



2023/0250(COD)

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AMENDMENTS

382 - 488

Draft report

María Soraya Rodríguez Ramos, Javier Zarzalejos
(PE756.047v01-00)

Amending Directive 2011/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2011/220/JHA

Proposal for a directive
(COM(2023)0424 – C9-0303/2023 – 2023/0250(COD))

Amendment 382
Konstantinos Arvanitis

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point d
DIRECTIVE 2012/29/EU
Article 22 - paragraph 2 - point a

Text proposed by the Commission

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

Amendment

(a) the personal characteristics of the victim, including relevant experiences of discrimination, also when based on a combination of several grounds such as sex, gender, age, disability, religion or belief, language, racial, social or ethnic origin, sexual orientation, ***residence status***;

Or. en

Amendment 383
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point d
Directive 2012/29/EU
Article 22 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 384
Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point d

Directive 2012/29/EU
Article 22 – paragraph 2 – point da (new)

Text proposed by the Commission

Amendment

(da) victim's own account and assessment of the situation.

Or. en

Amendment 385
Maria Noichl, Giuliano Pisapia

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point d
Directive 2012/29/EU
Article 22 -paragraph 3 - subparagraph 1- point a

Text proposed by the Commission

Amendment

(a) victims who have suffered considerable harm due to the severity of the crime;

(a) victims who have suffered considerable harm due to the severity **and/or repetition** of the crime;

Or. en

Amendment 386
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point d
Directive 2012/29/EU
Article 22 – paragraph 3 – subparagraph 1point a

Text proposed by the Commission

Amendment

(a) victims who have suffered considerable harm due to the severity of the crime;

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

Or. en

Amendment 387

Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2012/29/EU

Article 22 – paragraph 3 – subparagraph 2

Text proposed by the Commission

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, exploitation or hate crime, victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories.;

Amendment

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, ***including child sexual abuse, exploitation or hate crime, undocumented victims and victims with a dependent residence status or permit,*** victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories ***and the online forms of those types of violence.***;

Or. en

Amendment 388

Livia Járóka

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2012/29/EU

Article 22 – paragraph 3 – subparagraph 2

Text proposed by the Commission

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, exploitation or hate crime, victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories.?’;

Amendment

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, ***including child sexual abuse, exploitation, hate speech*** or hate crime, victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories ***and the online***

forms of those types of violence.’;

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. hu

(Directive 2012/29/EU Article 22 – paragraph 3 – subparagraph 2)

Justification

Hate speech, in particular its online form, is a significant problem these days.

Amendment 389

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2012/29/EU

Article 22 – paragraph 3

Text proposed by the Commission

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, exploitation or hate crime, victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories.;

Amendment

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, exploitation or hate crime, victims of core international crime ***including torture and enforced disappearances based on the respective Conventions*** and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories.;

Or. en

Amendment 390

Elena Kountoura

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2012/29/EU

Article 22 – paragraph 3 – subparagraph 2

Text proposed by the Commission

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, exploitation or hate crime, victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories.;

Amendment

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, exploitation or hate crime, ***undocumented victims and victims with a dependent residence status or permit***, victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories.;

Or. en

Amendment 391

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2012/29/EU

Article 22 – paragraph 3 – subparagraph 2

Text proposed by the Commission

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, exploitation or hate crime, victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories.;

Amendment

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, ***including child sexual abuse***, exploitation or hate crime, victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories ***and the online forms of those types of violence***.

Or. en

Amendment 392

Annika Bruna, Jean-Paul Garraud

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

2012/29/EU

2012/29/EU

Text proposed by the Commission

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, exploitation or hate crime, victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories.’;

Amendment

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women, ***especially in public places***, and domestic violence, sexual ***or reproductive*** violence ***or*** exploitation, or hate crime, victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories.’;

Or. fr

Amendment 393

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2012/29/EU

Article 22 – paragraph 3 – subparagraph 2

Text proposed by the Commission

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, exploitation or hate crime, victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories.;

Amendment

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, exploitation or hate crime ***including online forms of such violence***, victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories.;

Or. en

Amendment 394

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point e

Directive 2012/29/EU

Article 22 – paragraph 3 a

Text proposed by the Commission

3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender, including the risk of violent behaviour and of bodily harm, the use of weapons, involvement in a group of organised crime, drug or alcohol abuse, child abuse, mental health issues, behaviour of stalking, expression of threats or hate speech.;

Amendment

3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender, including the risk of violent behaviour and of bodily harm, the use of weapons, involvement in a group of organised crime, drug or alcohol abuse, child abuse, ***previous convictions related to*** mental health issues, behaviour of stalking, expression of threats or hate speech.;

Or. en

Amendment 395

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point e

Directive 2012/29/EU

Article 22 – paragraph 3a

Text proposed by the Commission

3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender, including the risk of violent behaviour and of bodily harm, the use of weapons, involvement in a group of organised crime, drug or alcohol abuse, child abuse, mental health issues, behaviour of stalking, expression of threats or hate speech.;

Amendment

3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender, including the risk of violent behaviour and of bodily harm, the ***access to or the*** use of weapons, ***links to or*** involvement in a group of organised crime, drug or alcohol abuse, child abuse, mental health issues, behaviour of stalking, expression of threats or hate speech.;

