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

2011/0129(COD)

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AMENDMENTS

322 - 538

Draft report

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

on the proposal of 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

EN

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Amendment 322
Auke Zijlstra

Proposal for a directive
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. *As a minimum*, such services *shall* provide:

Amendment

2. Such services *may, inter alia*, provide:

Or. nl

Amendment 323
Iratxe García Pérez

Proposal for a directive
Article 7 – paragraph 2 – point b

Text proposed by the Commission

b) *information on or* referral to, *as appropriate*, specialist services;

Amendment

b) *direct* referral *of victims of certain types of crime* to specialist *support* services, *to ensure that they do not have to be referred, or give statements, on a multiple occasions*;

Or. es

Amendment 324
Carmen Romero López

Proposal for a directive
Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) *information on or* referral to, *as appropriate*, specialist services;

Amendment

(b) *direct* referral to specialist services *for victims with specific needs in order to avoid victims having to be referred to those services repeatedly and having to report the crime repeatedly*;

Or. en

Amendment 325
Judith Sargentini

Proposal for a directive
Article 7 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) accompanying the victim during criminal proceedings.

Or. en

Amendment 326
Iratxe García Pérez

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall facilitate the referral of victims, by the authority *that received the complaint* and other relevant agencies, to victim support services.

3. Member States shall facilitate the referral of victims, by the *competent* authority and other relevant agencies that *received the complaint*, to victim support services. *Victims of certain types of crime shall be referred directly to specialist support services to ensure that they are not referred on multiple occasions.*

Or. es

Amendment 327
Carmen Romero López

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall facilitate the referral of victims, by the authority *that*

3. Member States shall facilitate the referral of victims, by the *competent*

received the complaint and other relevant agencies, to victim support services.

authority and *by* other relevant agencies *that received the complaint*, to victim support services. ***Repeat referrals shall be avoided and victims with specific needs shall be referred directly to specialised services.***

Or. en

Amendment 328

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

Proposal for a directive Article 7 – paragraph 4

Text proposed by the Commission

4. Member States shall *promote* the setting up or development of specialist support services, in addition to general victim support services.

Amendment

4. Member States shall *ensure* the setting up or development of specialist support services, ***including women's shelters, specialist support services for victims of gender-based violence, victims of violence in close relationships and their family members,*** in addition to general victim support services.

Or. en

Amendment 329

Axel Voss

Proposal for a directive Article 7 – paragraph 4

Text proposed by the Commission

4. Member States shall promote the setting up or development of specialist support services, in addition to general victim support services.

Amendment

4. Member States shall promote the setting up or development of specialist support services, in addition to general victim support services. ***Victim support services may be organised on a full-time or voluntary basis.***

Justification

Voluntary work is a key feature of victim support in many Member States and should therefore be mentioned explicitly in Article 7.

Amendment 330
Nathalie Griesbeck

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

4. Member States shall promote the setting up *or* development of specialist support services, in addition to general victim support services.

Amendment

4. Member States shall promote the setting up *and* development of specialist support services *for all victims with special needs as identified in Article 18, including specialist support services for children, for victims of gender-related violence, victims of violence in close relationships and for their family members*, in addition to general victim support services.

Or. fr

Amendment 331
Sonia Alfano, Gianni Vattimo

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

4. Member States shall *promote* the setting up or development of specialist support services, in addition to general victim support services.

Amendment

4. Member States shall *ensure* the setting up or development of specialist support services, *including specialist support services for all victims with special needs identified according to Article 18, including victims of gender-based violence, victims of violence in close relationships and their family members*, *in* addition to general victim support

services.

Or. en

Amendment 332

Auke Zijlstra

Proposal for a directive

Article 7 – paragraph 4

Text proposed by the Commission

4. Member States **shall** promote the setting up or development of specialist support services, in addition to general victim support services.

Amendment

4. Member States **may** promote the setting up or development of specialist support services, in addition to general victim support services.

Or. nl

Amendment 333

Roberta Angelilli

Proposal for a directive

Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that, where the age of a victim of crime is uncertain and there is reason to believe that he or she is a child, the person in question is treated as a child and accordingly given immediate access to assistance, support, and protection in accordance with this Directive.

Or. it

Amendment 334

Judith Sargentini

on behalf of the Verts/ALE Group

Proposal for a directive
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall facilitate non-governmental organisations with a legitimate interest to stand in criminal proceedings in support of or on behalf of the victim or victims, in particular where the criminal offence has resulted in damage to the environment or has infringed the public interest by injuring an unspecified high number of people.

Or. en

Amendment 335
Roberta Angelilli

Proposal for a directive
Article 7 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Member States shall take the measures necessary to ensure that victims receive assistance and support before, during, and for an appropriate period following the conclusion of, the criminal proceedings. In particular, they shall take the steps required to protect children who report cases of abuse within the family.

Or. it

Amendment 336
Izaskun Bilbao Barandica

Proposal for a directive
Article 7 a (new)

Article 7(a)

Right to a lighter administrative burden and reduced bureaucracy

The establishment of an efficient, comprehensive victim support system entails combining services provided at various levels of government and by Member States, regions and local authorities. Consequently, mechanisms enabling access to services must be simplified, coordination of information sources must be improved and measures must be taken to streamline the administrative procedures victims have to complete to gain access to these services. The Member States will thus strive to:

a) establish a ‘one-stop shop’ for administration and guidance to provide victims with all services offered to them by public administration in a single visit. These facilities must provide victims with effective representation or guidance in the administrative procedures for access to the support or compensation to which they are entitled, whatever the level of administration at which it is effectively provided.

b) house the rooms used for these guidance services in or as near as possible to law courts, police stations or basic social service facilities, and entrust their management to the authorities closest to citizens or the level of government most appropriate to the internal systems of the Member States, given the volume of services they provide to victims.

c) advocate the principle of single registration to ensure that victims need produce basic supporting documents proving the facts of their condition and the circumstances only once – except when these change – and ensure that the resultant repository of documents will be

accepted by any authority involved in providing assistance or services to the victims of crime.

d) give priority to victim support services in public authorities' range of online services.

e) ensure that these administration and guidance services – where provided – are available by telephone via 112, the single European emergency number.

The Commission shall propose a single European logo to identify these one-stop shops, to be displayed on their buildings and on the Internet.

Or. es

Amendment 337
Judith Sargentini

Proposal for a directive
Article 8

Text proposed by the Commission

Member States shall ensure that victims receive written acknowledgement of any complaint made by them to an appropriate authority of the Member State.

Amendment

Member States shall ensure that **all** victims receive written acknowledgement of any complaint made by them to an appropriate authority of the Member State.

Or. en

Amendment 338
Iratxe García Pérez

Proposal for a directive
Article 9

Text proposed by the Commission

Member States shall ensure that victims **may be** heard during criminal proceedings

Amendment

Member States shall ensure that victims **are** heard during criminal proceedings and

and *may* supply evidence.

are entitled to supply evidence.

Or. es

Amendment 339
Carmen Romero López

Proposal for a directive
Article 9

Text proposed by the Commission

Member States shall ensure that victims *may be* heard during criminal proceedings and *may* supply evidence.

Amendment

Member States shall ensure that victims *are* heard during criminal proceedings and *have the right to* supply evidence.

Or. en

Justification

In a victims directive it is very important and crucial that victims have to be heard and have the right to supply evidence; these are minimum procedural rights;

Amendment 340
Judith Sargentini

Proposal for a directive
Article 9

Text proposed by the Commission

Member States shall ensure that victims may be heard during criminal proceedings and may supply evidence.

Amendment

Member States shall ensure that *all* victims may be heard during criminal proceedings and may supply evidence.

Or. en

Amendment 341
Timothy Kirkhope, Marina Yannakoudakis

Proposal for a directive
Article 9

Text proposed by the Commission

Member States shall ensure that victims may be heard during criminal proceedings and may supply evidence.

Amendment

Member States shall ensure that ***all*** victims, ***taking special consideration of individual circumstances and specific needs where appropriate***, may be heard during criminal proceedings and may supply evidence. ***Every child should be treated as a capable witness, subject to examination, and his or her testimony should not be presumed invalid or untrustworthy by reason of the child's age alone as long as his or her age and maturity allow the giving of intelligible and credible testimony with or without appropriate communication aids and tools.***

Or. en

Amendment 342
Licia Ronzulli

Proposal for a directive
Article 9

Text proposed by the Commission

Member States shall ensure that victims may be heard during criminal proceedings and may supply evidence.

Amendment

Member States shall ensure that victims may be heard during criminal proceedings and may supply evidence ***at any time.***

Or. it

Amendment 343
Nathalie Griesbeck

Proposal for a directive
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Child victims shall be given the opportunity to play an active part in criminal proceedings so as to have their testimony taken into account.

Or. fr

Amendment 344

Judith Sargentini

on behalf of the Verts/ALE Group

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that victims have the right to have any decision not to prosecute reviewed.

1. Member States shall ensure that ***all*** victims have the right to have any decision not to prosecute reviewed.

Or. en

Amendment 345

Judith Sargentini

Proposal for a directive

Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that victims are provided with sufficient information to decide whether to request a review of any decision not to prosecute.

2. Member States shall ensure that ***all*** victims are provided with sufficient information to decide whether to request a review of any decision not to prosecute.

Or. en

Amendment 346

Licia Ronzulli

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that victims are provided with **sufficient** information to decide whether to request a review of any decision not to prosecute.

Amendment

2. Member States shall ensure that victims are provided with **all** information **necessary** to decide whether to request a review of any decision not to prosecute.

Or. it

Amendment 347
Claude Moraes

Proposal for a directive
Article 11 – title

Text proposed by the Commission

Right to **safeguards in the context of mediation and other** restorative justice services

Amendment

Right to **access safe, competent** restorative justice services

Or. en

Amendment 348
Anna Hedh

Proposal for a directive
Article 11 – title

Text proposed by the Commission

Right to **safeguards in the context of mediation and other** restorative justice services

Amendment

Right to **access safe, competent** restorative justice services

Or. en

Amendment 349
Carmen Romero López

Proposal for a directive
Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall **establish standards** to safeguard the victim from intimidation or further victimisation, to be applied when providing **mediation or other** restorative justice services. Such **standards should** as a minimum include the following:

Amendment

1. Member States shall **take measures to ensure that the victim has access to safe, competent restorative justice services that** safeguard the victim from intimidation or further victimisation, to be applied when providing restorative justice services. Such **measures shall** as a minimum include the following:

Or. en

Amendment 350
Claude Moraes

Proposal for a directive
Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall **establish standards** to safeguard the victim from intimidation or further victimisation, **to be applied when providing mediation or other restorative justice services**. Such standards should as a minimum include the following:

Amendment

1. Member States shall **take measures to ensure that a victim who chooses to participate in the restorative justice process has access to safe, competent restorative justice services that** safeguard the victim from intimidation or further victimisation. Such standards should as a minimum include the following:

Or. en

Amendment 351
Anna Hedh

Proposal for a directive
Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall **establish standards** to safeguard the victim from intimidation or further victimisation, **to be applied when providing mediation or other restorative justice services**. Such **standards should** as a minimum include the following:

