judicial discretion. The victim's concerns and fears in relation to proceedings should be a key factor in determining whether they need any particular measure.

Amendment

(19) Victims who have been identified as vulnerable should be offered appropriate measures to protect them during criminal proceedings. The exact nature and extent of any such measures should be determined through *a professional* individual assessment, in discussions with the victim and in accordance with rules of judicial discretion. The victim's concerns and fears in relation to proceedings should be a key factor in determining whether they need any particular measure.

Amendment 186
Sonia Alfano

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) Victims who have been identified as vulnerable should be offered appropriate measures to protect them during criminal proceedings. The exact nature and extent of any such measures should be determined through the individual assessment, in discussions with the victim and in accordance with rules of judicial discretion. The victim's concerns and fears in relation to proceedings should be a key factor in determining whether they need

Amendment

(19) Victims who have been identified as vulnerable should be offered appropriate measures to protect them during criminal proceedings *and, where necessary, afterwards too*. The exact nature and extent of any such measures should be determined through the individual assessment, in discussions with the victim and in accordance with rules of judicial discretion. The victim's concerns and fears in relation to proceedings should be a key

any particular measure.

factor in determining whether they need any particular measure.

Or. it

Amendment 187
Nathalie Griesbeck

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) In applying the provisions of this Directive, children's best interests must be a primary consideration, in accordance with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child.

Amendment

(20) In applying the provisions of this Directive, children's best interests must be a primary consideration, in accordance with the Charter of Fundamental Rights of the European Union and the 1989 United Nations Convention on the Rights of the Child. *Special regard should be paid to children, and in particular to unaccompanied children, as they need protection, support and specific assistance due to their particularly vulnerable position. Member States should ensure there are suitable safeguards in place to provide children with the appropriate protection and should take all necessary steps to ensure that the specific actions to assist and support children in their physical and psycho-social recovery are undertaken following an individual assessment of the special circumstances of each particular child victim. Professionals likely to come into contact with child victims should also receive suitable training on the rights and needs of children of different age groups, as well as on the type of proceedings best suited to them.*

Or. fr

Amendment 188
Iratxe García Pérez

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) Implementation of this Directive should take account of the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the CEDAW Committee's recommendations and decisions and the Convention of the Council of Europe on preventing and combating violence against women.

Or. es

Amendment 189
Marc Tarabella

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) In applying the provisions of this Directive, Member States should act with due diligence and ensure that women's rights are protected as to respect obligations deriving from the United Nations Convention for the elimination of discrimination against women and to take into account the standards set out in the Council of Europe Convention to combat violence against women and domestic violence

Or. en

Amendment 190
Iratxe García Pérez

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) The risk of further victimisation either by the offender or as a result of participation in criminal proceedings should be limited by carrying out proceedings in a co-ordinated manner which treats victims with respect and enables them to establish trust in authorities. Interaction with authorities should be as easy as possible whilst limiting the number of unnecessary interactions the victim has with them through for example video recording of interviews and allowing its use in court proceedings. As wide a range of measures as possible should be made available to practitioners to prevent distress to the victim during court proceedings in particular as a result of visual contact with the offender, his family, associates or members of the public. To that end, Member States are encouraged to introduce, where appropriate, feasible and practical measures enabling court facilities to include separate waiting areas for victims. Protecting the privacy of the victim can be an important means of preventing further victimisation and can be achieved through a range of measures including non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of the victim. Such protection is particularly important for child victims, including non-disclosure of the name of the child.

Amendment

(22) The risk of further victimisation either by the offender or as a result of participation in criminal proceedings should be limited by carrying out proceedings in a co-ordinated manner which ***places the rights and needs of the victims at the centre***, treats victims with respect and enables them to establish trust in authorities. Interaction with authorities should be as easy as possible whilst limiting the number of unnecessary interactions the victim has with them through for example video recording of interviews and allowing its use in court proceedings ***or through recourse to specialist victim support services***. As wide a range of measures as possible should be made available to practitioners, ***including effective protection measures prohibiting any contact with the victim by the accused, so as*** to prevent distress to the victim ***before, during and after*** court proceedings in particular as a result of visual contact with the offender, his family, associates or members of the public. To that end, Member States are encouraged to introduce, where appropriate, feasible and practical measures enabling court facilities to include separate waiting areas for victims. Protecting the privacy of the victim can be an important means of preventing further victimisation and can be achieved through a range of measures including non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of the victim. Such protection is particularly important for child victims, including non-disclosure of the name of the child.

Or. es

Amendment 191
Izaskun Bilbao Barandica

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) The risk of further victimisation either by the offender or as a result of participation in criminal proceedings should be limited by carrying out proceedings in a co-ordinated manner which treats victims with respect and enables them to establish trust in authorities. Interaction with authorities should be as easy as possible whilst limiting the number of unnecessary interactions the victim has with them through for example video recording of interviews and allowing its use in court proceedings. As wide a range of measures as possible should be made available to practitioners to prevent distress to the victim during court proceedings in particular as a result of visual contact with the offender, his family, associates or members of the public. To that end, Member States are encouraged to introduce, where appropriate, feasible and practical measures enabling court facilities to include separate waiting areas for victims. Protecting the privacy of the victim can be an important means of preventing further victimisation and can be achieved through a range of measures including non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of the victim. Such protection is particularly important for child victims, including non-disclosure of the name of the child.

Amendment

(22) The risk of further victimisation either by the offender or as a result of participation in criminal proceedings should be limited by carrying out proceedings in a co-ordinated manner which treats victims with respect and enables them to establish trust in authorities. Interaction with authorities should be as easy as possible whilst limiting the number of unnecessary interactions the victim has with them through for example video recording of interviews and allowing its use in court proceedings. As wide a range of measures as possible should be made available to practitioners to prevent distress to the victim during court proceedings in particular as a result of visual contact with the offender, his family, associates or members of the public. To that end, Member States are encouraged to introduce, where appropriate, feasible and practical measures enabling court facilities to include separate waiting areas for victims. Protecting the privacy of the victim can be an important means of preventing further victimisation and can be achieved through a range of measures including non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of the victim. Such protection is particularly important for child victims, including non-disclosure of the name of the child.

(Linguistic amendment affecting only the Spanish version of the text)

Amendment 192
Auke Zijlstra

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) The risk of further victimisation either by the offender or as a result of participation in criminal proceedings should be limited by carrying out proceedings in a co-ordinated manner which treats victims with respect and enables them to establish trust in authorities. Interaction with authorities should be as easy as possible whilst limiting the number of unnecessary interactions the victim has with them ***through for example video recording of interviews and allowing its use in court proceedings.*** As wide a range of measures as possible should be made available to practitioners to prevent distress to the victim during court proceedings in particular as a result of visual contact with the offender, his family, associates or members of the public. To that end, Member States are encouraged to introduce, where appropriate, feasible and practical measures enabling court facilities to include separate waiting areas for victims. Protecting the privacy of the victim can be an important means of preventing further victimisation and can be achieved through a range of measures including non-disclosure ***or limitations on the disclosure*** of information concerning the identity and whereabouts of the victim. Such protection is ***particularly*** important for child victims, including non-disclosure of the name of the child.

Amendment

(22) The risk of further victimisation either by the offender or as a result of participation in criminal proceedings should be limited by carrying out proceedings in a co-ordinated manner which treats victims with respect and enables them to establish trust in authorities. Interaction with authorities should be as easy as possible whilst limiting the number of unnecessary interactions the victim has with them. As wide a range of measures as possible should be made available to practitioners to prevent distress to the victim during court proceedings in particular as a result of visual contact with the offender, his family, associates or members of the public. To that end, Member States are encouraged to introduce, where appropriate, feasible and practical measures enabling court facilities to include separate waiting areas for victims. Protecting the privacy of the victim can be an important means of preventing further victimisation and can be achieved through a range of measures including non-disclosure of information concerning the identity and whereabouts of the victim. Such protection is ***also*** important for child victims, including non-disclosure of the name of the child.

Amendment 193
Teresa Jiménez-Becerril Barrio, Antonia Parvanova

Proposal for a directive
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) Member States should, where appropriate, while recognising the principle of freedom of expression, encourage the media and journalists to adopt self-regulatory guidelines and to take appropriate measures to ensure the protection of the private and family life of the victims, especially minors, and their family members in the framework of their information activities. Member States should discourage the media from interviewing victims at inappropriate times, interviewing child victims, discussing gruesome details of crimes, publishing information that would negatively impact on the victim's credibility, popularising the offender and blaming the victim for the crime. Member States should ensure that victims have an effective remedy when their right to respect for their private and family life has been violated.