Amendment 396

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point e

Directive 2012/29/EU

Article 22 – paragraph 3a

Text proposed by the Commission

3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender, including the risk of violent behaviour and of bodily harm, the use of weapons, involvement in a group of organised crime, drug or alcohol abuse, child abuse, mental health issues, behaviour of stalking, expression of threats or hate speech.;

Amendment

3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender, including the risk of violent behaviour and of bodily harm, the use of weapons, involvement in a group of organised crime, drug or alcohol abuse, child abuse, mental health issues, **risk and** behaviour of stalking, expression of threats or hate speech.;

Amendment 397

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point f

Directive 2012/29/EU

Article 22 – paragraph 4

Text proposed by the Commission

4. For the purposes of this Directive, child victims shall be presumed to have specific support and protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 23 and 24, child victims shall be

Amendment

4. For the purposes of this Directive, child victims shall be presumed to have specific support and protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles **18**, 23 and 24, child victims shall

subject to an individual assessment as provided for in paragraph 1 of this Article. The individual assessment of child victims shall be organised within the framework of targeted and integrated support services referred to in Article 9a.;

be subject to an individual assessment as provided for in paragraph 1 of this Article. The individual assessment of child victims shall be organised within the framework of targeted and integrated support services referred to in Article 9a. ***Where relevant, the individual assessment shall take into account victim's dependants other than children.***

Or. en

Amendment 398

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point f

Directive 2012/29/EU

Article 22 – paragraph 4

Text proposed by the Commission

4. For the purposes of this Directive, child victims shall be presumed to have specific support and protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article. The individual assessment of child victims shall be organised within the framework of targeted and integrated support services referred to in Article 9a.;

Amendment

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

Or. en

Amendment 399

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point f

Directive 2012/29/EU

Article 22 – paragraph 4

Text proposed by the Commission

4. For the purposes of this Directive, child victims shall be presumed to have specific **support and** protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article. The individual assessment of child victims shall be organised within the framework of targeted and integrated support services referred to in Article 9a.;

Amendment

4. For the purposes of this Directive, child victims shall be presumed to have specific protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article. The individual assessment of child victims shall be organised within the framework of targeted and integrated support services referred to in Article 9a.

Or. en

Amendment 400

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point h

Directive 2012/29/EU

Article 22 – paragraph 7

Text proposed by the Commission

7. Competent authorities shall update the individual assessment at regular intervals to ensure the support and protection measures relate to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, Member States shall ensure that it is updated throughout the criminal proceedings.;

Amendment

7. Competent authorities shall update the individual assessment at regular intervals **and where relevant, take new or update ongoing measures** to ensure the support and protection measures relate to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, Member States shall ensure that it is updated throughout the criminal

proceedings.;

Or. en

Amendment 401

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point h

Directive 2012/29/EU

Article 22 – paragraph 7

Text proposed by the Commission

7. Competent authorities shall update the individual assessment at regular intervals to ensure the **support and** protection measures relate to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, Member States shall ensure that it is updated throughout the criminal proceedings.;

Amendment

7. Competent authorities shall update the individual assessment at regular intervals to ensure the protection measures relate to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, **such as in the case of release of the offender from custody**, Member States shall ensure that it is updated throughout the criminal proceedings.

Or. en

Amendment 402

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 10 a (new)

Directive 2012/29/EU

Article 22a

Text Proposed by the Commission

Amendment

(10a) the following article is inserted:

'Article 22a Individual assessment of victims to identify specific support needs

1. Member States shall ensure that victims receive a timely and individual assessment to identify specific support needs during criminal proceedings, taking into account

the individual assessment referred to in Article 22, and to determine whether and to what extent they would benefit from special measures provided for under Article 9(1), point c), due to their particular vulnerability to secondary and repeat victimisation, to humiliation, to intimidation and to retaliation.;

2. Competent authorities shall update the individual assessment at regular intervals to ensure the support measures relate to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, Member States shall ensure that it is updated throughout the criminal proceedings.;

3. Article 22(2) to (5) shall apply to the individual assessment of support needs under paragraph 1 of this Article.

Or. en

Amendment 403
Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 10 a (new)
Directive 2012/29/EU
Article 22a

Text Proposed by the Commission

Amendment

(10a) the following article is inserted:

‘Article 22a

Individual assessment of victims to identify specific support needs

1. Member States shall ensure that victims receive a timely and individual assessment to identify specific support needs during criminal proceedings, taking into account the individual assessment referred to in Article 22, and to determine whether and

to what extent they would benefit from special measures provided for under Article 9(1), point c), due to their particular vulnerability to secondary and repeat victimisation, to humiliation, to intimidation and to retaliation.;

2. Competent authorities shall update the individual assessment at regular intervals to ensure the support measures relate to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, Member States shall ensure that it is updated throughout the criminal proceedings.;

3. Article 22(2) to (5) shall apply to the individual assessment of support needs under paragraph 1 of this Article.'

Or. en

Amendment 404

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 10 b(new)

Directive 2012/29/EU

Article 23 – paragraph 1

Present text

1. Without prejudice to the rights of the defence and in accordance with rules of judicial discretion, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment provided for in Article 22(1), may benefit from the measures provided for in paragraphs 2 and 3 of this Article. A special measure envisaged following the individual assessment shall not be made available if operational or practical

Amendment

(10b) Article 23 paragraph (1) is amended as follows:

"1. Without prejudice to the rights of the defence and in accordance with rules of judicial discretion, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment provided for in Article 22(1), may benefit from the measures provided for in paragraphs 2 and 3 of this Article. ***In exceptional circumstances***, a special measure envisaged following the individual assessment shall not be made

constraints make this impossible, or where there is a an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.

available if operational or practical constraints make this impossible, or where there is a an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings."