Amendment

1. Member States shall **take measures to ensure that a victim who chooses to participate in the restorative justice process has access to safe, competent restorative justice services that** safeguard the victim from intimidation or further victimisation. Such **measures shall** as a minimum include the following:

Or. en

Amendment 352
Auke Zijlstra

Proposal for a directive
Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall establish standards to safeguard the victim from intimidation or further victimisation, to be applied when providing mediation or other restorative justice services. Such standards **should as a minimum** include the following:

Amendment

1. Member States shall establish standards to safeguard the victim from intimidation or further victimisation, to be applied when providing mediation or other restorative justice services. Such standards **may** include the following:

Or. nl

Amendment 353
Carmen Romero López

Proposal for a directive
Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) **mediation or** restorative justice services are **used only if they are** in **the** interest of **the victim**, and based on free and informed consent; this consent may be withdrawn at any time;

Amendment

(a) restorative justice services are **available to all victims of crime who choose to access them in their own** interest, **subject to any safety considerations**, and based on **the victims'** free and informed consent; this

consent may be withdrawn at any time;

Or. en

Amendment 354

Claude Moraes

Proposal for a directive

Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) ***mediation or*** restorative justice services ***are used only if they are*** in ***the*** interest of ***the victim***, and based on free and informed consent; this consent may be withdrawn at any time;

Amendment

(a) restorative justice services ***available to all victims of crime who choose to access them*** in ***their own*** interest, ***subject to any safety considerations***, and based on free and informed consent; this consent may be withdrawn at any time;

Or. en

Amendment 355

Anna Hedh

Proposal for a directive

Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) ***mediation or*** restorative justice services ***are used only if they are*** in ***the*** interest of ***the victim***, and based on free and informed consent; this consent may be withdrawn at any time;

Amendment

(a) restorative justice services ***are available to all victims of crime who choose to access them*** in ***their own*** interest, ***subject to any safety considerations***, and based on ***the victims'*** free and informed consent; this consent may be withdrawn at any time;

Or. en

Amendment 356

Carmen Romero López

Proposal for a directive
Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) before agreeing to participate in the process, the victim is provided with full **and unbiased** information about the process and the potential outcomes as well as information about the procedures for supervising the implementation of any agreement;

Amendment

(b) before agreeing to participate in the process, the victim is provided with full information about the process and the potential outcomes as well as information about the procedures for supervising the implementation of any agreement;

Or. en

Amendment 357
Judith Sargentini

Proposal for a directive
Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) before agreeing to participate in the process, the victim is provided with full and unbiased information about the process and the potential outcomes as well as information about the procedures for supervising the implementation of any agreement;

Amendment

(b) before agreeing to participate in the process, the victim is provided with full and unbiased information, **in a language that the victim understands**, about the process and the potential outcomes as well as information about the procedures for supervising the implementation of any agreement;

Or. en

Amendment 358
Iratxe García Pérez

Proposal for a directive
Article 11 – paragraph 1 – point c

Text proposed by the Commission

c) the suspected or accused person or offender must have accepted responsibility

Amendment

c) the suspected or accused person or offender must have accepted responsibility

for their act;

for their act *and must be willing to make full redress, including payment to cover the cost of damage caused and compensation for any loss or injury suffered;*

Or. es

Amendment 359
Carmen Romero López

Proposal for a directive
Article 11 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the *suspected or accused person or* offender must have *accepted responsibility for their act;*

(c) the offender must have *acknowledged the basic facts of the case;*

Or. en

Amendment 360
Kyriacos Triantaphyllides

Proposal for a directive
Article 11 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the *suspected or accused person or* offender must have accepted responsibility for *their* act;

(c) the offender must have accepted responsibility for *his or her* act;

Or. en

Amendment 361
Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez

Proposal for a directive
Article 11 – paragraph 1 – point e

Text proposed by the Commission

(e) discussions in mediation or other restorative justice processes that are not conducted in public are confidential and are not subsequently disclosed, except with the agreement of the parties or as required by national law due to an overriding public interest.

Amendment

(e) discussions in mediation or other restorative justice processes that are not conducted in public are confidential and are not subsequently disclosed, except ***if the accused commits acts which are subject to criminal or other sanctions during the process, or*** with the agreement of the parties or as required by national law due to an overriding public interest.

Or. en

Amendment 362

Carmen Romero López

Proposal for a directive

Article 11 – paragraph 1 – point e

Text proposed by the Commission

(e) discussions in ***mediation or other*** restorative justice processes that are not conducted in public are confidential and are not subsequently disclosed, except with the agreement of the parties or as required by national law due to an overriding public interest.

Amendment

(e) discussions in restorative justice processes that are not conducted in public are confidential and are not subsequently disclosed, except with the agreement of the parties or as required by national law due to an overriding public interest.

Or. en

Amendment 363

Iratxe García Pérez

Proposal for a directive

Article 11 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

e (a) victims must be entitled to guidance from a support person throughout the restorative justice process and must have

the right to refuse to meet the accused person.

Or. es

Amendment 364

Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez

Proposal for a directive

Article 11 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) victims should have the right to a support person in all restorative justice processes.

Or. en

Amendment 365

Carmen Romero López

Proposal for a directive

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall facilitate *the referral of cases* to *mediation or other* restorative justice services, including through the establishment of *protocols* on the conditions for referral.

2. Member States shall *promote and* facilitate *victims' access* to restorative justice services, including through the establishment of *guidelines* on the conditions for referral.

Or. en

Amendment 366

Claude Moraes

Proposal for a directive

Article 11 – paragraph 2

Text proposed by the Commission

2. Member States shall facilitate ***the referral of cases*** to ***mediation or other*** restorative justice services, including through the establishment of protocols on the conditions for referral.

Amendment

2. Member States shall ***promote and*** facilitate ***victims' access*** to restorative justice services, including through the establishment of protocols on the conditions for referral.

Or. en

Amendment 367

Anna Hedh

**Proposal for a directive
Article 11 – paragraph 2**

Text proposed by the Commission

2. Member States shall facilitate ***the referral of cases*** to ***mediation or other*** restorative justice services, including through the establishment of ***protocols*** on the conditions for referral.

Amendment

2. Member States shall ***promote and*** facilitate ***victims' access*** to restorative justice services, including through the establishment of ***guidelines*** on the conditions for referral.

Or. en

Amendment 368

Izaskun Bilbao Barandica

**Proposal for a directive
Article 11 – paragraph 2 – subparagraph 1 a (new)**

Text proposed by the Commission

Amendment

The Member States shall ensure that staff providing such services have approved and duly accredited levels of training, particularly staff from NGOs or organisations other than public authorities.

Or. es

Amendment 369
Izaskun Bilbao Barandica

Proposal for a directive
Article 11 – paragraph 2 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

In the event that these services are provided by organisations other than public authorities, the Member States shall make special efforts to ensure that funds for their provision are allocated in a transparent, fair and independent manner and shall demand annual financial reports from them.

Or. es

Amendment 370
Iratxe García Pérez

Proposal for a directive
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a) Member States shall ensure that victims have the right to have reviewed any decision concerning the out-of-court settlement of cases.

The Member States shall ensure that victims are provided with sufficient information to decide whether to request a review of any decision concerning the out-of-court settlement of cases.

Or. es

Amendment 371
Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez

Proposal for a directive
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Restorative justice measures should not be applied in cases of severe or repeat violation of the physical, sexual, or psychological integrity of the victim.

Or. en

Amendment 372
Carmen Romero López

Proposal for a directive
Article 12

Text proposed by the Commission

Amendment

Member States shall ensure that victims have ***access***, in accordance with procedures in national law, to legal aid, where they have the status of parties to criminal proceedings.

Member States shall ensure that victims have ***the right***, in accordance with procedures in national law, to legal aid, where they have the status of parties to criminal proceedings.

Or. en

Amendment 373
Judith Sargentini

Proposal for a directive
Article 12

Text proposed by the Commission

Amendment

Member States shall ensure that victims have access, in accordance with procedures in national law, to legal aid, where they have the status of parties to criminal proceedings.

Member States shall ensure that ***all*** victims have access, in accordance with procedures in national law, to legal aid, where they have the status of parties to criminal proceedings.

Or. en

Amendment 374
Axel Voss

Proposal for a directive
Article 12

Text proposed by the Commission

Member States shall ensure that victims ***have access, in accordance with procedures in national law, to legal aid, where they have the status of parties to criminal proceedings.***

Amendment

Member States shall ensure that victims ***of serious crimes, such as sexual offences or (attempted) homicide, receive legal aid regardless of their income and assets.***

Or. de

Justification

Victims of serious crimes should not have to use their own funds from earned income or assets and have to bear legal costs in order to exercise their rights.

Amendment 375
Timothy Kirkhope, Marina Yannakoudakis

Proposal for a directive
Article 12

Text proposed by the Commission

Member States shall ensure that victims have access, in accordance with procedures in national law, to legal aid, where they have the status of parties to criminal proceedings.

Amendment

Member States shall ensure that victims have access, in accordance with procedures in national law, to legal aid, where they have the status of parties to criminal proceedings. ***Children shall have the right to their own legal counsel and representation, in their own name, in proceedings where there is, or could be, a conflict of interest between the child and the parents or other involved parties.***

Or. en

Amendment 376
Sonia Alfano

Proposal for a directive
Article 12

Text proposed by the Commission

Member States shall ensure that victims have access, in accordance with procedures in national law, to legal aid, where they have the status of parties to criminal proceedings.

Amendment

Member States shall ensure that *innocent* victims have access, in accordance with procedures in national law, to legal aid, where they have the status of parties to criminal proceedings.

Or. it

Amendment 377
Kinga Göncz

Proposal for a directive
Article 12

Text proposed by the Commission

Member States shall ensure that victims have access, in accordance with procedures in national law, to legal aid, where they have the status of parties to criminal proceedings.

Amendment

Member States shall ensure that victims have access, in accordance with procedures in national law, to legal aid *including access to a lawyer throughout the entire proceedings*, where they have the status of parties to criminal proceedings.

Or. en

Amendment 378
Izaskun Bilbao Barandica

Proposal for a directive
Article 13

Text proposed by the Commission

Member States shall, in accordance with procedures in national law, afford victims who participate in criminal proceedings the

Amendment

Member States shall, in accordance with procedures in national law, afford victims who participate in criminal proceedings the

possibility of reimbursement of expenses incurred as a result of their participation in criminal proceedings, including as a result of their attendance at the trial.

possibility of reimbursement of expenses incurred as a result of their participation in criminal proceedings, including as a result of their attendance at the trial. ***Prior to proceedings, they shall therefore inform victims, particularly those from other Member States, of the conditions and timeframe for reimbursement and the supporting documents they require to have their expense claim accepted, and ensure that the presentation of these documents is included as part of proceedings, so as to reduce the administrative burden on victims.***

Or. es

Amendment 379
Sonia Alfano

Proposal for a directive
Article 13

Text proposed by the Commission

Member States shall, in accordance with procedures in national law, afford victims who participate in criminal proceedings the possibility of reimbursement of expenses incurred as a result of their participation in criminal proceedings, including as a result of their attendance at the trial.

Amendment

Member States shall, in accordance with procedures in national law, afford ***innocent*** victims who participate in criminal proceedings the possibility of reimbursement of expenses incurred as a result of their participation in criminal proceedings, including as a result of their attendance at the trial.