Or. en

Amendment 194
Sonia Alfano

Proposal for a directive
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) In order to facilitate the more effective protection of victims' rights and interests, Member States should develop a

general multi-agency and comprehensive approach. In this regard, Member States should ensure that there are appropriate mechanisms in place that provide for effective cooperation among the judiciary, public prosecutors, law enforcement agencies, local and regional authorities, suitably identified non-governmental organisations and other relevant organisations. The term ‘mechanism’ refers to any formal or informal structure such as agreed protocols, round tables or any other method that enables a number of professionals to cooperate in a standardised manner.

Or. it

Amendment 195
Auke Zijlstra

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) When, in accordance with this Directive, a guardian and/or a representative is to be appointed for a child, those roles may be performed by the same person or by a legal person, an institution or an authority.

Amendment

Does not affect the English version.

Or. nl

Amendment 196
Izaskun Bilbao Barandica

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Any officials in criminal proceedings

Amendment

(24) Any officials in criminal proceedings

likely to come into contact with victims should be trained to identify and meet the needs of victims both through initial and ongoing training and to a level appropriate to their contact with victims. This should include specialist training *as appropriate*.

likely to come into contact with victims should be trained to identify and meet the needs of victims both through initial and ongoing training and to a level appropriate to their contact with victims. This should include *training on the specific services to which victims should be referred and specialist training where their work focuses on victims with special needs*.

Or. es

Amendment 197
Ádám Kósa

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Any officials in criminal proceedings likely to come into contact with victims should be trained to identify and meet the needs of victims both through initial and ongoing training and to a level appropriate to their contact with victims. This should include specialist training as appropriate.

Amendment

(24) Any officials in criminal proceedings likely to come into *personal* contact with victims should be trained to identify and meet the needs of victims both through initial and ongoing training – *including learning sign language* – and to a level appropriate to their contact with victims. This should include specialist training as appropriate.

Or. hu

Justification

Clarification in order to safeguard and ensure the rights of victims, in harmony with points 11 and 37 of Parliament's resolution of 25 October 2011 (on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020).

Amendment 198
Licia Ronzulli

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Any officials in criminal proceedings likely to come into contact with victims should be trained to identify and meet the needs of victims both through initial and ongoing training and to a level appropriate to their contact with victims. This should include specialist training as appropriate.

Amendment

(24) Any officials in criminal proceedings likely to come into contact with victims should be trained to identify and meet the needs of victims both through initial and ongoing training and to a level appropriate to their contact with victims. This should include specialist training as appropriate ***or specific psychological training.***

Or. it

Amendment 199
Nathalie Griesbeck

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Any officials in criminal proceedings likely to come into contact with victims should be ***trained*** to identify and meet ***the needs of victims*** both through initial and ongoing training and to a level appropriate to their contact with victims. This should include specialist training as appropriate.

Amendment

(24) Any officials in criminal proceedings likely to come into contact with victims should be ***able to access and receive appropriate training so they are able to identify victims, to deal with them,*** to identify ***their needs*** and meet ***these*** both through initial and ongoing training and to a level appropriate to their contact with victims. This should include specialist training as appropriate. ***Member States should promote this training requirement for the following: police services, lawyers, health services, social services and social workers, judges and staff within the judicial authorities, staff responsible for the protection of children's rights and any other person likely to come into contact with victims in the course of their duties.***

Or. fr

Amendment 200
Sonia Alfano

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Any officials in criminal proceedings likely to come into contact with victims should be trained to identify and meet the needs of victims both through initial and ongoing training and to a level appropriate to their contact with victims. This should include specialist training as appropriate.

Amendment

(24) Any officials in criminal proceedings likely to come into contact with victims should be trained to identify and meet the needs of victims both through initial and ongoing training and to a level appropriate to their contact with victims. This should include specialist training as appropriate. ***Police, prosecutors and other personnel involved in cases of gender-based violence should be trained in appropriate methods to deal with victims of such violence in a gender-sensitive manner. Such training should be institutionalised and standardised across Member States and should be carried out in close consultation with suitably identified non-governmental organisations and service providers for victims of gender-based violence.***

Or. it

Amendment 201
Auke Zijlstra

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Any officials in criminal proceedings likely to come into contact with victims ***should*** be trained to identify and meet the needs of victims both through initial and ongoing training and to a level appropriate to their contact with victims. This ***should*** include specialist training as appropriate.

Amendment

(24) Any officials in criminal proceedings likely to come into contact with victims ***may*** be trained to identify and meet the needs of victims both through initial and ongoing training and to a level appropriate to their contact with victims. This ***may*** include specialist training as appropriate.

Amendment 202
Anna Záborská

Proposal for a directive
Recital 25

Text proposed by the Commission

Amendment

(25) Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime, in particular in policy-making initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of crime.

deleted

Or. en

Amendment 203
Izaskun Bilbao Barandica

Proposal for a directive
Recital 25

Text proposed by the Commission

Amendment

(25) Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime, in particular in policy-making initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of

(25) Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime, in particular in policy-making initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of

crime.

crime. *In this respect particular prominence should be given to all the national and Union programmes supporting the development of activities of this kind, and the red-tape that organisations prepared to take advantage of them come up against ought to be cut.*

Or. es

Amendment 204
Rosa Estaràs Ferragut

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime, in particular in policy-making initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of crime.

Amendment

(25) Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime, in particular in policy-making initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of crime. *With regard to persons with disabilities, the Member States should have trained professionals capable of meeting their needs so that they may exercise their rights on equal terms.*

Or. es

Amendment 205
Axel Voss

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime, in particular in policy-making initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of crime.

Amendment

(25) Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime ***on a full-time or voluntary basis***, in particular in policy-making initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of crime.

Or. de

Justification

The Directive should make mention of voluntary work, which is a key feature of victim support.

Amendment 206
Auke Zijlstra

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Member States ***should*** encourage and work closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime, in particular in policy-making initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of crime.

Amendment

(25) Member States ***may*** encourage and work closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime, in particular in policy-making initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of crime.

Or. nl

Amendment 207
Judith Sargentini
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Environmental crime is not victimless; collective or mass victimisation, a tendency to include non conventional victims, and the often gradual and silent character of victimisation make environmental crime difficult to address. Environmental harm and the issue of its victims affects not only individual interests but also those of entire communities or groups of people, and includes the need to consider the consequences of today's actions for future generations based on intergenerational responsibility, and recognise the existence of a right of every person of present and future generations to live in an environment adequate to his or her health and well being, in accordance with Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies¹. Certain procedural environmental rights concerning inter alia access to justice can be ensured through the recognition in this directive of the environment and its ecosystems as potential victims being harmed by illicit behaviour.

Amendment 208
Ádám Kósa

Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25 a) Further victimisation, intimidation and discrimination can take place if victims are targeted for abuse because of their race, religion, faith, nationality, age, sexual orientation, disability, gender or social background. Another reason for the failure to report crimes is the low level of trust placed in the criminal justice system, problems understanding the system for making complaints and concern at unacceptable treatment by the authorities who, whilst failing to believe or understand victims (e.g. because of deafness), state that such people have equal citizenship to representatives of the authorities. There is also concern that they will not respect victims or acknowledge their status as victims. In order to encourage and facilitate reporting and to allow victims to break the cycle of repeat victimisation, it is imperative that reliable support services are available to victims and that competent authorities are prepared to respond to victims' reports in a respectful, considerate, equal and professional manner. There is a need for appropriate training and a proper level of specialisation on the part of the relevant authorities and for regulations which pay proper attention to the rights of victims, including protection from intimidation and secondary victimisation. The measures should include allowing third

persons to report incidents, granting procedural representation rights to victim assistance services and enabling the use of communication technologies such as email, video recordings which are official / attested or made subject to registration, or any other electronic means of making a complaint for reports to be filed.

Or. hu

Justification

Clarification needed in order to safeguard the rights of the deaf in particular, as it is not always obvious whether deaf people who understand only sign language also understand the language spoken in their country.