Or. en

Amendment 405
Maria Noichl, Giuliano Pisapia

Proposal for a directive
Article 1 – paragraph 1 – point 11
Directive 2012/29/EU
Article 23 paragraph 2 (d)

Text proposed by the Commission

(d) all interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council⁶⁵ [on combating violence against women and domestic violence], unless conducted by a prosecutor or a judge, being conducted by a person of the *same sex as* the victim, if the victims so wishes, provided that the course of the criminal proceedings will not be prejudiced.;

⁶⁵ Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).'

Amendment

(d) all interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council⁶⁵ [on combating violence against women and domestic violence], unless conducted by a prosecutor or a judge, being conducted by a person of the *sex or gender chosen by* the victim, if the victims so wishes, provided that the course of the criminal proceedings will not be prejudiced.;

⁶⁵ Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).'

Or. en

Amendment 406
Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2012/29/EU

Article 23 – paragraph 2 – point d

Text proposed by the Commission

(d) all interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council⁶⁵ [on combating violence against women and domestic violence], unless conducted by a prosecutor or a judge, being conducted by a person of the *same sex as* the victim, if the victims so wishes, provided that the course of the criminal proceedings will not be prejudiced.;

⁶⁵ Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).

Amendment

(d) all interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council¹⁴ [on combating violence against women and domestic violence], unless conducted by a prosecutor or a judge, being conducted by a person of the *gender chosen by* the victim, if the victims so wishes, provided that the course of the criminal proceedings will not be prejudiced.;

Or. en

Amendment 407

Annika Bruna, Jean-Paul Garraud

Proposal for a directive

Article 1 – paragraph 1 – point 11

2012/29/EU

Article 23 – paragraph 2 – point d

Text proposed by the Commission

(d) *all* interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council⁶⁵ [on

Amendment

(d) interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council⁶⁵ [on combating violence

combating violence against women and domestic violence], unless conducted by a prosecutor or a judge, being conducted by a person of the same sex as the victim, if the *victims* so *wishes*, provided that the course of the criminal proceedings will not be prejudiced.’;

⁶⁵ Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’;

against women and domestic violence], unless conducted by a prosecutor or a judge, being conducted by a person of the same sex as the victim, if the *victim* so *requests*, provided that the course of the criminal proceedings will not be prejudiced.’;

⁶⁵ Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’;

Or. fr

Amendment 408

Maria Noichl, Giuliano Pisapia

Proposal for a directive

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

Directive 2012/29/EU

Article 23 paragraph 3 (c)

Present text

(c) measures to avoid unnecessary questioning concerning the victim's private life not related to the criminal offence; and

Amendment

(11a) Article 23 paragraph 3 (c) is amended as follows:

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

Or. en

Amendment 409

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2012/29/EU

Article 23 – paragraph 4

Text proposed by the Commission

4. The following measures to ensure victims' physical protection shall be available for victims with specific protection needs identified in accordance with Article 22(1) during criminal proceedings:

Amendment

4. The following measures to ensure victims' physical protection shall be available ***and granted with sufficient financial resources*** for victims with specific protection needs identified in accordance with Article 22(1) during criminal proceedings:

Or. en

Amendment 410

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2012/29/EU

Article 23 – paragraph 4 – point b

Text proposed by the Commission

(b) barring, restraining or protection orders to provide protection for victims against any acts of violence, including by prohibiting or restraining certain dangerous behaviour of the offender.;

Amendment

(b) ***emergency*** barring, restraining or protection orders to provide protection for victims against any acts of violence, including by prohibiting or restraining certain dangerous behaviour of the offender.;

Or. en

Amendment 411

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2012/29/EU

Article 23 – paragraph 4 – point ba (new)

Text proposed by the Commission

Amendment

(o) *in paragraph 4 the following point*

is added:

(ba) access to shelters, including specialised shelters and other appropriate accommodations.’;

Or. en

Amendment 412

Maria Noichl, Giuliano Pisapia

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2012/29/EU

Article 23 paragraph 4- point d (new)

Text proposed by the Commission

Amendment

In paragraph 4 the following point is added:

(d) access to free shelters and other appropriate interim accommodations.