Or. it

Amendment 380
Auke Zijlstra

Proposal for a directive
Article 13

Text proposed by the Commission

Member States **shall**, in accordance with procedures in national law, afford victims who participate in criminal proceedings the possibility of reimbursement of expenses incurred as a result of their participation in criminal proceedings, including as a result of their attendance at the trial.

Amendment

Member States **may**, in accordance with procedures in national law, afford victims who participate in criminal proceedings the possibility of reimbursement of expenses incurred as a result of their participation in criminal proceedings, **possibly** including as a result of their attendance at the trial.

Or. nl

Amendment 381
Angelika Werthmann

Proposal for a directive
Article 14

Text proposed by the Commission

Member States shall ensure that recoverable property belonging to victims which is seized in the course of criminal proceedings is returned to **them** without delay, unless required for the purpose of criminal proceedings.

Amendment

Member States shall ensure that recoverable property belonging to victims which is seized in the course of criminal proceedings is returned to **the victims** without delay, unless required for the purpose of criminal proceedings **or if the ownership is disputed**.

Or. en

Amendment 382
Licia Ronzulli

Proposal for a directive
Article 14

Text proposed by the Commission

Member States shall ensure that **recoverable** property belonging to victims which is seized in the course of criminal proceedings is returned to them without delay, unless required for the purpose of

Amendment

Member States shall ensure that property belonging to victims which is seized in the course of criminal proceedings is returned to them without delay, unless required for the purpose of criminal proceedings.

criminal proceedings.

Or. it

Amendment 383

Auke Zijlstra

Proposal for a directive

Article 14

Text proposed by the Commission

Member States **shall** ensure that recoverable property belonging to victims which is seized in the course of criminal proceedings is returned **to them** without delay, unless required for the purpose of criminal proceedings.

Amendment

Member States **may** ensure that recoverable property belonging to victims which is seized in the course of criminal proceedings is returned without delay, unless required for the purpose of criminal proceedings.

Or. nl

Amendment 384

Roberta Angelilli

Proposal for a directive

Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Disqualification arising from convictions

To avert the risk of repeat offences, Member States shall take the measures necessary to ensure that a natural person convicted of offences giving rise to protection of victims is debarred, temporarily or permanently, at least from carrying on occupations involving regular direct contact with the victims, especially when they are children.

Or. it

Amendment 385
Carmen Romero López

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Member States shall ensure that, in the course of criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within *a* reasonable time.

Amendment

1. Member States shall ensure that, in the course of criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within reasonable time.

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

Or. en

Amendment 386
Iratxe García Pérez

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The first subparagraph shall not apply where national law provides for restitution or compensation to be awarded in another manner.

Amendment

The first subparagraph shall not apply where national law provides for restitution or compensation to be awarded in another manner. ***However, victims must not be referred to the civil courts to claim damages or compensation, since this would be very likely to cause them repeat trauma, stress and other excessive burdens.***

Or. es

Amendment 387
Carmen Romero López

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The first subparagraph shall not apply where national law provides for restitution or compensation to be awarded in another manner.

Amendment

The first subparagraph shall not apply where national law provides for restitution or compensation to be awarded in another manner. ***However, victims shall not be referred to civil proceedings in order to claim damages or compensation since that could subject them to re-traumatisation, stress and other unreasonable burdens.***

Or. en

Justification

victims which are referred by the criminal court to civil court for damage claim and compensation in most of the cases give up; they cannot bear to have to go through further legal proceedings were they are confronted with the perpetrator again.

Amendment 388
Iratxe García Pérez

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall take measures to ***encourage*** offenders to provide adequate compensation to victims.

Amendment

2. Member States shall take measures to ***oblige*** offenders to provide adequate compensation to victims.

Or. es

Amendment 389
Carmen Romero López

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall take measures to **encourage** offenders to provide adequate compensation to victims.

Amendment

2. Member States shall take measures to **oblige** offenders to provide adequate compensation to victims.

Or. en

Amendment 390
Sonia Alfano

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

2. Member States shall take measures to encourage offenders to provide adequate compensation to victims.

Amendment

2. Member States shall take measures to encourage offenders to provide adequate compensation to victims **and shall allow access to such benefits as might be provided for in procedural or substantive law (plea-bargaining, extenuating circumstances, relaxation of conditions of detention, etc.) only in cases where an offender in a position to do so has made full amends for the harm done to the victim and his or her family members.**

Or. it

Amendment 391
Janusz Wojciechowski

Proposal for a directive
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that compensation claims brought by victims are not subject to court fees.

Or. pl

Amendment 392
Roberta Angelilli

Proposal for a directive
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Seizure and confiscation

Member States shall take the measures necessary to empower their competent authorities to seize and confiscate the means employed to commit, and the proceeds of, offences which have given rise to protection of victims.

Or. it

Amendment 393
Auke Zijlstra

Proposal for a directive
Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States **shall** ensure that their competent authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the offence occurs, particularly with regard to the organisation of the proceedings. For this purpose, the authorities of the Member State where the crime took place **shall**, in particular, be in a position:

1. Member States **may** ensure that their competent authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the offence occurs, particularly with regard to the organisation of the proceedings. For this purpose, the authorities of the Member State where the crime took place **may**, in particular, be in a position:

Or. nl

Amendment 394
Auke Zijlstra

Proposal for a directive
Article 16 – paragraph 1 – indent 1

Text proposed by the Commission

– to take a statement from the victim immediately after the complaint of the criminal offence is made to the appropriate authority;

Amendment

Does not affect the English version.

Or. nl

Amendment 395
Auke Zijlstra

Proposal for a directive
Article 16 – paragraph 1 – indent 2

Text proposed by the Commission

to have recourse **to the extent possible** to the provisions on video conferencing and telephone conference calls laid down in the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 for the purpose of hearing victims resident abroad.

Amendment

to have recourse to the provisions on video conferencing and telephone conference calls laid down in the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 for the purpose of hearing victims resident abroad.

Or. nl

Amendment 396
Auke Zijlstra

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. Member States **shall** ensure that victims of criminal offences in Member States

Amendment

2. Member States **may** ensure that victims of criminal offences in Member States

other than the one where they reside may make a complaint to the competent authorities of the Member State of residence if they are unable to do so in the Member State where the offence is committed or, in the event of a serious offence determined by national law, if they do not wish to do so.

other than the one where they reside may make a complaint to the competent authorities of the Member State of residence if they are unable to do so in the Member State where the offence is committed or, in the event of a serious offence determined by national law, if they do not wish to do so.

Or. nl

Amendment 397
Rosario Crocetta

Proposal for a directive
Article 16 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Victims, witnesses, and natural persons subjected to continued threats – from terrorist groups, criminal organisations, Mafia families, or criminal groups, however organised – shall be entitled, regardless of the Member State in which they decide to live, to a system of protection commensurate with the degree of risk to which they are exposed in the country where they have chosen to live and hence enabling them to lead their own social or public lives to a normal extent.

Or. it

Amendment 398
Iratxe García Pérez

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that

1. Member States shall ensure that

measures are available to protect the safety of victims and their family members from retaliation, intimidation, repeat or further victimisation.

measures are available to ***identify any risk of retaliation, intimidation or further or repeated victimisation, and to protect the safety and dignity*** of victims and their family members from retaliation, intimidation, repeat or further victimisation, ***such as provisional restraining, estrangement or protection orders, from the first instance of contact with the competent authorities to the conclusion of court proceedings and any other related legal procedure.***

Or. es

Amendment 399
Carmen Romero López

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures are available to protect the safety of victims and their family members from retaliation, intimidation, repeat or further victimisation.

Amendment

1. Member States shall ensure that measures are available to ***identify any possible risks of retaliation, intimidation repeat or further victimisation and to protect the safety and dignity*** of victims and their family members from retaliation, intimidation, repeat or further victimisation, ***such as interim injunctions or protection and restraining orders from their first contact with a competent authority, during and after the conclusion of criminal and any related legal proceedings.***

Or. en

Amendment 400
Roberta Angelilli

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures are available to protect the safety of victims and their family members from retaliation, intimidation, repeat or further victimisation.

Amendment

1. Member States shall ensure that measures are available to protect the safety of victims and their family members from retaliation, intimidation, *or* repeat or further victimisation ***before, during, and for as long as necessary after the conclusion of, the criminal proceedings.***

Or. it

Amendment 401
Nathalie Griesbeck

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures are available to protect the safety of victims and their family members from retaliation, intimidation, repeat or further victimisation.

Amendment

1. Member States shall ensure that measures are available to protect the safety of victims and their family members from retaliation, intimidation, repeat or further victimisation. ***When requested by the victims, these measures shall include non disclosure of the personal characteristics taken into account in the individual assessment referred to in Article 18.***

Or. en

Amendment 402
Sonia Alfano, Gianni Vattimo

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that measures are available to protect the safety of victims and their family members from

Amendment

1. Member States shall ensure that measures are available to protect the safety ***and dignity*** of victims and their family

retaliation, intimidation, repeat or further victimisation.

members from retaliation, intimidation, repeat or further victimisation ***from their first contact with a competent authority, during and after the conclusion of criminal proceedings. When requested by the victims, these measures shall include non disclosure of the personal characteristics taken into account in the individual assessment referred to in Article 18.***

Or. en

Amendment 403
Auke Zijlstra

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

1. Member States ***shall*** ensure that measures are available to protect the safety of victims and their family members from retaliation, intimidation, repeat or further victimisation.

Amendment

Member States ***may*** ensure that measures are available to protect the safety of victims and their family members from retaliation, intimidation, repeat or further victimisation.

Or. nl

Amendment 404
Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez, Kyriacos Triantaphyllides

Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission

2. The measures referred to in paragraph 1, shall in particular include procedures for the physical protection of victims and their family members, measures to ensure that contact between offenders and victims ***may*** be avoided ***within premises where*** criminal

Amendment

2. The measures referred to in paragraph 1, shall in particular include procedures for the physical protection of victims and their family members, ***such as emergency barring orders, protection and restraining orders,*** measures to ensure that contact

proceedings **are conducted**, and measures to ensure that the risk of psychological or emotional harm to victims during questioning or when testifying is minimised and their safety and dignity are secured.

between offenders and victims **and their family members can be avoided from the time of reporting, during and after criminal and other legal** proceedings, and measures to ensure that the risk of psychological or emotional harm to victims during questioning or when testifying is minimised and their safety and dignity are secured.

Or. en

Amendment 405
Carmen Romero López

Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission

2. The measures referred to in paragraph 1, shall in particular include procedures for the physical protection of victims and their family members, measures to ensure that contact between offenders and victims may be avoided **within premises where** criminal proceedings are **conducted**, and measures to ensure that the risk of psychological or emotional harm to victims during questioning or when testifying is minimised and their safety and dignity are secured.

Amendment

2. The measures referred to in paragraph 1, shall in particular include **measures and** procedures for the physical protection of victims and their family members, measures to ensure that contact between offenders and victims **and their family members** may be avoided **from the time of the reporting, during and after criminal and other legal** proceedings **related to the crime, for instance through interim injunctions or protective and restraining orders. Such injunctions and orders are especially important for women victims of partner violence and victims of domestic violence were the victim and the accused live together. The** measures **shall also include measures** to ensure that the risk of psychological or emotional harm to victims during questioning or when testifying is minimised and their safety and dignity are secured.