Amendment 209
Sonia Alfano, Gianni Vattimo

Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Further victimisation, intimidation and discrimination can occur, where victims are targeted for abuse due to their personal characteristics such as race, religion, beliefs, nationality, age, sexual orientation, disability, gender, gender identity, gender expression or social background, which is a leading cause of the high rate of unreported crime cases. Low confidence in the criminal justice system, difficulties in understanding the system for making a complaint and fear of experiencing unacceptable treatment by the authorities through not being believed, or due to a lack of respect and recognition towards the victim are further reasons behind unreported crime cases. In order to encourage and facilitate reporting and to allow victims to break the cycle of repeat victimisation, it is

imperative that reliable support services are available to victims and that Member States' authorities are prepared to respond to victims' reports in a respectful, considerate, equal and professional manner. This requires sufficient training and an appropriate level of specialisation on the side of all relevant authorities, as well as regulations that pay sufficient attention to the rights of victims, including the right to be protected against intimidation and secondary victimisation. Measures may also include enabling third party reporting and empowering victim support organisations to engage in proceedings on behalf of victims as well as allowing the use of communication technologies, such as e-mail or website forms, for filing complaints.

Or. en

Amendment 210
Auke Zijlstra

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) Since *the aim of establishing common* minimum standards *cannot be sufficiently achieved by Member States acting unilaterally, either at national, regional or local level, and could instead, due to the scale and potential effects be better achieved at Union level, the Union may adopt measures in accordance with* the principle of subsidiarity as referred to 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 that objective.*

Amendment

(26) Since *Member States themselves can sufficiently establish* minimum standards, *the proposal for a directive breaches* the principle of subsidiarity as referred to in Article 5 of the Treaty on European Union.

Justification

The Netherlands has already adopted perfectly adequate provisions concerning support and protection for the victims of crime, and therefore does not need the proposed directive.

Amendment 211

Auke Zijlstra

Proposal for a directive

Recital 27

Text proposed by the Commission

(27) Personal data processed *when implementing* this Directive should be protected in accordance with **Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters and in accordance with the principles laid down in the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data, which all Member States have ratified.**

Amendment

(27) Personal data processed *if* this Directive **is implemented** should be protected in accordance with **domestic legislation.**

Amendment 212

Carmen Romero López

Proposal for a directive

Article 1

Text proposed by the Commission

The purpose of this Directive is to ensure that all victims of crime receive appropriate protection and support and are able to participate in criminal proceedings

Amendment

The purpose of this Directive is to ensure that all victims of crime receive appropriate protection and support and are able to participate in criminal proceedings

and are recognised and treated in a respectful, sensitive and professional manner, without discrimination of any kind, in all contacts with any **public** authority, victim support or restorative justice service.

or other judicial proceedings related to the crime and are recognised and treated in a respectful, sensitive and professional manner, without discrimination of any kind, in all contacts with any **competent** authority, victim support or restorative justice service ***or other bodies dealing with victims of crime.***

Or. en

Amendment 213
Izaskun Bilbao Barandica

Proposal for a directive
Article 1

Text proposed by the Commission

The purpose of this Directive is to ensure that all victims of crime receive appropriate protection and support and are able to participate in criminal proceedings and are recognised and treated in a respectful, sensitive and professional manner, without discrimination of any kind, in all contacts with any public authority, victim support or restorative justice service.

Amendment

The purpose of this Directive is to ensure that all victims of crime receive appropriate protection and support and are able to participate in criminal proceedings and are recognised and treated in a respectful, sensitive, ***personalised*** and professional manner, without discrimination of any kind, in all contacts with any public authority, victim support or restorative justice service.

Or. es

Amendment 214
Judith Sargentini
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1

Text proposed by the Commission

The purpose of this Directive is to ensure that all victims of crime receive appropriate protection and support and are

Amendment

The purpose of this Directive is to ensure that all victims of crime receive appropriate protection and support and are

able to participate in criminal proceedings and are recognised and treated in a respectful, sensitive and professional manner, without discrimination of any kind, in all contacts with any public authority, victim support or restorative justice service.

able to participate in criminal proceedings and are recognised and treated in a respectful, sensitive and professional manner, without discrimination of any kind ***based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, nationality, membership of a national minority, property, birth, disability, age, gender, gender identity and gender expression, sexual orientation, immigration and residence status, state of health (including HIV and AIDS)***, in all contacts with any public authority, victim support or restorative justice service.

Or. en

Amendment 215

Marc Tarabella

Proposal for a directive

Article 1

Text proposed by the Commission

The purpose of this Directive is to ensure that all victims of crime receive appropriate protection and support and are able to participate in criminal proceedings and are recognised and treated in a respectful, sensitive and professional manner, without discrimination of any kind, in all contacts with any **public** authority, victim support or restorative justice service.

Amendment

The purpose of this Directive is to ensure that all victims of crime, ***regardless of their legal status*** receive appropriate protection and support and are able to participate in criminal proceedings and are recognised and treated in a respectful, sensitive and professional manner, without discrimination of any kind, in all contacts with any **competent** authority, victim support or restorative justice service.

Or. en

Amendment 216

Sonia Alfano

Proposal for a directive
Article 1

Text proposed by the Commission

The purpose of this Directive is to ensure that all victims of crime receive appropriate protection and support and are able to participate in criminal proceedings and are recognised and treated in a respectful, sensitive and professional manner, without discrimination of any kind, in all contacts with any public authority, victim support or restorative justice service.

Amendment

The purpose of this Directive is to ensure that all victims of crime receive appropriate protection and support and are able to participate in ***all the stages of*** criminal proceedings and are recognised and treated in a respectful, sensitive and professional manner, without discrimination of any kind, in all contacts with any public authority, victim support or restorative justice service.

Or. it

Amendment 217
Rosario Crocetta

Proposal for a directive
Article 1

Text proposed by the Commission

The purpose of this Directive is to ensure that all victims of crime receive appropriate protection and support and are able to participate in criminal proceedings and are recognised and treated in a respectful, sensitive and professional manner, without discrimination of any kind, in all contacts with any public authority, victim support or restorative justice service.

Amendment

The purpose of this Directive is to ensure that all ***innocent*** victims of crime receive appropriate protection and support and are able to participate in criminal proceedings and are recognised and treated in a respectful, sensitive and professional manner, without discrimination of any kind, in all contacts with any public authority, victim support or restorative justice service.

Or. it

Amendment 218
Angelika Werthmann

Proposal for a directive
Article 2 – point a – point i

Text proposed by the Commission

(i) a natural person who has suffered harm, including physical or mental injury, emotional suffering or economic loss directly caused by a criminal offence;

Amendment

(i) a natural person who has, ***individually or collectively***, suffered harm, including physical or mental injury, emotional suffering or economic loss directly caused by a criminal offence ***or substantial impairment of his or her fundamental rights, through acts or omissions that are in violation of criminal laws in force within Member States, including the laws defining criminal abuse of power***;

Or. en

Amendment 219
Rosario Crocetta

Proposal for a directive
Article 2 – point a – point i a (new)

Text proposed by the Commission

Amendment

(ia) a natural person who is suffering discrimination in his/her private, social or public life for reasons relating to his/her sexual, linguistic or ethnic identity, or philosophical, ideological, political, cultural or religious beliefs;

Or. it

Amendment 220
Rosario Crocetta

Proposal for a directive
Article 2 – point a – point i b (new)

Text proposed by the Commission

Amendment

(ib) a natural person who is the subject of schemes or plans – on the part of terrorist groups, criminal associations, Mafia

factions or organised criminal groups, which are able to take action on a continuous basis – the purpose of which is to threaten that person's life, limit his/her freedom of expression, movement, or participation in social or public life, or cause economic or psychological damage;

Or. it

Amendment 221
Rosario Crocetta

Proposal for a directive
Article 2 – point a – point i c (new)

Text proposed by the Commission

Amendment

(ic) a natural person who, having cooperated with the courts, is subsequently permanently under threat from terrorist groups, criminal associations, Mafia factions or organised criminal groups, which are able to take action on a continuous basis;

Or. it

Amendment 222
Rosario Crocetta

Proposal for a directive
Article 2 – point a – point i d (new)

Text proposed by the Commission

Amendment

(id) a natural person who has been reduced to material or psychological living conditions that are unfit for a human being;

Or. it

Amendment 223
Angelika Werthmann

Proposal for a directive
Article 2 – point a – point ii

Text proposed by the Commission

(ii) the family members of *a person* whose death has been caused by a criminal offence;

Amendment

(ii) the *immediate* family members *or dependants of the victim* whose death has been caused by a criminal offence *and persons who have suffered harm in intervening to assist victims in distress or to prevent victimisation*;

Or. en

Amendment 224
Judith Sargentini

Proposal for a directive
Article 2 – point a – point ii

Text proposed by the Commission

(ii) the family members of a person whose death has been caused by a criminal offence;

Amendment

(ii) the family members of a person whose death *or physical or mental incapacity* has been caused by a criminal offence;

Or. en

Amendment 225
Ádám Kósa

Proposal for a directive
Article 2 – point a – point ii

Text proposed by the Commission

ii. the family members of a person whose death has been caused by a criminal offence;

Amendment

ii. the family member(s) *and embryo(s)* of a person whose death *or disability* has been caused by a criminal offence;

Or. hu

Justification

The emergence of permanent disability – which manifests ‘objectively’, in physical reality, as well as mentally – is a real hindrance when using a built environment which has not been rendered accessible. The loss of an embryo must not be regarded as simply a (serious) physical injury, since in European countries embryos can have legal capacity with retroactive effect which is linked to the live birth and is conditional (e.g. in the area of inheritance), whilst another body part which is lost cannot. (Making a deliberate and violent change to intestate succession gives rise to a different situation).