Or. en

Amendment 413

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2012/29/EU

Article 23 – paragraph 4 – point e (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 414

Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 12
Directive 2012/29/EU
Article 23 – paragraph 4a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 415
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 13 – introductory part
Directive 2012/29/EU
Article 24 – paragraph 1 - point cb (new)

Text proposed by the Commission

Amendment

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

(13) Article 24 *is amended as follows*:

a) in paragraph 1, the following point is added:

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

b) the following paragraph is added:

Or. en

Amendment 416
Elena Kountoura

Proposal for a directive

Article 1 – paragraph 1 – point 13
Directive 2012/29/EU
Article 24 – paragraph 1 - point cc (new)

Present Text

Amendment

**(13j) Article 24 is amended as follows:
in paragraph 1, the following point is
added:**

**a) ‘(ca) the child’s right to be heard and
the best interests of the child are ensured
during the criminal investigations and
proceedings, in accordance with Article
10’**

Or. en

Amendment 417
Livia Járóka

Proposal for a directive
Article 1 – paragraph 1 – point 13 a (new)
Directive 2012/29/EU
Article 25

Text proposed by the Commission

Amendment

**(13a) Article 25 is amended as follows:
‘Article 25**

Training of practitioners

***1. Member States shall ensure that
officials likely to come into contact with
victims, such as police officers and court
staff, receive both general and specialist
training to a level appropriate to their
contact with victims to increase their
awareness of the needs of victims and to
enable them to recognise victims and deal
with them in an impartial, non-
discriminatory, respectful and
professional manner.***

***1a. In order to ensure comprehensive
support and protection to victims, Member
States shall also consider the development***

of practical guidelines to help translate the obligations for assessing victims' protection and support needs into practical steps for competent authorities, such as law enforcement authorities.

2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall request that those responsible for the training of judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase the awareness of judges and prosecutors of the needs of victims and to treat victims in a manner that is trauma-sensitive, gender-sensitive, child-sensitive and sensitive to the victims' various social and ethnic backgrounds, avoiding revictimisation.

3. With due respect for the independence of the legal profession, Member States shall recommend that those responsible for the training of lawyers make available both general and specialist training to increase the awareness of lawyers of the needs of victims.

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

5. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall cover general and specialist training, and shall aim to enable the practitioner to recognise victims, to understand the needs of victims as well as national law and procedures in relation to victims' rights, to avoid revictimisation, and to treat them in a respectful,

professional and non-discriminatory manner.

6. Training referred to in paragraphs 1, 2 and 3 shall include specific guidance on coordinated multi-agency cooperation, in accordance with Article 26a, allowing for a comprehensive, efficient and appropriate handling of referrals among the different competent authorities.

7. Member States shall encourage the development of interdisciplinary training among different authorities who are likely to come in contact with victims, where relevant with the cooperation of non-governmental actors, to enhance cooperation and coordination among authorities.

8. Training for competent authorities who are in contact with victims to respond to the specific needs of victims of cybercrime, including hate speech and online forms of violence against women or child sexual abuse, shall be promoted by Member States, with the support of the European Cybercrime Training and Education Group.'

Or. hu

Amendment 418
Elena Kountoura

Proposal for a directive
Article 1 – paragraph 1 – point 13 a(new)
Directive 2012/29/EU
Article 25 –paragraph 6 (new)

Present Text

Amendment

(13c) the following paragraph is added:

5a : Member States shall ensure that professionals likely to come into contact with victims, including law enforcement authorities, court staff, judges and prosecutors, lawyers, primary prevention

workers, providers of specialized support services, and restorative justice services, healthcare professionals, social services, educational and other relevant staff, receive both general and specialist mandatory training and targeted information to a level appropriate to their contacts with victims, to enable them to identify, prevent and address instances of violence against women or domestic violence, , including manipulation, psychological violence, coercive control, the relevance of intimate partner violence to children's rights, their protection and their well-being, and to treat victims in a trauma-, gender- and child-sensitive manner. This training should also educate all professionals involved on how to best communicate with, support victims, while enabling them to evaluate each situation using reliable risk assessment tools and equip them with adequate skills to detect signs of abuse. The training shall be provided by qualified trainers from women specialist services adhering to stringent quality standards in terms of training duration, frequency, methods and outcomes in line with the objectives of this Directive. Training shall cover general and specialist training appropriate to the nature and level of contacts with victims, to enable practitioners to recognise victims and to treat them in an impartial, non-discriminatory, respectful, professional manner using a victim-centered, trauma-, gender-, disability-, child sensitive approach and to support the practical implementation and operation of victims' rights. Member States shall establish specialised courts or sections, dealing with victims of violence against women and domestic violence and shall ensure child and women-victim-friendly justice, including comprehensive assessment units dealing with gender-based violence composed of forensic doctors, psychologists and social workers who work in coordination with the public

Amendment 419

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 13 a(new)

Directive 2012/29/EU

Article 25

Present text

1. Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims to increase their awareness of the needs of victims and to enable them to deal with **victims** in an impartial, respectful and professional manner.

2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall request that those responsible for the training of judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase the awareness of judges and prosecutors of the needs of victims.

3. With due respect for the independence of the legal profession, Member States shall recommend that those responsible for the training of lawyers make available both general and specialist training to increase the awareness of lawyers of the needs of victims.

Amendment

(13d) Article 25 is amended as follows:

"1. Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims to increase their awareness of the needs of victims and to enable them to **recognise victims and** deal with **them** in an impartial, **non-discriminatory**, respectful and professional manner.