Or. en

Amendment 406
Izaskun Bilbao Barandica

Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission

2. The measures referred to in paragraph 1, shall in particular include procedures for the physical protection of victims and their family members, measures to ensure that contact between offenders and victims may be avoided within premises where criminal proceedings are conducted, and measures to ensure that the risk of psychological or emotional harm to victims during questioning or when testifying is minimised and their safety and dignity are secured.

Amendment

2. The measures referred to in paragraph 1, shall in particular include procedures for the physical protection of victims and their family members, measures to ensure that contact between offenders and victims may be avoided within premises where criminal proceedings are conducted, and measures to ensure that the risk of psychological or emotional harm to victims during questioning or when testifying is minimised and their safety and dignity are secured. ***Special attention shall also be paid to protecting victims from ‘violence of persecution’ (organised intimidation).***

Or. es

Amendment 407
Auke Zijlstra

Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission

2. The measures referred to in paragraph 1, ***shall in particular*** include procedures for the physical protection of victims and their family members, measures to ensure that contact between offenders and victims may be avoided within premises where criminal proceedings are conducted, and measures to ensure that the risk of psychological or emotional harm to victims during questioning or when testifying is minimised and their safety and dignity are secured.

Amendment

2. The measures referred to in paragraph 1 ***may*** include: procedures for the physical protection of victims and their family members, measures to ensure that contact between offenders and victims may be avoided within premises where criminal proceedings are conducted, and measures to ensure that the risk of psychological or emotional harm to victims during questioning or when testifying is minimised and their safety and dignity are secured.

Amendment 408
Antonyia Parvanova

Proposal for a directive
Article 18 – title

Text proposed by the Commission

Amendment

Identification of vulnerable victims

Identification of vulnerable victims

Does not affect English version (linguistic amendment affecting only the Bulgarian version of the text).

Or. bg

Amendment 409
Rolandas Paksas

Proposal for a directive
Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. For the purposes of this Directive, the following categories of victims are considered to be vulnerable due to their personal characteristics:

deleted

a) Children;

b) Persons with disabilities.

Or. It

Amendment 410
Marc Tarabella

Proposal for a directive
Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

1. For the purposes of this Directive, the following categories of victims are considered to ***be vulnerable*** due to their personal characteristics:

Amendment

1. For the purposes of this Directive, the following categories of victims are considered ***inter alia to have specific needs*** due to their personal characteristics:

Or. en

Amendment 411
Emine Bozkurt

Proposal for a directive
Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

1. For the purposes of this Directive, the following categories of victims are considered to be vulnerable due to their personal characteristics:

Amendment

1. For the purposes of this Directive, the following ***non-exhaustive*** categories of victims are considered to be vulnerable due to their personal characteristics:

Or. en

Amendment 412
Judith Sargentini

Proposal for a directive
Article 18 – paragraph 1 – point b

Text proposed by the Commission

(b) Persons with disabilities.

Amendment

deleted

Or. en

Amendment 413
Nathalie Griesbeck

Proposal for a directive
Article 18 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

ba) Asylum seekers and refugees;

Or. fr

Amendment 414
Nathalie Griesbeck

Proposal for a directive
Article 18 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

bb) The elderly;

Or. fr

Amendment 415
Nathalie Griesbeck

Proposal for a directive
Article 18 – paragraph 1 – point b c (new)

Text proposed by the Commission

Amendment

bc) Unaccompanied minors;

Or. fr

Amendment 416
Rolandas Paksas

Proposal for a directive
Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. For the purposes of this Directive, the following categories of victims are considered to be vulnerable due to the

deleted

nature or type of crime to which they have fallen victim:

- a) Victims of sexual violence;*
- b) Victims of human trafficking.*

Or. It

Amendment 417
Emine Bozkurt

Proposal for a directive
Article 18 – paragraph 2 – introductory part

Text proposed by the Commission

2. For the purposes of this Directive, the following categories of victims are considered to be vulnerable due to the nature or type of crime to which they have fallen victim:

Amendment

2. For the purposes of this Directive, the following ***non-exhaustive*** categories of victims are considered to be vulnerable due to the nature or type of crime to which they have fallen victim:

Or. en

Amendment 418
Axel Voss

Proposal for a directive
Article 18 – paragraph 2 – point a

Text proposed by the Commission

(a) Victims of sexual violence;

Amendment

(a) Victims of sexual violence ***and sexual abuse of children and persons unable to defend themselves;***

Or. de

Amendment 419
Angelika Werthmann

Proposal for a directive
Article 18 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Victims of gender-based violence;

Or. en

Amendment 420
Emine Bozkurt

Proposal for a directive
Article 18 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) victims of gender-based violence;

Or. en

Amendment 421
Angelika Werthmann

Proposal for a directive
Article 18 – paragraph 2 – point a b (new)

Text proposed by the Commission

Amendment

(ab) Victims of violence between family members;

Or. en

Amendment 422
Angelika Werthmann

Proposal for a directive
Article 18 – paragraph 2 – point a c (new)

Text proposed by the Commission

Amendment

(ac) Victims of violence in close relationships;

Or. en

Amendment 423
Angelika Werthmann

Proposal for a directive
Article 18 – paragraph 2 – point a d (new)

Text proposed by the Commission

Amendment

(ad) Victims of terrorism;

Or. en

Amendment 424
Ádám Kósa

Proposal for a directive
Article 18 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) Victims of human trafficking.

(b) Victims of human **and organ** trafficking.

Or. hu

Amendment 425
Axel Voss

Proposal for a directive
Article 18 – paragraph 2 – point b

Text proposed by the Commission

Amendment

b. Victims of human trafficking.

b. Victims of **terrorism and** human

trafficking.

Or. de

Amendment 426
Izaskun Bilbao Barandica

Proposal for a directive
Article 18 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

*b (a) Victims of criminal organisations
such as terrorist groups, mafias or drug-
trafficking organisations;*

Or. es

Amendment 427
Judith Sargentini

Proposal for a directive
Article 18 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

*(ba) Victims of criminal offences
committed with a bias motive.*

Or. en

Justification

victims targeted because of a protected characteristic, with discrimination as a motive

Amendment 428
Nathalie Griesbeck

Proposal for a directive
Article 18 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

ba) Victims of torture or of inhuman or degrading treatment;

Or. fr

Amendment 429
Kinga Göncz

Proposal for a directive
Article 18 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Victims of hate crime.

Or. en

Amendment 430
Axel Voss

Proposal for a directive
Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Victims of attempted homicide and relatives of murder victims.

Or. de

Amendment 431
Janusz Wojciechowski

Proposal for a directive
Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. For the purposes of this Directive, the

following categories of victims are considered to be vulnerable due to their particular personal circumstances:

(a) persons deprived of their liberty;

(b) persons who for other reasons are deprived of the opportunity to determine their own destiny.

Or. pl

Amendment 432

Axel Voss

Proposal for a directive

Article 18 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Other victims of criminal offences who have suffered serious physical or emotional harm as a result of the crime and are not, or cannot be expected to be, sufficiently able to look after their own interests.

Or. de

Amendment 433

Manfred Weber

Proposal for a directive

Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that ***all other victims receive*** a timely and individual assessment, in accordance with national procedures, to determine whether they are vulnerable, due to their personal characteristics or the circumstances or the type or nature of the crime, to secondary and repeat victimisation or intimidation.

3. Member States shall ensure that a timely and individual assessment ***is carried out for all other victims***, in accordance with national procedures, to determine whether they are vulnerable, due to their personal characteristics or the circumstances or the type or nature of the crime, to secondary and repeat victimisation or intimidation.

Justification

Identification of a victim's specific vulnerability in accordance with paragraphs 3 and 4 should not end up being a complex and stressful formal assessment procedure for the victim. Rather than talking of an 'individual assessment', it would be better to use terms like the 'assessment of individual cases' or 'investigation of an individual case'. In some cases this may also mean the use of an expert, but the text of the Directive should allow for the necessary flexibility.

Amendment 434
Judith Sargentini

Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that all **other** victims receive a timely and individual assessment, in accordance with national procedures, to determine whether they are vulnerable, due to their personal characteristics or the circumstances or the type or nature of the crime, to secondary and repeat victimisation or intimidation.

Amendment

3. Member States shall ensure that all victims receive a timely and individual assessment, in accordance with national procedures, to determine whether they are vulnerable, due to their personal characteristics or the circumstances or the type or nature of the crime, to secondary and repeat victimisation or intimidation.

Amendment 435
Claude Moraes

Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that all other victims receive a timely and individual assessment, in accordance with national procedures, to determine whether they are vulnerable, due to their personal characteristics **or** the **circumstances** or the

Amendment

3. Member States shall ensure that all other victims receive a timely and individual assessment, in accordance with national procedures, to determine whether they are vulnerable, due to their personal characteristics, **their relationship with** the

type or nature of the crime, to secondary and repeat victimisation or intimidation.

suspect, or the *circumstances*, type or nature of the crime, to secondary and repeat victimisation or intimidation.

Or. en

Amendment 436
Axel Voss

Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that all other victims receive a timely and individual assessment, in accordance with national procedures, to determine whether they are vulnerable, due to their personal characteristics or the circumstances or the type or nature of the crime, to secondary and repeat victimisation or intimidation.

3. The competent body at each stage of the procedure shall decide on the vulnerability of the victim in each individual case. The competent body shall determine which special measures, as provided in Articles 21 and 22, vulnerable victims should benefit from. The dignity of the vulnerable victim and any wish not to benefit from special measures should be accorded particular attention.

Or. de

Justification

Any assessment means that the victim once again has to re-live the ordeal and come to terms with the anxiety and stress. It delves deep into the private sphere of the victim and can produce further stress and feeling of victimisation. Assessments should therefore be the exception and be carried out as delicately as possible for the victim.

Amendment 437
Rolandas Paksas

Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that all **other**

3. Member States shall ensure that all

victims receive a timely and individual assessment, in accordance with national procedures, to determine whether they are vulnerable, due to their personal characteristics or the circumstances or the type or nature of the crime, to secondary and repeat victimisation or intimidation.

victims receive a timely and individual assessment, in accordance with national procedures, to determine whether they are vulnerable, due to their personal characteristics or the circumstances or the type or nature of the crime, to secondary and repeat victimisation or intimidation.

Or. It

Amendment 438
Auke Zijlstra

Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

3. Member States **shall** ensure that all other victims receive a timely and individual assessment, in accordance with national procedures, to determine whether they are vulnerable, due to their personal characteristics or the circumstances or the type or nature of the crime, to secondary and repeat victimisation or intimidation.

Amendment

3. Member States **may** ensure that all other victims receive a timely and individual assessment, in accordance with national procedures, to determine whether they are vulnerable, due to their personal characteristics or the circumstances or the type or nature of the crime, to secondary and repeat victimisation or intimidation.

Or. nl

Amendment 439
Marina Yannakoudakis, Timothy Kirkhope, Andrea Češková

Proposal for a directive
Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall recognise that men can be victims of domestic violence as well as women and the consequences are equally detrimental to both sexes.