Amendment 226

Axel Voss

Proposal for a directive

Article 2 – point a – point ii

Text proposed by the Commission

(ii) the family members of a person whose death has been caused by a criminal offence;

Amendment

(ii) the family members of a person whose death has been **directly** caused by a criminal offence **and who have suffered harm as a result**;

Or. en

Amendment 227

Judith Sargentini

Proposal for a directive

Article 2 – point a – point ii a (new)

Text proposed by the Commission

Amendment

(iia) the environment suffering harm, caused by a criminal offence. Member States shall ensure that any group, foundation or association which, according to its statutes under national law aims at the protection of the environment, could exercise the rights as provided for in Chapter 3 of this Directive.

Or. en

Amendment 228
Kyriacos Triantaphyllides

Proposal for a directive
Article 2 – point a – point ii a (new)

Text proposed by the Commission

Amendment

(ii) minors who are descendants or dependents of the victim that has suffered physical or mental harm caused by an alleged criminal act.

Or. en

Amendment 229
Ádám Kósa

Proposal for a directive
Article 2 – point a – point ii a (new)

Text proposed by the Commission

Amendment

ii a. the family member(s) of a person whose death has been caused by a criminal offence or a person or persons recognised as the guardian or representative of a victim who, at the time of or subsequent to the offence, was rendered partly or completely incapable;

Or. hu

Justification

The emergence of permanent disability – which manifests ‘objectively’, in physical reality, as well as mentally – is a real hindrance because of a built environment which has not been rendered accessible. The loss of an embryo must not be regarded as simply a (serious) physical injury, since in European countries embryos can have legal capacity with retroactive effect which is linked to the live birth and conditional (e.g. in the area of inheritance), whilst another body part which is lost cannot. (The question of making a deliberate and violent change to intestate succession should be raised here).

Amendment 230
Rolandas Paksas

Proposal for a directive
Article 2 – point a – point ii a (new)

Text proposed by the Commission

Amendment

(iia) the family members of a person seriously injured as a result of a criminal offence, or support persons officially authorised to assist victims requiring considerable support to exercise their legal capacity, before or after the offence.

Or. lt

Amendment 231
Anna Záborská

Proposal for a directive
Article 2 - point b

Text proposed by the Commission

Amendment

(b) ‘family members’ means the spouse, non-marital cohabitee, registered partner, the relatives in direct line, the brothers and sisters, and the dependants of the victim;

deleted

Or. en

Justification

The reference to cohabitations and registered partners seems to be out of place, considering that such institutions are not recognised in a high number of Member States. In general it is preferable to remove the provision, so as to guarantee the respect of national competences concerning family law.

Amendment 232
Axel Voss

Proposal for a directive
Article 2 – point b

Text proposed by the Commission

(b) ‘family members’ means the spouse, ***non-marital cohabitee, registered partner,*** the relatives in direct line, the ***brothers and sisters,*** and the dependants of the victim;

Amendment

(b) ‘family members’ means the spouse, ***the person who is living with the victim in a committed intimate relationship on a stable and continuous basis having a joint household,*** the relatives in direct line, the ***siblings,*** and the dependants of the victim;

Or. en

Amendment 233
Axel Voss

Proposal for a directive
Article 2 – point c

Text proposed by the Commission

(c) ***‘non-marital cohabitee’ means a person who is living with the victim on a stable and continuous basis without that relationship being registered with an authority;***

Amendment

deleted

Or. en

Amendment 234
Anna Záborská

Proposal for a directive
Article 2 – point c

Text proposed by the Commission

(c) ***‘non-marital cohabitee’ means a person who is living with the victim on a stable and continuous basis without that relationship being registered with an authority;***

Amendment

deleted

Justification

The reference to non-marital cohabitations of Article 2, letter c seems to be out of place, considering that such institutions are not recognised in a high number of Member States. In general it is preferable to remove the provision, so as to guarantee the respect of national competences concerning family law.

Amendment 235

Kinga Göncz

Proposal for a directive

Article 2 – point c

Text proposed by the Commission

(c) ‘non-marital cohabitee’ means **a** person who is living with the victim on a stable and continuous basis without that relationship being registered with an authority;

Amendment

(c) ‘non-marital cohabitee’ means **any** person **without discrimination** who is living with the victim on a stable and continuous basis without that relationship being registered with an authority;

Or. en

Amendment 236

Axel Voss

Proposal for a directive

Article 2 – point d

Text proposed by the Commission

(d) ‘registered partner’ means the partner with whom the victim has entered into a registered partnership, on the basis of the legislation of a Member State;

Amendment

deleted

Or. en

Amendment 237

Anna Záborská

Proposal for a directive
Article 2 – point d

Text proposed by the Commission

Amendment

(d) ‘registered partner’ means the partner with whom the victim has entered into a registered partnership, on the basis of the legislation of a Member State;

deleted

Or. en

Justification

the reference to non-marital cohabitations of Article 2, letter c seems to be out of place, considering that such institutions are not recognised in a high number of Member States. In general it is preferable to remove the provision, so as to guarantee the respect of national competences concerning family law.

Amendment 238
Iratxe García Pérez

Proposal for a directive
Article 2 – point e

Text proposed by the Commission

Amendment

e. 'restorative justice services' means services which have as their objective to bring **together the victim and the accused with a view to reaching** a voluntary agreement **between them on how the harm arising from the offence can be addressed**;

e. 'restorative justice services' means services which have as their objective **facilitating a process** to bring **about an out-of-court settlement of the case, through** a voluntary agreement **in which the accused accepts his responsibility in the crime and promises reparation, payment for damages and compensation for the victim, providing that the victim agrees to this and the accused meets the conditions imposed.**

Or. es

Amendment 239
Carmen Romero López

Proposal for a directive
Article 2 – point e

Text proposed by the Commission

(e) ‘restorative justice services’ means services which have as their objective to **bring together** the *victim* and the *accused* **with a view to reaching a voluntary agreement between them on how the harm arising from the offence can be addressed;**

Amendment

(e) ‘restorative justice services’ means services which have as their objective to **facilitate a process of restoring justice in which the accused is taking responsibility, engaging in reparation, paying damages and compensation which can lead to an out-of-court settlement of the criminal case, if the victim agrees to it and if the reparation conditions are fulfilled by the accused;**

Or. en

Justification

The wording here sounds problematic; it reads as if the victims and accused "sort out some problem they have together" and does not recognize that one person, the victim, has been victimized by the other, the accused.