1a. In order to ensure comprehensive support and protection to victims, Member States shall also consider the development of practical guidelines to help translate the obligations for assessing victims' protection and support needs into practical steps for competent authorities, such as law enforcement authorities

2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall request that those responsible for the training of judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase the

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

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

awareness of judges and prosecutors of the needs of victims ***and to treat victims in a trauma-sensitive, gender-sensitive and child-sensitive manner, avoiding secondary victimisation.***

3. With due respect for the independence of the legal profession, Member States shall recommend that those responsible for the training of lawyers make available both general and specialist training to increase the awareness of lawyers of the needs of victims.

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

5. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall ***cover general and specialist training, and shall*** aim to enable the practitioner to recognise victims, ***to understand the needs of victims as well as national law and procedures in relation with victims' rights, to avoid secondary victimisation,*** and to treat them in a respectful, professional and non-discriminatory manner.

6. Training referred to in paragraphs 1, 2, and 3 shall include specific guidance on co-ordinated multi-agency cooperation, in accordance with Article 26a, allowing for a comprehensive, efficient, and appropriate handling of referrals among the different competent authorities.

7. Member States shall encourage the development of interdisciplinary training among different authorities who are likely

to come in contact with victims, where relevant with the cooperation of nongovernmental actors, to enhance cooperation and coordination among authorities.

8. Training for competent authorities who are in contact with victims to respond to the specific needs of victims of cybercrime, including online forms of violence against women or child sexual abuse, shall be promoted by Member States, with the support of the European Cybercrime Training and Education Group.”

Or. en

Amendment 420
Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 13 a(new)
Directive 2012/29/EU
Article 25

Present Text

Amendment

(13 e) in Article 25 paragraph 3 is replaced by the following:

3. With due respect for the independence of the legal profession, Member States shall recommend that those responsible for the training of lawyers make available both general and specialist training to increase the awareness of lawyers of the needs of victims.

3. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training referred to in paragraph 1 and 2 shall, as a minimum:

a. enable such professionals to acquire the skills and knowledge to identify and understand signs of victimisation, the needs of victims, the impact of crime and trauma, the national law and procedures relative to victims' rights, including on protection measures, specificities of certain groups of victims, taking account their specific vulnerabilities;

b. be organised to address skills and knowledge necessary to working with all victims as well as for specialised knowledge and skills to ensure targeted and appropriate responses for specific groups of victims, based on type of crime or personal characteristics;

c. include sensitisation on the risks of secondary victimisation and ways to reduce it;

d. enable such professionals to develop soft skills to engage and communicate with victims in a victim sensitive manner;

e. be provided by specially trained professionals or other suitable persons on a regular basis, included on-boarding training and in lifelong career development. Member States shall encourage and fund training by non-governmental actors, including victims' associations and civil society organisations. Innovative practices, including multi-agency training, the use of new technologies and interactive training should be promoted.

Or. en

Amendment 421

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 13 a(new)

Directive 2012/29/EU

Article 25

Article 25

Training of practitioners

1. Member States shall ensure that officials likely to come into contact with victims, **such as police officers and court staff**, receive both general and specialist training **to a level** appropriate **to their contact with victims** to increase their awareness of the needs of victims and **to enable them to** deal with victims in an impartial, respectful and professional manner.

2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall **request** that those responsible for the training of judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase the awareness of judges and prosecutors of the needs of victims.

3. With due respect for the independence of the legal profession, Member States shall **recommend that those responsible for the training of** lawyers **make available** both general and specialist training to increase the awareness of lawyers of the needs of victims.

4. Through their public services or by funding victim support organisations, Member States shall **encourage initiatives enabling** those providing victim support **and** restorative justice services **to** receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such

(13a) Article 25 is amended as follows:

"Article 25

Training of practitioners

1. Member States shall ensure that officials **of public authorities, bodies and institutions** likely to come into contact with victims, receive both general and specialist training, **as** appropriate, to increase their awareness of the needs of victims, **avoid revictimisation** and deal with victims in an impartial, respectful, **gender and child sensitive** and professional manner.

2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall **ensure** that those responsible for the training of judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase the awareness of judges and prosecutors of the needs of victims **and to treat victims in a trauma-sensitive, gender-sensitive and child-sensitive manner, avoiding secondary victimisation.**

3. With due respect for the independence of the legal profession, Member States shall **ensure that** lawyers **receive** both general and specialist training to increase the awareness of lawyers of the needs of victims **and to treat victims in a trauma-sensitive, gender-sensitive and child-sensitive manner, avoiding secondary victimisation.**

4. Through their public services or by funding victim support organisations, Member States shall **ensure that** those providing victim support, restorative justice services, **health care, translation and interpretation services to victims**, receive adequate training to a level appropriate to their contact with victims

services are provided in an impartial, respectful and professional manner.

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

and observe professional standards to ensure such services are provided in an impartial, respectful, **gender and child sensitive** and professional manner.

5. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall aim to enable the practitioner to recognise victims and to treat them in a respectful, professional and non-discriminatory manner. ***The training shall as well provide specialised knowledge and skills to identify and address the specific protection and support needs of victims experiencing intersectional forms of discrimination, include sensitisation on the risks of secondary victimisation and ways to reduce it and enable such professionals to develop soft skills to engage and communicate with victims in a victim sensitive manner.***

6. Training activities referred to in paragraphs 1 to 5 shall be regular and mandatory. Member States shall take measures, including through their public services and by funding, to support responsible training bodies and organisations to develop, deliver and ensure the receipt of this trainings. Member states shall put in place procedures to ensure that the outcome and practical application of training under this Article are periodically and independently monitored and evaluated."