Or. en

Amendment 440
Judith Sargentini

Proposal for a directive
Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure the proper exercise of victim rights in the event of mass victimisation caused by a criminal offence.

Or. en

Amendment 441
Marina Yannakoudakis, Timothy Kirkhope, Andrea Češková

Proposal for a directive
Article 18 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Member States are urged to recognise the wider family unit when violent and physical crime has occurred since such crime not only has an impact on the victim her or himself but, potentially, also on the victim's spouse, parents and children.

Or. en

Amendment 442
Manfred Weber

Proposal for a directive
Article 18 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall ensure that ***all***

4. Member States shall ensure that a timely

vulnerable victims as identified in paragraphs 1, 2 and 3, receive a timely and individual assessment, in accordance with national procedures, to determine which special measures as provided in Articles 21 and 22 they should benefit from. Such an assessment shall take into account the wishes of the vulnerable victim including where they do not wish to benefit from special measures.

and individual assessment *is carried out for all vulnerable victims as identified in paragraphs 1, 2 and 3*, in accordance with national procedures, to determine which special measures as provided in Articles 21 and 22 they should benefit from. Such an assessment shall take into account the wishes of the vulnerable victim including where they do not wish to benefit from special measures.

Or. de

Amendment 443
Carmen Romero López

Proposal for a directive
Article 18 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that *all vulnerable victims as identified* in paragraphs 1, 2 and 3, *receive a timely and individual assessment*, in accordance with national procedures, to determine which special measures as provided in Articles 21 and 22 they should benefit from. *Such an assessment* shall take into account the wishes of the vulnerable victim including where they do not wish to benefit from special measures.

Amendment

4. Member States shall ensure that *the individual assessments referred to* in paragraphs 3 and 4 *are carried out in cooperation with the victim at regular stages throughout the criminal proceedings in order to take account of any changes in the risk factors, personal characteristics or circumstances, needs and wishes of victims. Individual assessments* shall take into account the following factors:

(a) the type and nature of crime, the risk factor posed by the accused, the impact on and consequences for the victims, the trauma caused by the crime, the risk of retaliation and repeat victimisation;

(b) the personal characteristics of the victim such as age, gender and gender identity, ethnicity, race, religion, sexual orientation, health, disability, legal status, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime;

(c) the circumstances of the crime such as whether a person is victimised abroad;

(d) the type or nature of the crime such as whether exploitation or physical or sexual violence has been used;

(e) the wishes of vulnerable victims including whether they do not wish to benefit from specific measures.

Or. en

Justification

It is important that the victim is included in this, to avoid that victims feel even more disempowered and to guarantee that the measures fit the rights and needs of victims

Amendment 444 Izaskun Bilbao Barandica

Proposal for a directive Article 18 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that all vulnerable victims as identified in paragraphs 1, 2 and 3, ***receive a timely and individual*** assessment, in accordance with national procedures, to determine which special measures as provided in Articles 21 and 22 they should benefit from. Such an assessment shall take into account the wishes of the vulnerable victim including where they do not wish to benefit from special measures.

Amendment

4. Member States shall ensure that all vulnerable victims as identified in paragraphs 1, 2 and 3, ***benefit from a personalised professional*** assessment, in accordance with national procedures, to determine which special measures as provided in Articles 21 and 22 they should benefit from. Such an assessment shall take into account the wishes of the vulnerable victim including where they do not wish to benefit from special measures.

Or. es

Amendment 445 Antonyia Parvanova

Proposal for a directive
Article 18 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that all vulnerable victims as identified in paragraphs 1, 2 and 3, receive a timely and individual assessment, in accordance with national procedures, to determine which special measures as provided in Articles 21 and 22 they should benefit from. Such an assessment shall take into account the wishes of the vulnerable victim including where they do not wish to benefit from special measures.

Amendment

4. Member States shall ensure that all vulnerable victims as identified in paragraphs 1, 2 and 3, receive a timely and individual assessment, in accordance with national procedures, to determine which special measures as provided in Articles 21 and 22 they should benefit from. Such an assessment shall take into account the wishes of the vulnerable victim including where they do not wish to benefit from special measures.

Does not affect English version (linguistic amendment affecting only the Bulgarian version of the text).

Or. bg

Amendment 446
Rolandas Paksas

Proposal for a directive
Article 18 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that *all* vulnerable victims as identified *in paragraphs 1, 2 and 3*, receive a timely and individual assessment, *in accordance with national procedures*, to determine which special measures as provided in Articles 21 and 22 they should benefit from. Such an assessment shall take into account the wishes of the vulnerable victim including where they do not wish to benefit from special measures.

Amendment

4. Member States shall ensure that vulnerable victims as identified *in accordance with national procedures* receive a timely and individual assessment, to determine which special measures as provided in Articles 21 and 22 they should benefit from. Such an assessment shall take into account the wishes of the vulnerable victim including where they do not wish to benefit from special measures.

Or. It

Amendment 447
Auke Zijlstra

Proposal for a directive
Article 18 – paragraph 4

Text proposed by the Commission

4. Member States **shall** ensure that all vulnerable victims as identified in paragraphs 1, 2 and 3, receive a timely and individual assessment, in accordance with national procedures, to determine which special measures as provided in Articles 21 and 22 they should benefit from. Such an assessment **shall** take into account the wishes of the vulnerable victim including where they do not wish to benefit from special measures.

Amendment

4. Member States **may** ensure that all vulnerable victims as identified in paragraphs 1, 2 and 3, receive a timely and individual assessment, in accordance with national procedures, to determine which special measures as provided in Articles 21 and 22 they should benefit from. Such an assessment **may** take into account the wishes of the vulnerable victim including where they do not wish to benefit from special measures.

Or. nl

Amendment 448
Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez

Proposal for a directive
Article 18 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that the individual assessments referred to in paragraphs 3 and 4 are carried out in cooperation with the victim at regular intervals throughout the criminal proceedings in order to take account of any changes in the personal characteristics or circumstances, needs and wishes of victims. Individual assessments shall take into account the following factors:

(a) the type and nature of the crime, the risk factor posed by the accused, the trauma caused by the crime, the risk for retaliation and repeat victimisation;

(b) the personal characteristics of the victim such as age, gender, gender identity, ethnicity, race, religion, sexual orientation, health, disability, legal status, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime;

(c) the circumstances of the crime such as the fact that a person is victimised abroad;

(d) the type or nature of the crime such as whether exploitation or physical or sexual violence has been used;

(e) the wishes of the victim with specific needs including whether they do not wish to benefit from specific measures.

Or. en

Amendment 449
Nathalie Griesbeck

Proposal for a directive
Article 18 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a). Member States shall ensure that the individual assessments referred to in paragraphs 3 and 4 are carried out at regular intervals throughout the criminal proceedings in order to take account of any changes in the personal characteristics or circumstances, needs and wishes of victims. Individual assessments shall take into account the following factors:

a) the personal characteristics of the victim such as age, gender, 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;

b) the type and nature of the crime, the fact that the motives for the crime were discriminatory and related to personal characteristics of the victim such as age, gender, 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;

c) the circumstances of the crime such as the fact that a person was victimised abroad;

d) the type or nature of the crime such as where exploitation or physical or sexual violence has been used;

e) the wishes of the victim with specific needs including if they do not wish to benefit from special measures.

Or. fr

Amendment 450

Antonia Parvanova, Teresa Jiménez-Becerril Barrio

Proposal for a directive

Article 18 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that the individual assessments referred to in paragraphs 3 and 4 are carried out at regular intervals throughout the criminal proceedings in order to take account of any changes in the personal characteristics or circumstances, needs and wishes of victims. Individual assessments shall take into account the following factors:

(a) the personal characteristics of the victim such as age, gender and gender identity, ethnicity, race, religion, sexual

orientation, health, disability, legal status, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime;

(b) the type or nature of the crime such as hate crime or the fact it is committed with a bias or discriminatory motive relating to the victim's personal characteristics such as age, gender and gender identity, 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;

(c) the circumstances of the crime such as the fact whether a person is victimised abroad;

(d) the type or nature of the crime such as whether exploitation or physical or sexual violence has been used;

(e) the wishes of the victims with specific needs including whether they do not wish to benefit from specific measures.

Or. en

Amendment 451
Sonia Alfano, Gianni Vattimo

Proposal for a directive
Article 18 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall ensure that the individual assessments referred to in paragraphs 3 and 4 are carried out at regular intervals throughout the criminal proceedings in order to take account of any changes in the personal characteristics or circumstances, needs and wishes of victims. Individual

assessments shall take into account the following factors:

- the personal characteristics of the victim such as age, gender, and gender identity and gender expression, ethnicity, race, religion, sexual orientation, 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 the fact it is committed with a bias or discriminatory motive relating to the victim's personal characteristics such as age, gender, gender identity and gender expression, ethnicity, race, religion, sexual orientation, health, disability, legal status, communication difficulties, relationship to or dependence on the suspected or accused person, previous experience of crime;

- the circumstances of the crime such as the fact whether a person is victimised abroad;

- the type or nature of the crime such as whether exploitation or physical or sexual violence has been used;

- the wishes of the victim with special needs including whether they do not wish to benefit from special measures.

Or. en

Amendment 452
Rolandas Paksas

Proposal for a directive
Article 18 – paragraph 5

Text proposed by the Commission

Amendment

5. The extent of the assessment may be adapted according to the severity of the crime and the degree of apparent harm

deleted

suffered by the victim.

Or. It

Amendment 453
Manfred Weber

Proposal for a directive
Article 18 – paragraph 5

Text proposed by the Commission

5. The extent of the assessment may be adapted according to the severity of the crime and the degree of apparent harm suffered by the victim.

Amendment

5. The extent of the assessment may be adapted according to the severity of the crime and the degree of apparent harm suffered by the victim ***and, if necessary, an expert may be consulted.***

Or. de

Amendment 454
Teresa Jiménez-Becerril Barrio, Antonyia Parvanova

Proposal for a directive
Article 18 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall ensure that the design of new court buildings is accessible for persons with disabilities and include separate waiting areas for victims.

Or. en

Amendment 455
Roberta Angelilli

Proposal for a directive
Article 18 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall take the measures necessary to ensure that specific action to assist victims considered to be vulnerable follows an individual assessment of the particular circumstances of each victim in that category, making the necessary allowance for his or her views, needs, and fears.

Or. it

Amendment 456

Teresa Jiménez-Becerril Barrio, Antonia Parvanova

**Proposal for a directive
Article 18 a (new)**

Text proposed by the Commission

Amendment

Article 18 a

Right to access specialist victim support services for victims of gender-based violence and of violence in close relationships

1. Member States shall ensure that victims of gender-based violence and of violence in close relationships and their family members, in accordance with their needs and preferences, have access, free of charge, to confidential specialist victim support services which:

(a) are based on a gender-specific understanding of violence and focused on the human rights and safety of the victim;

(b) are based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;

(c) are aimed at avoiding secondary victimisation;

(d) are aimed at the empowerment and economic independence of victims of violence;

(e) allow, where appropriate, a range of protection and support services to be located on the same premises;

(f) address the specific needs of victims, including child victims;

(g) are accessible to victims with disabilities;

2. Member States shall ensure timely provision of financial assistance to victims of gender-based violence and of violence in close relationship and shall prohibit any form of discrimination against the survivors of such violence, including employment, property and housing status, and social security benefits.