Amendment 240
Angelika Werthmann

Proposal for a directive
Article 2 – point e

Text proposed by the Commission

(e) ‘restorative justice services’ means services which have as their objective to bring together the victim and the accused with a view to reaching a voluntary agreement between them on how the harm arising from the offence can be addressed;

Amendment

(e) ‘restorative justice services’ means services which have as their objective to bring together the victim and the accused with a view to reaching a voluntary agreement between them on how the harm arising from the offence can be addressed. ***It is an approach to justice that focuses on the needs of victims, of offenders, as well as of the involved community, instead of satisfying abstract legal principles or***

punishing the offender;

Or. en

Amendment 241
Claude Moraes

Proposal for a directive
Article 2 – point e

Text proposed by the Commission

(e) ‘restorative justice services’ means services which have as their objective to bring together the victim and the accused with a view to reaching a voluntary agreement between them on how the harm arising from the offence can be addressed;

Amendment

(e) ‘restorative justice services’ means services which have as their objective to bring together the victim and the accused with a view to reaching a voluntary agreement between them on how the harm arising from the offence can be addressed. ***Restorative justice services can take place through direct meetings between the victim and the offender or indirect contact where the victim does not meet the offender;***

Or. en

Amendment 242
Judith Sargentini

Proposal for a directive
Article 2 – point g

Text proposed by the Commission

(g) ‘a person with disability’ means a person who has a physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder the full and effective participation in society on an equal basis with others.

Amendment

deleted

Or. en

Amendment 243
Iratxe García Pérez

Proposal for a directive
Article 2 – point g a (new)

Text proposed by the Commission

Amendment

ga) ‘victim support services’ means services which offer either full or partial support, including accompanying or representing the victim in court; these services shall be independent and have defending the rights and needs of the victim as their fundamental objective; victim support services also comprise specialist services for specific groups of victims, such as victims of gender-based violence, children, victims of terrorist attacks, etc.

Or. es

Amendment 244
Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez

Proposal for a directive
Article 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) ‘gender-based violence’ means violence against a woman which is directed against her because she is a woman, or that affects women disproportionately, or violence that is directed against a person because of his or her gender or gender identity.

Or. en

Amendment 245
Carmen Romero López

Proposal for a directive
Article 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) ‘gender-based violence’ means violence against women which is a form of discrimination according to the Convention on the Elimination of All Forms of Discrimination against Women and is directed against a woman because she is a woman or that affects women disproportionately, or which is directed against a person because of his or her gender or gender identity;

Or. en

Amendment 246
Antonya Parvanova, Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) ‘gender-based violence’ means a criminal offence that is directed against a person because of his or her gender or gender identity or that affects persons of a particular gender or gender identity disproportionately, and that results in physical or mental injury, emotional suffering or economic loss of the victim;

Or. en

Amendment 247
Sonia Alfano, Gianni Vattimo

Proposal for a directive
Article 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) ‘gender-based violence’ means violence that is directed against a person because of his or her gender, gender identity or gender expression;

Or. en

Amendment 248

Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez

Proposal for a directive

Article 2 – point g b (new)

Text proposed by the Commission

Amendment

(gb) ‘violence in close relationships’ means violence that is committed against a victim by a person who is a current or former spouse or partner or other family member of the victim. Women are affected disproportionately by this type of violence.

Or. en

Amendment 249

Carmen Romero López

Proposal for a directive

Article 2 – point g b (new)

Text proposed by the Commission

Amendment

(gb) ‘violence in close relationships’ means violence that is committed against a victim by a person who is a current or former spouse or partner or other family member of the victim. Women are affected disproportionately by this type of violence and the crime is aggravated by the fact that they are also often dependent on the accused financially, socially or as regards

their right to residence .

Or. en

Amendment 250

Antonya Parvanova, Teresa Jiménez-Becerril Barrio

Proposal for a directive

Article 2 – point g b (new)

Text proposed by the Commission

Amendment

(gb) ‘violence in close relationships’ means a criminal offence that is committed against a victim by a person who is a current or former spouse or partner or other family member of the victim, whether or not the perpetrator shares or has shared the same household with the victim, and that results in physical or mental injury, emotional suffering or economic loss of the victim.

Or. en

Amendment 251

Kyriacos Triantaphyllides

Proposal for a directive

Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States shall ensure that victims are provided with the following information, ***without unnecessary delay***, from their first contact with the authority competent to receive a complaint concerning a criminal offence:

Member States shall ensure that victims are provided ***promptly*** with the following information, from their first contact with the authority competent to receive a complaint concerning a criminal offence:

Or. en

Amendment 252
Judith Sargentini

Proposal for a directive
Article 3 – introductory part

Text proposed by the Commission

Member States shall ensure that victims are provided with the following information, without unnecessary delay, from their first contact with the authority competent to receive a complaint concerning a criminal offence:

Amendment

Member States shall ensure that **all** victims are provided with the following information, without unnecessary delay **and in a language that they understand, using child-sensitive communication techniques when appropriate**, from their first contact with the authority competent to receive a complaint concerning a criminal offence:

Or. en

Amendment 253
Ádám Kósa

Proposal for a directive
Article 3 – introductory part

Text proposed by the Commission

Member States shall ensure that victims are provided with the following information, without unnecessary delay, from their first contact with the authority competent to receive a complaint concerning a criminal offence:

Amendment

Member States shall ensure that victims are provided with the following information, **provided in the form requested by the victim (in writing, orally and/or sign language) and** without unnecessary delay, from their first contact with the authority competent to receive a complaint concerning a criminal offence:

Or. hu

Justification

It must be made clear that the information should be adapted to the needs of the victim.

Amendment 254
Rosario Crocetta

Proposal for a directive
Article 3 – introductory part

Text proposed by the Commission

Member States shall ensure that victims are provided with the following information, without unnecessary delay, from their first contact with the authority competent to receive a complaint concerning a criminal offence:

Amendment

Member States shall ensure that victims *(Does not affect English version)* are provided with the following information, without unnecessary delay, from their first contact with the authority competent to receive a complaint concerning a criminal offence:

Or. it

Amendment 255
Kinga Göncz

Proposal for a directive
Article 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) all necessary information regarding their rights, including their right to a fair trial, access to lawyer, right to interpretation and the right to redress;

Or. en

Amendment 256
Angelika Werthmann

Proposal for a directive
Article 3 – point c

Text proposed by the Commission

(c) the type of support they can obtain;

Amendment

(c) the type of support they can obtain ***and from whom;***

Amendment 257
Licia Ronzulli

Proposal for a directive
Article 3 – point c

Text proposed by the Commission

c) the type of support they *can* obtain;

Amendment

(c) the type of support they *are entitled to* obtain;

Or. it

Amendment 258
Judith Sargentini

Proposal for a directive
Article 3 – point d

Text proposed by the Commission

(d) procedures following the making of a complaint of an offence and their role in connection with such procedures;

Amendment

(d) procedures following the making of a complaint of an offence and their role in connection with such procedures, *including the procedures for the adult and juvenile criminal justice process, the role of (child) victims, the importance, timing and manner of testimony, and ways in which interviews will be conducted during the investigation and trial;*

Or. en

Amendment 259
Kyriacos Triantaphyllides

Proposal for a directive
Article 3 – point f

Text proposed by the Commission

(f) **to what extent and** on what terms they are entitled to receive legal advice, legal aid or any other sort of advice;

Amendment

(f) on what terms they are entitled to receive legal advice, legal aid or any other sort of **independent and qualified** advice;

Or. en

Amendment 260
Licia Ronzulli

Proposal for a directive
Article 3 – point f

Text proposed by the Commission

f) to what extent and on what terms they are entitled to receive legal advice, legal aid or any other sort of advice;

Amendment

(f) to what extent and on what terms they are entitled to receive legal advice, legal aid or any other sort of advice, **including linguistic advice**;

Or. it

Amendment 261
Ádám Kósa

Proposal for a directive
Article 3 – point g a (new)

Text proposed by the Commission

Amendment

g a) to what extent and subject to what conditions they are entitled to interpreting and translation, including interpreting in sign language;

Or. hu

Justification

There should also be provisions on interpreting, including more uniform access in Europe for people using their own country's sign language, particularly with regard to the resolution of

the European Parliament of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 and points L and 11 thereof.

Amendment 262
Carmen Romero López

Proposal for a directive
Article 3 – point h

Text proposed by the Commission

(h) if they are resident in another Member State, any special arrangements available to them in order to protect their interests;

Amendment

(h) if they are resident in another Member State, any special arrangements available to them in order to protect their interests; ***such as the request of issuing a European protection order.***

Or. en

Amendment 263
Rosario Crocetta

Proposal for a directive
Article 3 – point h

Text proposed by the Commission

h) if they are resident in another ***Member*** state, any special arrangements available to them in order to protect their interests;

Amendment

(h) if they are resident in another state, any special arrangements available to them in order to protect their interests;

Or. it

Amendment 264
Marc Tarabella

Proposal for a directive
Article 3 – point h a (new)

Text proposed by the Commission

Amendment

(ha) if they are in any form of state custody or other institutional settings, any

special arrangement available to them to have access and to report to an assigned entity

Or. en

Amendment 265
Angelika Werthmann

Proposal for a directive
Article 3 – point i

Text proposed by the Commission

(i) any procedures for making complaints where their rights are not respected;

Amendment

(i) any procedures for making complaints where their rights are not respected ***by the competent authority in the criminal proceedings;***

Or. en

Amendment 266
Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez, Kyriacos Triantaphyllides

Proposal for a directive
Article 3 – point j a (new)

Text proposed by the Commission

Amendment

(ja) how and under which conditions they can obtain protection measures.