Or. en

Amendment 422

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 13 a(new)

Directive 2012/29/EU

Article 25 – paragraph 1

Present text

1. Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims to increase their awareness of the needs of victims and to enable them to deal with victims in an impartial, respectful and professional manner.

Amendment

(g) In Article 25, paragraph 1 is replaced by the following:

"1. Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, **victim support and restorative justice services, healthcare professionals, social services, educational and other relevant staff** receive both general and specialist training to a level appropriate to their contact with victims to increase their awareness of the needs of victims and to enable them to **communicate and to** deal with victims in an impartial, **non-discriminatory**, respectful and professional manner **and where relevant, trauma- and child-sensitive manner.**"

Or. en

Amendment 423

Maria Noichl, Giuliano Pisapia

Proposal for a directive

Article 1 – paragraph 1 – point 13a(new)

Directive 2012/29/EU

Article 25 paragraph 1

Present text

Training of practitioners

1. Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims to increase their awareness of the needs of victims and to enable them to deal with victims in an impartial, respectful and professional manner

Amendment

(14h) Article 25 paragraph 1 is amended as follows:

"Training of practitioners

1. Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training, **ensuring its quality and availability throughout its territory**, to a level appropriate to their contact with victims to increase their awareness of the needs of victims and to enable them to deal with victims in an impartial, respectful and professional manner"

(Directive 2012/29/EU)

Amendment 424
Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 13 a(new)
Directive 2012/29/EU
Article 25 - paragraph 5a (new)

Present Text

Amendment

(13h) in Article 25 a new paragraph is added:

5a. Without affecting media freedom and pluralism, Member States shall encourage and support the setting up of media training activities by media professionals' organisations, media self-regulatory bodies and industry representatives or other relevant independent organisations, to combat stereotypical portrayals of victims, victim-blaming in the media, media intrusion in criminal justice proceedings, overall media induced secondary victimisation and to ensure victim sensitive engagement with victims in particular when interviewing them.

Or. en

Amendment 425
Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 13 a(new)
Directive 2012/29/EU
Article 25 – paragraph 2

Present text

Amendment

(13k) In Article 25, paragraph 2 is replaced by the following:

2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall ***request that those responsible for the training of judges and prosecutors involved in criminal proceedings make available both general and specialist training*** to increase ***the awareness of judges and prosecutors*** of the needs of victims.

"2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall ***take necessary measures to ensure that both general and specialist training is provided to judges and prosecutors involved in criminal proceedings to increase their awareness of the needs of victims and to treat victims in respectful and professional manner, and where relevant, trauma- and child-sensitive manner.***"

Or. en

(Directive 2012/29/EU)

Amendment 426

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 13 a(new)

Directive 2012/29/EU

Article 25 – paragraph 4

Present text

Amendment

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

(13l) In Article 25, paragraph 4 is deleted.

" "

Or. en

(Directive 2012/29/EU)

Justification

This paragraph become redundant since all its important elements were included in paragraph 1 of the same article.

Amendment 427

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 13 a(new)

Directive 2012/29/EU

Article 25 – paragraph 5b (new)

Present Text

Amendment

(13a) In Article 25, the following paragraph is inserted:

5a. The training activities referred to in paragraphs 1, 2 and 3 shall include training on coordinated and multi-disciplinary cooperation allowing for a comprehensive and appropriate handling of cases and referrals, in line with protocols referred to in Article 26a and guidelines provided for under this Article. The training shall be regular and part of lifelong career development.

Or. en

Amendment 428

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 13 a(new)

Directive 2012/29/EU

Article 25 – paragraph 5c (new)

Present text

Amendment

(13n) In Article 25, the following paragraph is inserted:

5b. Member States shall ensure that practical guidelines are developed for law

enforcement authorities likely to come into contact with victims in order to make it easier to uphold victim's rights and advise victims on these rights. As a minimum, these guidelines shall include guidance on:

(a) how to recognise and understand signs of victimisation and prevent secondary or repeated victimisation;

(b) how to conduct the individual assessment under Article 22 and respond to the victim's needs based on the outcomes of the assessment;

(c) how to refer victims to relevant support services;

(d) how to treat victims in non-discriminatory, respectful, professional manner, as well as trauma- and child-sensitive manner;

(e) how to ensure the protection of the victim's privacy.

The guidelines shall be developed and regularly updated with the involvement of relevant experts and victims support organisations.

Or. en

Amendment 429
Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 13 b (new)
Directive 2012/29/EU
Article 25a (new)

Present Text

Amendment

4 (new) **Article 25a**

Awareness raising of victim's rights

1. Member States shall ensure that regular awareness-raising campaigns are put in place at national level in order to ensure that victims are aware of their rights under this Directive. These

campaigns shall be conducted through a variety of channels and shall include easy-to-understand and accessible summaries of victim's rights.

2. Member States shall establish a dedicated website to provide information to the public on reporting a crime, victim's rights, available victim general and specialist services, functioning of the justice system as well as relevant procedures and processes. The website shall include easy-to-understand language and be easily accessible, including for persons with disabilities.

3. Member States shall ensure that measures are put in place to allow for easy and rapid identification of places where victims will be helped to exercise their rights referred to in this Directive.