Or. en

Amendment 457
Raül Romeva i Rueda

Proposal for a directive
Article 19 – title

Text proposed by the Commission

Right to avoidance of contact between victim and *offender*

Amendment

Right to avoidance of contact between victim and *alleged person*

Or. en

Amendment 458
Iratxe García Pérez

Proposal for a directive
Article 19

Text proposed by the Commission

Member States shall *progressively* establish the necessary conditions to enable avoidance of contact between victims and accused or *suspected* persons in any venue where victims may have personal contact with *public* authorities due to their being a victim and in particular venues where criminal proceedings are conducted.

Amendment

Member States shall establish the necessary conditions to enable avoidance of contact between victims *and their relatives* and accused or *suspected* persons *or criminals* in any venue where victims may have personal contact with *the competent* authorities due to their being a victim and in particular venues where criminal proceedings are conducted *and where restorative justice services are provided, except when victims expressly request it.*

Or. es

Amendment 459 **Roberta Angelilli**

Proposal for a directive **Article 19**

Text proposed by the Commission

Member States shall *progressively* establish the necessary conditions to enable avoidance of contact between victims and accused or suspected persons in any venue where victims may have personal contact with public authorities due to their being a victim and in particular venues where criminal proceedings are conducted.

Amendment

Member States shall establish the necessary conditions to enable avoidance of contact between victims and accused or suspected persons in any venue where victims may have personal contact with public authorities due to their being a victim and in particular venues where criminal proceedings are conducted.

Or. it

Amendment 460 **Kyriacos Triantaphyllides**

Proposal for a directive **Article 19**

Text proposed by the Commission

Member States shall progressively establish the necessary conditions to enable avoidance of contact between victims and accused or suspected persons in any venue where victims may have personal contact with public authorities due to their being a victim and in particular venues where criminal proceedings are conducted.

Amendment

Member States shall progressively establish the necessary conditions to enable avoidance of contact between victims and accused or suspected persons, ***if this is requested by the victim***, in any venue where victims may have personal contact with public authorities due to their being a victim and in particular venues where criminal proceedings are conducted, ***especially in court buildings and police stations***.

Or. en

Amendment 461
Raül Romeva i Rueda

Proposal for a directive
Article 19

Text proposed by the Commission

Member States shall progressively establish the necessary conditions to enable avoidance of contact between victims and accused or suspected persons in any venue where victims may have personal contact with public authorities due to their being a victim and in particular venues where criminal proceedings are conducted.

Amendment

Member States shall progressively establish the necessary conditions to enable avoidance of contact between victims and ***alleged person***, accused or suspected persons in any venue where victims may have personal contact with public authorities due to their being a victim and in particular venues where criminal proceedings are conducted. ***This right shall not be in detriment of the rights of the alleged person.***

Or. en

Amendment 462
Auke Zijlstra

Proposal for a directive
Article 19

Text proposed by the Commission

Member States **shall progressively** establish the necessary conditions to enable avoidance of contact between victims and accused or suspected persons in any venue where victims may have personal contact with public authorities due to their being a victim and in particular venues where criminal proceedings are conducted.

Amendment

Member States **may** establish the necessary conditions to enable avoidance of contact between victims and accused or suspected persons in any venue where victims may have personal contact with public authorities due to their being a victim and in particular venues where criminal proceedings are conducted.

Or. nl

Amendment 463

Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez

Proposal for a directive

Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall, in the case of gender-based violence, respect the rights of victims not to be interviewed by the perpetrator in court.

Or. en

Amendment 464

Auke Zijlstra

Proposal for a directive

Article 20 – introductory part

Text proposed by the Commission

Amendment

Member States **shall** ensure that:

Member States **may** ensure that:

Or. nl

Amendment 465
Teresa Jiménez-Becerril Barrio, Antonia Parvanova

Proposal for a directive
Article 20 – point c

Text proposed by the Commission

(c) victims may be accompanied, **where appropriate** by their legal representative, **or** a person of their choice, unless a reasoned decision has been made to the contrary in respect of that person.

Amendment

(c) victims may be accompanied by their legal representative **where they have one and by** a person of their choice, unless a reasoned decision has been made to the contrary in respect of that person.

Or. en

Amendment 466
Kyriacos Triantaphyllides

Proposal for a directive
Article 20 – point c

Text proposed by the Commission

(c) victims may be accompanied, **where appropriate** by their legal representative, **or** a person of their choice, unless a reasoned decision has been made to the contrary in respect of that person.

Amendment

(c) victims may be accompanied by their legal representative **or, where appropriate,** a person of their choice, unless a reasoned decision has been made to the contrary in respect of that person. **Where victims are questioned in their capacity of witness of the alleged crime, they shall not be refused the presence of their legal representative.**

Or. en

Amendment 467
Ádám Kósa

Proposal for a directive
Article 20 – point c

Text proposed by the Commission

(c) victims may be accompanied, where appropriate by their legal representative, or a person of their choice, unless a reasoned decision has been made to the contrary in respect of that person.

Amendment

(c) victims may be accompanied, where appropriate, by their legal representative, ***the sign-language interpreter they are using*** or a person of their choice, unless a reasoned decision has been made to the contrary in respect of that person.

Or. hu

Amendment 468

Timothy Kirkhope, Marina Yannakoudakis

Proposal for a directive

Article 20 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the room used for interviews enables the victim to feel comfortable. Special consideration shall be made for child victims who should be accommodated in child-friendly rooms which are non-threatening;

Or. en

Amendment 469

Sonia Alfano

Proposal for a directive

Article 20 – point c a (new)

Text proposed by the Commission

Amendment

(ca) where an act of violence is reported late out of fear of retaliation, humiliation, or stigmatisation, the lateness does not give rise to any unfavourable inference regarding the victim, except where delay of this kind constitutes an offence in itself.

Or. it

Amendment 470
Timothy Kirkhope, Marina Yannakoudakis

Proposal for a directive
Article 20 – point c b (new)

Text proposed by the Commission

Amendment

(cb) medical examinations, particularly for victims with specialised needs and for children, should only be conducted when absolutely necessary.

Or. en

Amendment 471
Auke Zijlstra

Proposal for a directive
Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States **shall** ensure that vulnerable victims referred to in Article 18 benefit from the measures provided for in paragraphs 2 and 3 in accordance with an individual assessment as provided for in Article 18(4) and with rules of judicial discretion.

1. Member States **may** ensure that vulnerable victims referred to in Article 18 benefit from the measures provided for in paragraphs 2 and 3 in accordance with an individual assessment as provided for in Article 18(4) and with rules of judicial discretion.

Or. nl

Amendment 472
Auke Zijlstra

Proposal for a directive
Article 21 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Vulnerable victims **shall** be offered the following measures during criminal investigations:

2. Vulnerable victims **may** be offered the following measures during criminal investigations:

Or. nl

Amendment 473
Ádám Kósa

Proposal for a directive
Article 21 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) interviews with the victim carried out in premises designed or adapted for that purpose;

(a) interviews with the victim carried out in **suitable** premises designed or adapted for that purpose;

Or. hu

Justification

The premises must also be suitable for use by hearing-impaired (deaf) people, which means that they must, inter alia, also provide the conditions necessary to ensure suitable communication.

Amendment 474
Timothy Kirkhope, Marina Yannakoudakis

Proposal for a directive
Article 21 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) interviews with the victim carried out in premises designed or adapted for that purpose;

(a) interviews with the victim carried out in premises designed or adapted for that purpose **and in premises specifically tailored to the needs of the individual victim;**

Amendment 475

Ádám Kósa

Proposal for a directive

Article 21 – paragraph 2 – point c

Text proposed by the Commission

(c) all interviews with the victim are conducted by the same persons unless this is contrary to the good administration of justice;

Amendment

(c) all interviews with the victim are conducted by the same persons ***and, in the case of a victim who uses sign language, with the assistance of the same sign-language interpreter, if they so request,*** unless this is contrary to the good administration of justice;

Or. hu

Justification

One of the requirements to help hearing-impaired persons who use sign language to feel secure and to ensure unhindered participation in the procedure is that the interpreter should not change, if the person concerned would prefer to avoid this.

Amendment 476

Iratxe García Pérez

Proposal for a directive

Article 21 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

c (a) women who have been victims of gender violence shall be entitled to an interview with a female official with appropriate training in this field;

Or. es

Amendment 477
Izaskun Bilbao Barandica

Proposal for a directive
Article 21 – paragraph 2 – point d

Text proposed by the Commission

d. all interviews with victims of sexual violence are conducted by a person of the *same* sex.

Amendment

d) all interviews with victims of sexual violence are conducted by a person of the sex *or gender identity that the victim has chosen*.

Or. es

Amendment 478
Judith Sargentini

Proposal for a directive
Article 21 – paragraph 2 – point d

Text proposed by the Commission

(d) all interviews with victims of sexual violence are conducted by a person of the same sex.

Amendment

(d) all interviews with victims of sexual violence are conducted by a person of the same sex, *unless the victim states other preference*.

Or. en

Amendment 479
Licia Ronzulli

Proposal for a directive
Article 21 – paragraph 2 – point d

Text proposed by the Commission

(d) all interviews with victims of sexual violence are conducted by a person of the same sex.

Amendment

d) all interviews with victims of sexual violence are conducted by a person of the same sex, *except where a victim requests otherwise*.

Or. it

Amendment 480
Rosa Estaràs Ferragut

Proposal for a directive
Article 21 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

d (a) measures shall be taken to ensure that those leading the investigation are sensitive to these groups of vulnerable victims.

Or. es

Amendment 481
Auke Zijlstra

Proposal for a directive
Article 21 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Vulnerable victims **shall** be offered the following measures during court proceedings:

3. Vulnerable victims **may** be offered the following measures during court proceedings:

Or. nl

Amendment 482
Timothy Kirkhope, Marina Yannakoudakis

Proposal for a directive
Article 21 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(d) measures allowing a hearing to take place without the presence of the media;

Or. en

Amendment 483
Timothy Kirkhope, Marina Yannakoudakis

Proposal for a directive
Article 21 – paragraph 3 – point d b (new)

Text proposed by the Commission

Amendment

(db) measures ensuring that the protection of privacy is mandatory for child victims, in particular through restricting disclosure of information that may lead to the identification of that child victim.

Or. en

Amendment 484
Silvia Costa

Proposal for a directive
Article 22 – introductory part

Text proposed by the Commission

Amendment

In addition to the measures *provided* for in Article 21, Member States shall ensure that where the victim is a child:

In the application of this Directive the child's best interests shall be a primary consideration and in addition to the measures provided for in Article 21, Member States shall ensure that where the victim is a child:

Or. en

Amendment 485
Auke Zijlstra

Proposal for a directive
Article 22 - introductory part

Text proposed by the Commission

In addition to the measures provided for in Article 21, Member States **shall** ensure that where the victim is a child:

Amendment

In addition to the measures provided for in Article 21, Member States **may** ensure that where the victim is a child:

Or. nl

Amendment 486
Iratxe García Pérez

Proposal for a directive
Article 22 – point a

Text proposed by the Commission

a) in criminal investigations, all interviews with the victim may be **video recorded** and such **video recorded** interviews may be used, in accordance with national law, as evidence in criminal court proceedings;

Amendment

a) in criminal investigations, all interviews with the victim may be **recorded using audiovisual equipment** and such interviews may be used, in accordance with national law, as evidence in criminal court proceedings, **but may not be copied by the defendant or his representative;**

Or. es

Amendment 487
Roberta Angelilli

Proposal for a directive
Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall take the measures necessary to ensure that specific action to assist and support child victims in the exercise of their rights under this Directive follows an individual assessment of the particular circumstances of each child victim, making the necessary allowance for the child's views, needs, and fears.