Or. en

Amendment 267
Carmen Romero López

Proposal for a directive
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In addition to the information referred to in the first paragraph, Member States shall ensure that where the victims have suffered major trauma, they are provided with the following information:

(a) the extent to which they are entitled to medical care ;

(b) the extent to which they are entitled to specialist and adequate support ;

(c) how and under what conditions they can obtain assistance with finding suitable alternative accommodation with appropriate security arrangements.

(d) how and under what conditions they can obtain protection measures and move within the Union with the same level of protection.

Or. en

Justification

Psychological support can be important for victims, but is not always enough; victims of domestic violence for instance might need immediate financial support because they had been financially dependent on the accused. This can be very urgent: sometimes victims do not even have money to buy food for themselves and their children; thus it is better to talk about "adequate" support

Amendment 268
Nathalie Griesbeck

Proposal for a directive
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Where the victim is a child, it is essential that he or she is given all the information cited in the first paragraph in an appropriate way. This information shall be easily accessible and provide clear

guidance on the relevant procedures.

Or. fr

Amendment 269
Kyriacos Triantaphyllides

Proposal for a directive
Article 3 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

The information shall be provided either orally or in writing and in simple and accessible language, taking into account any particular needs of the victim and the relevant circumstances.

Or. en

Amendment 270
Kyriacos Triantaphyllides

Proposal for a directive
Article 3 - paragraph 1b (new)

Text proposed by the Commission

Amendment

Member States shall ensure that victims who do not understand or speak the language of the Member State concerned, shall be provided with the information referred to in the first paragraph in a language they understand.

Or. en

Amendment 271
Carmen Romero López

Proposal for a directive
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that victims are notified of their right to receive the following information on their case **and that they receive this information where they have expressed such a wish:**

Amendment

1. Member States shall ensure that victims are notified, **without undue delay**, of their right to receive the following information on their case:

Or. en

Amendment 272

Kyriacos Triantaphyllides

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that victims are notified of their right to receive the following information on their case **and that they receive this information where they have expressed such a wish:**

Amendment

1. Member States shall ensure that victims are **promptly** notified of their right to receive the following information on their case, **unless** they have **explicitly stated their wish not to receive such information.**

Or. en

Amendment 273

Judith Sargentini

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that victims are notified of their right to receive the following information on their case and that they receive this information where they have expressed such a wish:

Amendment

1. Member States shall ensure that **all** victims are notified, **in a language they understand**, of their right to receive the following information on their case and that they receive this information where they have expressed such a wish:

Or. en

Amendment 274
Angelika Werthmann

Proposal for a directive
Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) any decision, including reasons for that decision, ending the criminal proceedings instituted as a result of the complaint of a criminal offence made by the victim, such as a decision not to proceed with or to end an investigation or prosecution, or a final judgment in a trial, including any sentence;

Amendment

(a) any decision, including reasons for that decision, ending the criminal proceedings instituted as a result of the complaint of a criminal offence made by the victim, such as a decision not to proceed with or to end an investigation or prosecution, or a final judgment in a trial ***or jury decision where reasons are not provided as a matter of national law***, including any sentence;

Or. en

Amendment 275
Kyriacos Triantaphyllides

Proposal for a directive
Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) any decision, including reasons for that decision, ending the criminal proceedings ***instituted as a result of the complaint of a criminal offence made by the victim***, such as a decision not to proceed with or to end an investigation or prosecution, or a final judgment in a trial, including any sentence;

Amendment

(a) any decision, including reasons for that decision, ending the criminal proceedings, such as a decision not to proceed with or to end an investigation or prosecution, or a final judgment in a trial, including any sentence;

Or. en

Amendment 276
Kyriacos Triantaphyllides

Proposal for a directive
Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) information enabling the victim to know about the state of affairs of the criminal proceedings ***instituted as a result of the complaint of a criminal offence made by the victim***, unless in exceptional cases the proper handling of the case may be adversely affected;

Amendment

(b) information enabling the victim to know about the state of affairs of the criminal proceedings, unless in exceptional cases the proper handling of the case may be adversely affected;

Or. en

Amendment 277
Timothy Kirkhope, Marina Yannakoudakis

Proposal for a directive
Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) information on the availability of health, psychological, social and other relevant services as well as the means of accessing such services before, during or after a trial has taken place, been postponed or cancelled along with legal or other advice or representation, compensation and emergency financial support, where applicable

Or. en

Amendment 278
Timothy Kirkhope, Marina Yannakoudakis

Proposal for a directive
Article 4 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) information on the procedures of the

adult and juvenile justice process, including the role of child victims, the importance, timing and manner of testimony, and ways in which interviews will be conducted during the investigation and the trial

Or. en

Amendment 279

Timothy Kirkhope, Marina Yannakoudakis

Proposal for a directive

Article 4 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) information on the existing support mechanisms for the victim when making a complaint and participating in the investigation and court proceedings

Or. en

Amendment 280

Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez, Kyriacos Triantaphyllides

Proposal for a directive

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that victims are offered the opportunity to be notified when the person prosecuted or sentenced for offences concerning them is released from detention. Victims shall *receive this* information *where they have expressed such a wish*.

2. Member States shall ensure that victims are offered the opportunity to be notified, *without unnecessary delay*, when the person *arrested, remanded in custody*, prosecuted or sentenced for offences concerning them is released from *or has escaped* detention. Victims *shall also be informed of any measures taken for the protection of victims such as restraining orders or no- contact orders. Member States shall ensure that victims are*

provided with effective support and assistance when receiving that information.

Or. en

Amendment 281
Carmen Romero López

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that victims are offered the opportunity to be notified when the person prosecuted or sentenced for offences concerning them is released from detention. Victims shall receive this information *where they have expressed such a wish*.

Amendment

2. Member States shall ensure that victims are offered the opportunity to be notified *without undue delay*, when the person *arrested, remanded in custody*, prosecuted or sentenced for offences concerning them is released from *or has escaped* detention, *including pre-trial detention*. *Victims shall also be informed without undue delay of any restraining orders issued by the criminal justice authorities for the protection of victims such as no-contact orders. Member States shall ensure that victims are provided with effective support and assistance when receiving this information.* Victims shall receive this information *unless the competent authority is aware that notification of release is likely to result in harm to the offender* .

Or. en

Amendment 282
Kyriacos Triantaphyllides

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that victims are offered the opportunity to be notified when the person prosecuted or sentenced for offences concerning them is released from detention. ***Victims shall receive this information where they have expressed such a wish.***

Amendment

2. Member States shall ensure that victims are offered the opportunity to be notified when the person prosecuted or sentenced for offences concerning them is released from detention, ***unless they have explicitly stated their wish not to receive such information.***

Or. en

Amendment 283

Judith Sargentini

on behalf of the Verts/ALE Group

Proposal for a directive

Article 4 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that victims are offered the opportunity to be notified when the person prosecuted or sentenced for offences concerning them is released from detention. ***Victims*** shall receive this information where they have expressed such a wish.