Or. en

Amendment 430
Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 14
Directive 2012/29/EU
Article 26a

Text proposed by the Commission

Amendment

-1 the following Article 26a is added in Chapter 5:

Article 26a

National coordination and cooperation framework

1. Member States shall establish a national coordination and cooperation framework to facilitate the development, implementation and delivery of victims' rights, communications and support services in a consistent, efficient, co-ordinated and targeted manner.

2. Member States shall ensure that the development of victims' rights addresses the needs and circumstances of all victims of crime whilst also providing adapted solutions for specific victim groups. Specialised solutions for specific groups of victims should be extended to other groups of victims where they will also benefit from such solutions.

3. Member States shall ensure the existence and regular review of:

a. A National Victims' Rights Strategy that sets out long term priorities, objectives, and actions to develop rights and services for all victims of crime

b. A National Victims' Rights Coordinator and Victims' Rights Coordinating Committee responsible for co-ordinating the development and implementation of the National Victims' Rights Strategy, national policy and procedures related to victims' rights, and activities and actors across different sectors;

c. An independent Victims' Commissioner responsible for promoting and safeguarding the interests of victims including by conducting inquiries into systemic issues that affect large numbers or particular groups of victims of crime, representing the concerns of victims of crime to government and other decision-making bodies, monitoring and reporting on how agencies meet their legal obligations to victims under national or European law, investigating complaints from victims of crime who believe their rights and entitlements under the national law have not been met by an investigatory body, prosecuting agency and/or victims' service.

d. A national referral mechanism to co-ordinate a national system for referring victims between competent authorities and victims support services in accordance with Article 13.

4. Member States shall ensure that civil society, in particular victim support services, and victims are

*included in the decision-making process
and coordination mechanisms.*

Or. en

Amendment 431

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26a – title

Text proposed by the Commission

Protocols **through** national coordination
and cooperation

Amendment

Protocols **for** national coordination and
cooperation

Or. en

Amendment 432

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26a – paragraph 1

Text proposed by the Commission

1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services. The specific protocols shall aim as a minimum at ensuring that:

Amendment

1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the competent authorities, **victims support services, bodies and institutions dealing with victims of crime**, and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, **labour inspectorates** detention authorities, restorative justice services and victim support services **and in consultation with civil society**

organisations. The specific protocols shall aim as a minimum at ensuring that:

Or. en

Amendment 433
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 14
Directive 2012/29/EU
Article 26 a – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services. The specific protocols shall aim as a minimum at ensuring that:

Amendment

1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services **and in consultation with civil society organisations and relevant professional organisations.** The specific protocols shall aim as a minimum at ensuring that:

Or. en

Amendment 434
Konstantinos Arvanitis

Proposal for a directive
Article 1 – paragraph 1 – point 14
Directive 2012/29/EU
Article 26a - paragraph 1 - introductory part

Text proposed by the Commission

1. Member States shall establish and implement specific protocols on the organisation of services and actions under

Amendment

1. Member States shall establish and implement specific protocols on the organisation of services and actions under

this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services. The specific protocols shall aim as a minimum at ensuring that:

this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, ***labour inspectorates***, detention authorities, restorative justice services and victim support services ***and in consultation with civil society organisations***. The specific protocols shall aim as a minimum at ensuring that:

Or. en

Amendment 435
Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 14
Directive 2012/29/EU
Article 26a – paragraph 1- introductory part

Text proposed by the Commission

1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services. The specific protocols shall aim as a minimum at ensuring that:

Amendment

1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, ***labour inspectorates***, detention authorities, restorative justice services and victim support services ***and in consultation with civil society organisations***. The specific protocols shall aim as a minimum at ensuring that:

Or. en

Amendment 436
Elena Kountoura

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26a – paragraph 1- introductory part

Text proposed by the Commission

1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services. The specific protocols shall aim as a minimum at ensuring that:

Amendment

1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services **and in consultation with civil society organisations**. The specific protocols shall aim as a minimum at ensuring that:

Or. en

Amendment 437

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26a – paragraph 1- introductory part

Text proposed by the Commission

1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services. The specific protocols shall aim as a minimum at ensuring that:

Amendment

1. Member States shall establish and implement specific protocols on the **efficient and consistent** organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services. The specific protocols shall aim as a minimum at ensuring that:

Or. en

Amendment 438

Giuliano Pisapia, Maria Noichl

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26 a – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services. The specific protocols shall aim as a minimum at ensuring that:

Amendment

1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, **labour inspectorates**, detention authorities, restorative justice services and victim support services. The specific protocols shall aim as a minimum at ensuring that:

Or. en

Amendment 439

Lívía Járóka

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26a – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, **detention authorities**, restorative

Amendment

1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, **correctional facilities**, restorative

justice services and victim support services. The specific protocols shall aim as a minimum at ensuring that:

justice services and victim support services. The specific protocols shall aim as a minimum at ensuring that:

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. hu

(Directive 2012/29/EU Article 26a – paragraph 1 – introductory part)

Justification

Textual consistency.