Amendment 488
Nathalie Griesbeck

Proposal for a directive
Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without prejudice to the rights of the defence, during criminal investigations Member States shall take steps to ensure that:

a) interviews with the child victim take place without unjustified delay after the facts have been reported to the competent authorities;

b) interviews with the child victim take place, where necessary, in premises designed or adapted for this purpose;

c) interviews with the child victim are carried out by or through professionals trained for this purpose;

d) the same persons, if possible and where appropriate, conduct all the interviews with the child victim;

e) the number of interviews is as limited as possible and interviews are only carried out where strictly necessary for the purpose of criminal investigations and proceedings;

f) the child victim may be accompanied by his or her legal representative or, where appropriate, by an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.

Amendment 489
Nathalie Griesbeck

Proposal for a directive
Article 22 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall, in accordance with the role of victims in the justice system concerned, ensure that child victims have access without delay to free legal counselling and to free legal representation, including for the purpose of claiming compensation, unless they have sufficient financial resources.

Or. fr

Amendment 490
Nathalie Griesbeck

Proposal for a directive
Article 22 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Member States shall take steps to ensure that during criminal proceedings, the judge may order that:

- a) the hearing shall take place without the presence of the public;***
- b) the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies.***

Or. fr

Amendment 491
Nathalie Griesbeck

Proposal for a directive
Article 22 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Member States shall take the necessary measures, where required in the interest of the child victims and taking into account other overriding interests, to protect their privacy, their identity and their image, and to prevent the public dissemination of any information that could lead to their identification.

Or. fr

Amendment 492
Nathalie Griesbeck

Proposal for a directive
Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that judicial authorities may adopt during the court proceedings, appropriate measures to protect the privacy and photographic images of victims and their family members.

1. Member States shall ensure that judicial authorities may adopt during the court proceedings, appropriate measures to protect the privacy, ***personal data*** and photographic images of victims and their family members.

Or. fr

Amendment 493
Auke Zijlstra

Proposal for a directive
Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States ***shall*** ensure that judicial authorities may adopt during the court proceedings, appropriate measures to

1. Member States ***may*** ensure that judicial authorities may adopt during the court proceedings, appropriate measures to

protect the privacy and photographic images of victims and their family members.

protect the privacy and photographic images of victims and their family members.

Or. nl

Amendment 494
Roberta Angelilli

Proposal for a directive
Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall take the necessary measures, in the interest of the victim, especially if he or she is considered to be vulnerable, and taking into account other overriding interests, in order to protect the privacy, identity, and image of victims and prevent any information serving to identify them from being disseminated publicly.

Or. it

Amendment 495
Izaskun Bilbao Barandica

Proposal for a directive
Article 23 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall encourage the media to pursue self-regulatory measures in order to protect victims' privacy, personal integrity and personal data.

2. Member States shall encourage the media to pursue self-regulatory measures in order to protect victims' privacy, personal integrity and personal data. ***These measures shall be public in nature, be divulged prior to their implementation, and be accompanied by a set of sanctions and transparent mechanisms for the monitoring of compliance by independent authorities. The results of implementation***

of these self-regulation measures shall be published on a regular basis.

Or. es

Amendment 496
Axel Voss

Proposal for a directive
Article 23 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall encourage the media to pursue self-regulatory measures in order to protect victims' privacy, personal integrity and personal data.

(Does not affect English version)

Or. de

Justification

The term press had been used instead of media in the German version and it was felt that all media should be covered.

Amendment 497
Auke Zijlstra

Proposal for a directive
Article 23 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States **shall** encourage the media to pursue self-regulatory measures in order to protect victims' privacy, personal integrity and personal data.

2. Member States **may** encourage the media to pursue self-regulatory measures in order to protect victims' privacy, personal integrity and personal data.

Or. nl

Amendment 498
Roberta Angelilli

Proposal for a directive
Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

Prevention

1. Member States, using the Internet and other means, shall take appropriate measures, for instance in the form of information and awareness campaigns and research programmes, where appropriate in cooperation with recognised civil society organisations and other parties concerned, with a view to raising awareness and fostering understanding of the rights set out in this Directive.

2. Member States shall take the measures necessary to promote information campaigns in the education and training sector with a view to raising awareness and fostering understanding of the rights set out in this Directive.

Or. it

Amendment 499
Sonia Alfano

Proposal for a directive
Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

Facilitation of reporting of offences

Member States, where appropriate in cooperation with relevant civil society organisations and other parties concerned, shall take measures to help

and encourage victims to report offences.

Or. it

Amendment 500
Kinga Göncz

Proposal for a directive
Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23 a
Prevention

Member States shall prevent hate speech and hate crime with effective legislation and shall raise awareness of the sensitivity of such crimes.

Or. en

Amendment 501
Axel Voss

Proposal for a directive
Article 24 – title

Text proposed by the Commission

Amendment

Training of practitioners

Training of practitioners *and persons helping victims on a voluntary basis*

Or. de

Amendment 502
Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez

Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that police, prosecutors **and** court staff receive **both general** and **specialist** training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful **and** professional manner.

Amendment

1. **Professional staff that come into contact with victims and have the opportunity to be involved in a process that begins to repair the harm caused to victims and** Member States shall ensure that police, prosecutors, court staff, **lawyers and any other officials likely to come into contact with victims,** receive **the necessary support** and training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful, professional, **and empowering** manner, **and to contribute to begin to repair harm and rebuild trust.**

Or. en

Amendment 503
Carmen Romero López

Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that police, prosecutors **and** court staff receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Amendment

1. Member States shall ensure that police, prosecutors, court staff, **lawyers, and any other officials likely to come into contact with victims** receive both general and specialist training **and guidelines** to a level appropriate to their contact with victims to **train and** sensitise them to the **rights and** needs of victims and to deal with them in an impartial, respectful and professional **and empowering** manner.

Or. en

Amendment 504
Roberta Angelilli

Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that police, prosecutors and court staff receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Amendment

1. Member States shall ensure that police, prosecutors and court staff receive both general and specialist training to a level appropriate to their contact with victims, ***especially when the victims are children,*** to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Or. it

Amendment 505
Izaskun Bilbao Barandica

Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that police, prosecutors and court staff receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Amendment

1. Member States shall ensure that police, prosecutors and court staff receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner, ***and ensure that they know to refer them to support services, preferably via a one-stop shop providing specific guidance for victims and helping them cope with complex administrative formalities.***

Or. es

Amendment 506
Ádám Kósa

Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that police, prosecutors and court staff receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Amendment

1. Member States shall ensure that police, prosecutors and court staff receive both general and specialist training to a level appropriate to their contact with victims, ***including training in sign language***, to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Or. hu

Justification

Clarification to guarantee the protection and rights of victims in connection with Recital L and Paragraphs 11 and 37 of the European Parliament resolution of 25 October 2011 (on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020).

Amendment 507
Nathalie Griesbeck

Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that police, prosecutors ***and*** court staff receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Amendment

1. Member States shall ensure that police, prosecutors, ***judges***, court staff, ***lawyers***, ***the emergency services***, ***health services***, ***social services and any other people likely to come into contact with victims*** receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Or. fr

Amendment 508

Antonya Parvanova, Teresa Jiménez-Becerril Barrio

Proposal for a directive

Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that police, prosecutors and court staff receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Amendment

1. Member States shall ensure that police, prosecutors and court staff, **lawyers and any other officials likely to come into contact with victims** receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner. **Such specialised training shall include the respective contribution of all officials to the process of individual identification of victims with specific needs provided for in Article 18.**

Or. en

Amendment 509

Sonia Alfano, Gianni Vattimo

Proposal for a directive

Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that police, prosecutors **and** court staff receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Amendment

1. Member States shall ensure that police, prosecutors, court staff, **lawyers and any other officials likely to come into contact with victims** receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner. **These training schemes shall include the respective contribution of all officials to the**

identification of victims with special needs provided for in article 18.

Or. en

Amendment 510
Auke Zijlstra

Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

1. Member States **shall** ensure that police, prosecutors and court staff receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Amendment

1. Member States **may** ensure that police, prosecutors and court staff receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Or. nl

Amendment 511
Emine Bozkurt

Proposal for a directive
Article 24 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that police, prosecutors **and** court staff receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Amendment

1. Member States shall ensure that police, **health personnel**, prosecutors, court staff **and other personnel** receive both general and specialist training to a level appropriate to their contact with victims to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Or. en

Amendment 512
Nathalie Griesbeck

Proposal for a directive
Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall propose and encourage suitable specialist training on child victims, victims of gender-related violence and victims of violence in close relationships. Professionals likely to come into contact with these victims shall 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 their needs.

Or. fr

Amendment 513
Carmen Romero López

Proposal for a directive
Article 24 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that members of the judiciary have access to both general and specialist training to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

2. Member States shall ensure that members of the judiciary have access to both general and specialist training to sensitise ***and train*** them to the ***rights and*** needs of victims and to deal with them in an impartial, respectful and professional manner.

Or. en

Amendment 514
Roberta Angelilli

Proposal for a directive
Article 24 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that members of the judiciary have access to both general and specialist training to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Amendment

2. Member States shall ensure that members of the judiciary have access to both general and specialist training to sensitise them to the needs of victims, ***especially when the victims are children,*** and to deal with them in an impartial, respectful and professional manner.

Or. it

Amendment 515

Licia Ronzulli

**Proposal for a directive
Article 24 – paragraph 2**

Text proposed by the Commission

2. Member States shall ensure that members of the judiciary have access to both general and specialist training to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Amendment

2. Member States shall ensure that members of the judiciary ***and lawyers*** have access to both general and specialist training to sensitise them to the needs of victims and to deal with them in an impartial, respectful and professional manner.

Or. it

Amendment 516

Auke Zijlstra

**Proposal for a directive
Article 24 – paragraph 2**

Text proposed by the Commission

2. Member States ***shall*** ensure that members of the judiciary have access to both general and specialist training to sensitise them to the needs of victims and to deal with them in an impartial,

Amendment

2. Member States ***may*** ensure that members of the judiciary have access to both general and specialist training to sensitise them to the needs of victims and to deal with them in an impartial,

respectful and professional manner.

respectful and professional manner.

Or. nl

Amendment 517

Carmen Romero López

**Proposal for a directive
Article 24 – paragraph 3**

Text proposed by the Commission

3. Member States shall take measures to ensure that those providing victim support and restorative justice services receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful **and** professional manner.

Amendment

3. Member States shall take measures to ensure that those providing victim support and restorative justice services **and other agencies coming into contact with victims of crime, such as health agencies** receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful, professional **and empowering** manner.