Amendment

2. Member States shall ensure that ***all*** victims are offered the opportunity to be notified when the person prosecuted or sentenced for offences concerning them is released from ***any type of*** detention. ***All victims*** shall receive this information where they have expressed such a wish

Or. en

Amendment 284

Licia Ronzulli

Proposal for a directive

Article 4 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that victims are offered the opportunity to be notified when the person prosecuted or sentenced for offences concerning them is released

Amendment

2. Member States shall ensure that victims are offered the opportunity to be notified when the person prosecuted or sentenced for offences concerning them is released

from detention. Victims shall receive this information where they have expressed such a wish.

from detention. Victims shall receive this information where they have expressed such a wish **and their decision may be changed at any time.**

Or. it

Amendment 285
Sonia Alfano

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that victims are offered the opportunity to be notified when the person prosecuted or sentenced for offences concerning them is released from detention. **Victims shall receive this information where they have expressed such a wish.**

Amendment

2. Member States shall ensure that victims are offered the opportunity to be notified, **without unnecessary delay**, when the person **arrested, remanded in custody**, prosecuted or sentenced for offences concerning them is released from **or has escaped** detention. **Member States shall ensure that victims are provided with effective support and assistance when receiving that information.**

Or. it

Amendment 286
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that victims are offered the opportunity to be notified when the person prosecuted or sentenced for offences concerning them is released from detention. Victims shall receive this information **where they have expressed such a wish.**

Amendment

2. Member States shall ensure that victims are offered the opportunity to be notified **without unnecessary delay**, when the person **arrested, remanded in custody**, prosecuted or sentenced for offences concerning them is released from **or has escaped** detention. **Member States shall ensure that victims are provided with**

effective support and assistance when receiving this information, including the right to appeal if possible. Victims shall receive this information *unless the competent authority is aware that notification of release is likely to result in harm to the offender.*

Or. en

Amendment 287
Kyriacos Triantaphyllides

Proposal for a directive
Article 4 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure *that* victims *who state that they do not* wish to receive *the* information referred to in paragraphs 1 and 2 *do not receive that information.*

Amendment

3. Member States shall ensure *the right of* victims *to modify at any moment the decision concerning their* wish to receive *or not receive* information referred to in paragraphs 1 and 2.

Or. en

Amendment 288
Iratxe García Pérez

Proposal for a directive
Article 5

Text proposed by the Commission

Member States shall take measures to ensure that victims understand and can be understood during any interaction they have with *public* authorities *in* criminal proceedings, including where information is provided by such authorities.

Amendment

Member States shall take measures to ensure that victims *and members of their family fully* understand and can be *fully* understood during any interaction they have with *the competent* authorities *from their first contact with them, during and after the conclusion of* criminal proceedings *or other processes connected with the crime*, including where information is provided by such

authorities.

Or. es

Amendment 289
Izaskun Bilbao Barandica

Proposal for a directive
Article 5

Text proposed by the Commission

Member States shall take measures to ensure that victims understand and can be understood during any interaction they have with public authorities in criminal proceedings, including where information is provided by such authorities.

Amendment

Member States shall take measures to ensure that victims understand and can be understood during any interaction they have with public authorities in criminal proceedings, including where information is provided by such authorities. ***Particular account shall be taken in this respect of difficulties in understanding or communicating which may be due to a disability of some kind, for which accessible media and formats shall be prioritised.***

Or. es

Amendment 290
Kyriacos Triantaphyllides

Proposal for a directive
Article 5

Text proposed by the Commission

Member States shall take measures to ensure that victims understand and can be understood during any interaction they have with ***public*** authorities in criminal proceedings, including where information is provided by such authorities.

Amendment

Member States shall take measures to ensure that victims understand and can be understood during any interaction they have with ***competent*** authorities in criminal proceedings, including where information is provided by such authorities.

Or. en

Amendment 291
Judith Sargentini

Proposal for a directive
Article 5

Text proposed by the Commission

Member States shall take measures to ensure that victims understand and can be understood during any interaction they have with public authorities in criminal proceedings, including where information is provided by such authorities.

Amendment

Member States shall take measures to ensure that **all** victims understand and can be understood during any interaction they have with public authorities in criminal proceedings, including where information is provided by such authorities.

Or. en

Amendment 292
Timothy Kirkhope, Marina Yannakoudakis

Proposal for a directive
Article 5

Text proposed by the Commission

Member States shall take measures to ensure that victims understand and can be understood during any interaction they have with public authorities in criminal proceedings, including where information is provided by such authorities.

Amendment

Member States shall take measures to ensure that **all** victims, ***taking account of their individual and specific needs***, understand and can be understood during any interaction they have with public authorities in criminal proceedings, including where information is provided by such authorities.

Or. en

Amendment 293
Nathalie Griesbeck

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

For the purposes of the first paragraph, particular attention shall be brought to bear where the victim is a child.

Or. fr

Amendment 294
Kyriacos Triantaphyllides

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided ***if they so wish*** with interpretation, free of charge, during any interviews or questioning of the victim during criminal proceedings before investigative and judicial authorities, including during police questioning, and interpretation for their participation in court hearings and any necessary interim hearings.

1. Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided with interpretation, free of charge, during any interviews or questioning of the victim during criminal proceedings before investigative and judicial authorities, including during police questioning, and interpretation for their participation in court hearings and any necessary interim hearings ***and during any communication with their legal counsel.***

Or. en

Amendment 295
Timothy Kirkhope, Marina Yannakoudakis

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided if they so wish

1. Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided if they so wish

with interpretation, free of charge, during any interviews or questioning of the victim during criminal proceedings before investigative and judicial authorities, including during police questioning, and interpretation for their participation in court hearings and any necessary interim hearings.

with interpretation, free of charge, during any interviews or questioning of the victim during criminal proceedings before investigative and judicial authorities, including during police questioning, and interpretation for their participation in court hearings and any necessary interim hearings. ***This interpretation shall take into account the specific needs of the victim and the extent to which he or she may need additional support to understand the full meaning and implication of any oral exchange. Measures shall be taken to ensure that this is explained in a sensitive and user-friendly manner taking due account of the victim's age and level of maturity.***

Or. en

Amendment 296
Auke Zijlstra

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

1. Member States ***shall*** ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided if they so wish with interpretation, ***free of charge***, during any interviews or questioning of the victim during criminal proceedings before investigative and judicial authorities, including during police questioning, and interpretation for their participation in court hearings and any necessary interim hearings.

Amendment

1. Member States ***may*** ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided if they so wish with interpretation during any interviews or questioning of the victim during criminal proceedings before investigative and judicial authorities, including during police questioning, and interpretation for their participation in court hearings and any necessary interim hearings.

Or. nl

Amendment 297
Jan Mulder

Proposal for a directive
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that victims who wish to report a crime and who do not understand or speak the language of the competent authority, shall be enabled to report the crime. In order to achieve this result Member States shall as a minimum ensure that the victims are assisted in reporting the crime in a language that they understand.

Or. en

Amendment 298
Judith Sargentini

Proposal for a directive
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that victims who wish to make a complaint of a criminal offence and who do not understand or speak the language of the competent authority, shall be enabled to do so. Member States shall as a minimum ensure that the victims are assisted in making a complaint of a criminal offence in a language that they understand. Member States shall ensure that victims are notified of their right to assistance in a simple and accessible manner in a language that they understand.

Or. en

Amendment 299
Jan Mulder

Proposal for a directive
Article 6 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall ensure that a victim who reports a crime, is notified in a simple and accessible language on the victim's right to receive information regarding the rights to active participation in the criminal proceedings.

Or. en

Amendment 300
Judith Sargentini

Proposal for a directive
Article 6 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall ensure that a victim who makes a complaint of a criminal offence, is notified in a simple and accessible manner in a language that the victim understands on the right to receive information regarding the victim's rights to active participation in the criminal proceedings.

Or. en

Amendment 301
Judith Sargentini

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

2. In order to ensure that victims can exercise their rights in criminal proceedings, Member States shall ensure that in all other cases and at the request of the victim, interpretation is available, free of charge, in accordance with the victims' needs and their role in those proceedings.

Amendment

2. In order to ensure that victims can ***effectively*** exercise their rights in criminal proceedings, Member States shall ensure that in all other cases and at the request of the victim, interpretation is available, free of charge, in accordance with the victims' needs and their role in those proceedings. ***Member States shall ensure that victims are notified of their right to interpretation in a simple and accessible manner in a language they understand.***

Or. en

Amendment 302

Timothy Kirkhope, Marina Yannakoudakis

**Proposal for a directive
Article 6 – paragraph 2**

Text proposed by the Commission

2. In order to ensure that victims can exercise their rights in criminal proceedings, Member States shall ensure that in all other cases and at the request of the victim, interpretation is available, free of charge, in accordance with the victims' needs and their role in those proceedings.

Amendment

2. In order to ensure that victims can exercise their rights in criminal proceedings, Member States shall ensure that in all other cases and at the request of the victim, interpretation is available, free of charge, in accordance with the victims' ***individual and specific*** needs and their role in those proceedings ***in order to ensure that the victim completely understands any information communicated***

Or. en

Amendment 303

Auke Zijlstra

**Proposal for a directive
Article 6 – paragraph 2**

Text proposed by the Commission

2. In order to ensure that victims can exercise their rights in criminal proceedings, Member States **shall** ensure that in all other cases and at the request of the victim, interpretation is available, **free of charge**, in accordance with the victims' needs and their role in those proceedings.

Amendment

2. In order to ensure that victims can exercise their rights in criminal proceedings, Member States **may** ensure that in all other cases and at the request of the victim, interpretation is available in accordance with the victims' needs and their role in those proceedings.

Or. nl

Amendment 304

Timothy Kirkhope, Marina Yannakoudakis

**Proposal for a directive
Article 6 – paragraph 3**

Text proposed by the Commission

3. Where appropriate, communication technology such as videoconferencing, telephone or internet may be used, unless the physical presence of the interpreter is required in order for the victim to properly exercise their rights or understand the proceedings.

Amendment

3. Where appropriate, communication technology such as videoconferencing, telephone or internet may be used, unless the physical presence of the interpreter is required in order for the victim to properly exercise their rights or understand the proceedings. ***Where the victim is a child, it shall be ensured that any room or waiting area allocated to the victim for videoconferencing or for any interviews or questioning is child-friendly and non-threatening.***

Or. en

Amendment 305

Izaskun Bilbao Barandica

**Proposal for a directive
Article 6 – paragraph 4 – introductory part**

Text proposed by the Commission

4. Member States shall ensure that a victim who does not understand or speak the language of the criminal proceedings concerned shall receive translations if they so wish, free of charge, of the following information, to the extent that such information is made available to the victim:

Amendment

(Does not affect the English version)

Or. es

Amendment 306
Kyriacos Triantaphyllides

Proposal for a directive
Article 6 – paragraph 4 – introductory part

Text proposed by the Commission

4. Member States shall ensure that a victim who does not understand or speak the language of the criminal proceedings concerned shall receive translations if they so wish, free of charge, of the following information, to the extent that such information is made available to the victim:

Amendment

4. Member States shall ensure that a victim who does not understand or speak the language of the criminal proceedings concerned shall receive translations if they so wish, free of charge, of the following information, ***in a language understood by the victim***, to the extent that such information is made available to the victim:

Or. en

Amendment 307
Auke Zijlstra

Proposal for a directive
Article 6 – paragraph 4 – introductory part

Text proposed by the Commission

4. Member States ***shall*** ensure that a victim who does not understand or speak the

Amendment

4. Member States ***may*** ensure that a victim who does not understand or speak the

language of the criminal proceedings concerned shall receive translations if they so wish, **free of charge**, of the following information, to the extent that such information is made available to the victim:

language of the criminal proceedings concerned shall receive translations if they so wish of the following information, to the extent that such information is made available to the victim:

Or. nl

Amendment 308
Jan Mulder

Proposal for a directive
Article 6 – paragraph 4 – point a

Text proposed by the Commission

(a) the complaint of the criminal offence to the competent authority;

Amendment

(a) ***the essential parts of*** the complaint of the criminal offence to the competent authority;

Or. en

Amendment 309
Kyriacos Triantaphyllides

Proposal for a directive
Article 6 – paragraph 4 – point c

Text proposed by the Commission

(c) information essential to the victim's exercise of their rights in criminal proceedings ***in accordance with*** their ***needs and their role in those proceedings***.

Amendment

(c) information essential to the victim's exercise of their rights in criminal proceedings. ***Victims or their legal counsels may submit a reasoned request for any other information deemed essential.***

Or. en

Amendment 310
Judith Sargentini

Proposal for a directive
Article 6 – paragraph 4 – point c

Text proposed by the Commission

(c) information essential to the victim's exercise of their rights in criminal proceedings in accordance with their needs and their role in those proceedings.

Amendment

(c) information essential to the victim's **effective** exercise of their rights in criminal proceedings in accordance with their needs and their role in those proceedings.

Or. en

Amendment 311
Axel Voss

Proposal for a directive
Article 6 – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

ca. Interpretation and translation shall not unreasonably protract the criminal proceedings.

Or. de

Justification

The focus of the criminal proceedings is the defendant whose guilt has yet to be proven and who is presumed innocent up to that point. Translation work can cause the proceedings to drag on excessively, especially when the alleged perpetrator is in custody, so such work should be limited to essential and necessary cases.

Amendment 312
Izaskun Bilbao Barandica

Proposal for a directive
Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States shall ensure that a procedure or mechanism is in place to

5. Member States shall ensure that a procedure or mechanism is in place to

ascertain whether the victim understands and speaks the language of the criminal proceedings and whether they need translation and the assistance of an interpreter.

ascertain whether the victim understands and speaks the language of the criminal proceedings and whether they need translation and the assistance of an interpreter. ***In Member States with more than one official language, this right shall apply to the official language chosen by the victim, even where this is not the common language used in said Member State.***

Or. es

Amendment 313
Auke Zijlstra

Proposal for a directive
Article 6 – paragraph 5

Text proposed by the Commission

5. Member States **shall** ensure that a procedure or mechanism is in place to ascertain whether the victim understands and speaks the language of the criminal proceedings and whether they need translation and the assistance of an interpreter.

Amendment

5. Member States **may** ensure that a procedure or mechanism is in place to ascertain whether the victim understands and speaks the language of the criminal proceedings and whether they need translation and the assistance of an interpreter.

Or. nl

Amendment 314
Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez, Kyriacos Triantaphyllides

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that victims and their family members, ***in accordance with their needs***, have access to free of charge, confidential victim support

Amendment

1. Member States shall ensure that victims and their family members have access to free of charge, confidential victim support services ***acting independently and in the***

services.

interest of the victim from the moment the victims suffer harm, during the criminal proceedings and after their conclusion and regardless of where the crime took place.

Or. en

Amendment 315
Carmen Romero López

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that victims and their family members, *in accordance with their needs*, have access to free of charge, confidential victim support services.

Amendment

1. Member States shall ensure that victims and their family members have access to free of charge, confidential *and appropriate* victim support services *acting independently and in the interest of the victim from the moment the victims suffer harm, during the criminal proceedings and after their conclusion and regardless of where the crime took place.* *Victims with specific needs shall have access to victim support services specialised in the type of crime the victim suffered, in order to get the best quality support.*

Or. en

Justification

The independence criterion must apply irrespective of the public or private nature of the aid and support services.

Amendment 316
Angelika Werthmann

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1 Member States shall ensure that victims and their family members, in accordance with their needs, have access to free of charge, confidential victim support services.

Amendment

1. Member States shall ensure that victims and their family members, in accordance with their needs, have access to free of charge, confidential victim support services ***before, during and for an appropriate time after criminal proceedings.***

Or. en

Amendment 317
Marc Tarabella

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that victims and their family members, ***in accordance with*** their ***needs***, have access to free of charge, confidential victim support services.

Amendment

1. Member States shall ensure that victims and their family members, ***regardless of*** their ***legal status***, have access to free of charge, ***easily accessible and*** confidential victim support services ***from the moment the victims suffer harm, during the criminal proceedings and after their conclusion and regardless of where the crime took place.***

Or. en

Amendment 318
Claude Moraes

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that victims and their family members, in accordance with their needs, have access to free of charge, confidential victim support

Amendment

1. Member States shall ensure that victims and their family members, in accordance with their needs, have access to free of charge, confidential victim support services

services.

both in their own Member States and in other Member States should the need arise.

Or. en

Justification

This will allow victims and their family members to access victim support services in cross-border situations where a crime has taken place in a different Member State than the one they live in.

Amendment 319
Auke Zijlstra

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. Member States ***shall*** ensure that victims and their family members, in accordance with their needs, have access to ***free of charge***, confidential victim support services.

Amendment

1. Member States ***may*** ensure that victims and their family members, in accordance with their needs, have access to confidential victim support services.

Or. nl

Amendment 320
Iratxe García Pérez

Proposal for a directive
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

1a. Victims of certain specific types of crime, such as gender-based violence or child abuse, shall have access to specialist support services to ensure they receive the best possible support.

Amendment

Or. es

Amendment 321
Roberta Angelilli

Proposal for a directive
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall take the necessary measures to ensure that victims are provided with assistance and support as soon as the competent authorities have a reasonable-grounds indication for believing that they might have been subject to any of the offences which fall within the scope of this directive.

Or. it