Or. en

Amendment 518

Roberta Angelilli

**Proposal for a directive
Article 24 – paragraph 3**

Text proposed by the Commission

3. Member States shall take measures to ensure that those providing victim support and restorative justice services receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful and professional manner.

Amendment

3. Member States shall take measures to ensure that those providing victim support and restorative justice services receive adequate training to a level appropriate to their contact with victims, **and to the victims' ages**, and observe professional standards to ensure such services are provided in an impartial, respectful and professional manner.

Amendment 519
Izaskun Bilbao Barandica

Proposal for a directive
Article 24 – paragraph 3

Text proposed by the Commission

3. Member States shall take measures to ensure that those providing victim support and restorative justice services receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful and professional manner.

Amendment

3. Member States shall take measures to ensure that those providing victim support and restorative justice services receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful, *personalised* and professional manner. *They will also ensure that especially vulnerable victims are cared for by specialist staff.*

Or. es

Amendment 520
Axel Voss

Proposal for a directive
Article 24 – paragraph 3

Text proposed by the Commission

3. Member States shall take measures to ensure that those providing victim support and restorative justice services receive adequate training to a level appropriate to their contact with victims and observe *professional* standards to ensure such services are provided in an impartial, respectful and professional manner.

Amendment

3. Member States shall take measures to ensure that those providing victim support and restorative justice services receive adequate training to a level appropriate to their contact with victims and observe standards to ensure such services are provided in an impartial, respectful and professional manner.

Or. de

Justification

Persons helping victims on a voluntary basis should also be covered by training measures.

Amendment 521

Auke Zijlstra

Proposal for a directive

Article 24 – paragraph 3

Text proposed by the Commission

3. Member States **shall** take measures to ensure that those providing victim support and restorative justice services receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful and professional manner.

Amendment

3. Member States **may** take measures to ensure that those providing victim support and restorative justice services receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful and professional manner.

Or. nl

Amendment 522

Carmen Romero López

Proposal for a directive

Article 24 – paragraph 4

Text proposed by the Commission

4. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall as a minimum include matters relating to the impact that crime has on victims, the risks of intimidation, repeat and secondary victimisation and how these can be avoided and the availability and relevance of support to victims.

Amendment

4. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall as a minimum include matters relating to the **rights of the victims, the** impact that crime has on victims, the risks of intimidation, repeat and secondary victimisation and how these can be avoided and the availability and relevance of support to victims.

Or. en

Amendment 523
Judith Sargentini

Proposal for a directive
Article 24 – paragraph 4

Text proposed by the Commission

4. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall as a minimum include matters relating to the impact that crime has on victims, the risks of intimidation, repeat and secondary victimisation and how these can be avoided and the availability and relevance of support to victims.

Amendment

4. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall as a minimum include ***skills, knowledge and attitude required to assist victims***, matters relating to the impact that crime has on victims, the risks of intimidation, repeat and secondary victimisation and how these can be avoided and the availability and relevance of support to victims.

Or. en

Amendment 524
Nathalie Griesbeck

Proposal for a directive
Article 24 – paragraph 4

Text proposed by the Commission

4. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall as a minimum include matters relating to the impact that crime has on victims, the risks of intimidation, repeat and secondary victimisation and how these can be avoided ***and*** the availability and relevance of support to victims.

Amendment

4. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall as a minimum include matters relating to the impact that crime has on victims, the risks of intimidation, repeat and secondary victimisation and how these can be avoided, the availability and relevance of support to victims, ***and the professional qualifications, knowledge and conduct needed to assist victims***.

Or. fr

Amendment 525
Auke Zijlstra

Proposal for a directive
Article 24 – paragraph 4

Text proposed by the Commission

4. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training ***shall as a minimum*** include matters relating to the impact that crime has on victims, the risks of intimidation, repeat and secondary victimisation and how these can be avoided and the availability and relevance of support to victims.

Amendment

4. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training ***may*** include matters relating to the impact that crime has on victims, the risks of intimidation, repeat and secondary victimisation and how these can be avoided and the availability and relevance of support to victims.

Or. nl

Amendment 526
Izaskun Bilbao Barandica

Proposal for a directive
Article 25 – paragraph 1

Text proposed by the Commission

1. Member States shall co-operate to facilitate more effective protection of victims' rights and interests in criminal proceedings, whether in the form of networks, directly linked to the judicial system or by means of links between organisations which provide support to victims, including through the support of European networks dealing with victims' matters.

Amendment

1. Member States shall co-operate to facilitate more effective protection of victims' rights and interests in criminal proceedings, whether in the form of networks, directly linked to the judicial system or by means of links between organisations which provide support to victims, including through the support of European networks dealing with victims' matters. ***The EU authorities shall ensure that these organisations and networks operate in a fully independent and impartial manner, with complete financial transparency and reliable coordination between all their members to strengthen support activities and crime prevention.***

This preventive action should include measures to combat violent extremism, which is the root cause of attacks and crimes committed by terrorist organisations.

Or. es

Amendment 527
Angelika Werthmann

Proposal for a directive
Article 25 – paragraph 1

Text proposed by the Commission

1. Member States shall co-operate to facilitate more effective protection of victims' rights and interests in criminal proceedings, whether in the form of networks, directly linked to the judicial system or by means of links between organisations which provide support to victims, including through the support of European networks dealing with victims' matters.

Amendment

1. Member States shall co-operate to facilitate more effective protection of victims' rights and interests in criminal proceedings, whether in the form of networks, directly linked to the judicial system or by means of links between organisations which provide support to victims, ***consultation in individual cases*** including through the support of European networks dealing with victims' matters.

Or. en

Amendment 528
Auke Zijlstra

Proposal for a directive
Article 25 – paragraph 1

Text proposed by the Commission

1. Member States ***shall*** co-operate to facilitate more effective protection of victims' rights and interests in criminal proceedings, whether in the form of networks, directly linked to the judicial system or by means of links between organisations which provide support to

Amendment

1. Member States ***may*** co-operate to facilitate more effective protection of victims' rights and interests in criminal proceedings, whether in the form of networks, directly linked to the judicial system or by means of links between organisations which provide support to

victims, including through the support of European networks dealing with victims' matters.

victims, including through the support of European networks dealing with victims' matters.

Or. nl

Amendment 529
Sonia Alfano, Gianni Vattimo

Proposal for a directive
Article 25 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that those authorities working with or providing support to victims work together to ensure a co-ordinated response to victims and to minimise the negative impact of the crime, the risks of secondary and repeat victimisation and the burden on the victim due to interactions between the victim and criminal justice agencies.

Amendment

2. Member States shall ensure that those authorities working with or providing support to victims work together to ensure a co-ordinated response to victims, ***to ensure the identification of victims with special needs as provided for in article 18, to facilitate the reporting of criminal offences*** and to minimise the negative impact of the crime, the risks of secondary and repeat victimisation and the burden on the victim due to interactions between the victim and criminal justice agencies.

Or. en

Amendment 530
Auke Zijlstra

Proposal for a directive
Article 25 – paragraph 2

Text proposed by the Commission

2. Member States ***shall*** ensure that those authorities working with or providing support to victims work together to ensure a co-ordinated response to victims and to minimise the negative impact of the crime, the risks of secondary and repeat victimisation and the burden on the victim

Amendment

2. Member States ***may*** ensure that those authorities working with or providing support to victims work together to ensure a co-ordinated response to victims and to minimise the negative impact of the crime, the risks of secondary and repeat victimisation and the burden on the victim

due to interactions between the victim and criminal justice agencies.

due to interactions between the victim and criminal justice agencies.

Or. nl

Amendment 531
Nathalie Griesbeck

Proposal for a directive
Article 25 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall encourage research into cooperation and collaboration between victim support services, and innovative projects to improve skills and victim support and share their experience in this field.

Or. fr

Amendment 532
Claude Moraes

Proposal for a directive
Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25 a

Member States shall ensure that there is sufficient co-ordination between relevant authorities working with or providing support to victims and their family members in cross-border cases in order to facilitate the exchange of information and co-operation.

Or. en

Amendment 533
Auke Zijlstra

Proposal for a directive
Article 26

Text proposed by the Commission

Amendment

Transposition

deleted

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [two years after the date of adoption] at the latest.

2. Member States shall forthwith communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive, accompanied by a correlation table between those provisions and this Directive.

3. When Member States adopt those provisions they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such a reference is to be made.

Or. nl

Amendment 534
Auke Zijlstra

Proposal for a directive
Article 27

Text proposed by the Commission

Amendment

Provision of data and statistics

deleted

Member States shall communicate to the European Commission data related to the application of national procedures on victims of crime by [two years after the

date of adoption] at the latest.

Or. nl

Amendment 535

Mikael Gustafsson, Raül Romeva i Rueda, Iratxe García Pérez

Proposal for a directive

Article 27

Text proposed by the Commission

Member States shall communicate to the European Commission data related to the application of national procedures on victims of crime *by [two years after the date of adoption] at the latest.*

Amendment

Member States shall communicate to the European Commission data related to the application of national procedures on victims of crime, *including at least the number of reported crimes, gender and age of victims and alleged perpetrators, nationality of the victims, the relationship of the perpetrator to the victim, the number, type or nature of the reported crimes, the attritions and the number of convictions, the protective measures issued, and the type of services that victims were referred to by ...*.*

Or. en

Amendment 536

Carmen Romero López

Proposal for a directive

Article 27

Text proposed by the Commission

Member States shall communicate to the European Commission data related to the application of national procedures on victims of crime *by [two years after the date of adoption] at the latest.*

Amendment

Member States shall *collect and* communicate to the European Commission data related to the application of national procedures on victims of crime, *including at least the number, type and nature of reported crimes, the gender and age of the victims and the perpetrators, the nationality of the victims, the relationship*

of the perpetrators to the victims, the geographical location as well as the type of services provided to the victims. Member States shall also provide data on the number of acquittals, the number of convictions, the number of protection orders issued to protect victims and data on the implementation of this Directive.

Or. en

Justification

The Council of Europe Convention 2011 is recommending in its explanatory report: "recorded data on victim and perpetrator should be disaggregated by sex, age, type of violence as well as the relationship of the perpetrator to the victim, geographical location, as well as other factors deemed relevant by parties ..." (para 76)

Amendment 537

Ádám Kósa

Proposal for a directive

Article 27

Text proposed by the Commission

Member States shall communicate to the European Commission data related to the application of national procedures on victims of crime by [two years after the date of adoption] at the latest.

Amendment

Member States shall communicate to the European Commission data related to the application of national procedures on victims of crime by [two years after the date of adoption] at the latest, ***including data concerning people with disabilities and sign language users – data which hitherto have likewise been lacking.***

Or. hu

Amendment 538

Nathalie Griesbeck

Proposal for a directive

Article 27

Text proposed by the Commission

Member States shall communicate to the European Commission data related to the application of national procedures on victims of crime by [two years after the date of adoption] at the latest.

Amendment

Member States shall communicate to the European Commission data related to the application of national procedures on victims of crime by [two years after the date of adoption] at the latest, ***with due regard for the fundamental principles of privacy and the protection of personal data.***

Or. fr