Amendment 440

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26a – paragraph 1 – point (a)

Text proposed by the Commission

(a) victims receive information that is adapted to their changing individual needs; whereas such information shall be simple and easy to understand, provided in a timely manner, repeated over time, in multiple formats including orally, in writing and digitally;

Amendment

(a) ***clear communication framework is established to ensure that*** victims receive ***all relevant*** information that is adapted to their changing individual needs. ***Member States shall ensure that the framework establishes what information, when and by which actor shall be provided to the victim,*** whereas such information shall be simple and easy to understand, provided in a timely manner, repeated over time, in multiple formats including orally, in writing and digitally;

Or. en

Amendment 441

Cindy Franssen

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU
Article 26a - paragraph 1 - point a

Text proposed by the Commission

(a) victims receive information that is adapted to their changing individual needs; whereas such information shall be simple and easy to understand, provided in **a** timely manner, repeated over time, in multiple formats including orally, in writing and digitally;

Amendment

(a) victims receive information that is adapted to their changing individual needs; whereas such information shall be simple and easy to understand, provided in **an active and** timely manner, repeated over time, in multiple formats including orally, in writing and digitally;

Or. en

Amendment 442
Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 14
Directive 2012/29/EU
Article 26a – paragraph 1 – point (e) (new)

Text proposed by the Commission

(e) support services are well coordinated and organised, with clear referral protocols between general support services and specialist support services;

Amendment

Or. en

Amendment 443
Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 14
Directive 2012/29/EU
Article 26a – paragraph 1 – point (f) (new)

Text proposed by the Commission

(f) cooperation between competent authorities and support services is well

Amendment

organised and structured, with clearly established referral protocols;

Or. en

Amendment 444

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26a – paragraph 1 – point b

Text proposed by the Commission

(b) victims who are in detention including jails, ***detention centres*** and holding cells for suspects and accused, as well as specialised ***detention*** facilities for applicants of international protection and pre-removal centres ***or in other institutions, including accommodation centers*** where applicants and beneficiaries of international protection are ***located***:

Amendment

(b) victims who are in detention including jails and holding cells for suspects and accused, as well as ***victims deprived of liberty in other custodial settings such as*** specialised facilities for applicants of international protection and pre-removal centres where ***irregular migrants, or*** applicants and beneficiaries of international protection are ***temporarily confined, as well as mental health institutions and social care institutions, and any other form of public or private custodial setting under control of any judicial, administrative, or other public authority, or private institution from which the victim is not permitted to leave at will.***

Or. en

Amendment 445

Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 14 –

Directive 2012/29/EU

Article 26a – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) victims who are ***in detention including jails, detention centres and holding cells for suspects and accused, as well as specialised detention facilities for applicants of international protection and pre-removal centres or in other institutions, including accommodation centers where applicants and beneficiaries of international protection are located:***

(b) victims who are ***deprived of liberty according to article 5a.3:***

Or. en

Amendment 446

Livia Járóka

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26a – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) victims who are in detention including jails, ***detention centres*** and holding cells for suspects and accused, ***as well as*** specialised detention facilities for applicants of international protection and pre-removal centres or in other institutions, including accommodation centers where applicants and beneficiaries of international protection are located:

(b) victims who are in detention including jails, ***correctional facilities*** and holding cells for suspects and accused, specialised detention facilities for applicants of international protection and pre-removal centres or in other institutions, including accommodation centers where applicants and beneficiaries of international protection are located, ***as well as other people deprived of liberty, including persons in mental health and other social and care institutions:***

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. hu

(Directive 2012/29/EU Article 26a – paragraph 1 – point b)

Justification

Textual consistency.

Amendment 447

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26 a – paragraph 1 – point b

Text proposed by the Commission

(b) victims who are in detention including jails, detention centres and holding cells for suspects and accused, as well as specialised detention facilities for applicants of international protection and pre-removal centres or in other institutions, including accommodation centers where applicants and beneficiaries of international protection are located:

Amendment

(b) victims who are in detention including jails, detention centres and holding cells for suspects and accused, as well as specialised detention facilities for applicants of international protection and pre-removal centres or in other institutions, including accommodation centers where applicants and beneficiaries of international protection are located, ***as well as other people deprived of liberty, including persons in mental health, social and care institutions:***

Or. en

Amendment 448

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26a – paragraph 1 – point b

Text proposed by the Commission

(b) victims who are in detention including jails, detention centres and holding cells for suspects and accused, as well as specialised detention facilities for applicants of international protection and pre-removal centres or in other institutions,

Amendment

(b) victims who are in detention including jails, detention centres and holding cells for suspects and accused, as well as specialised detention facilities for applicants of international protection and pre-removal centres or in other institutions,

including accommodation centers where applicants and beneficiaries of international protection are located:

including accommodation centers where applicants and beneficiaries of international protection are located, *as well as victims who are in institutional care facilities*:

Or. en

Amendment 449

Giuliano Pisapia, Maria Noichl

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26 a – paragraph 1 – point b

Text proposed by the Commission

(iii) have access to support and protection in accordance with their individual needs;

Amendment

(iii) have access to support and protection in accordance with their individual needs, *including free legal aid*;

Or. en

Amendment 450

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26 a – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) individual assessment of victims' needs for support and protection as referred to in Article 22, and provision of support services for victims with specific needs, take into account the victims' individual needs at different stages of the criminal procedure, *including through the effective coordination among competent authorities during this process*.

Or. en

Amendment 451
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 14
Directive 2012/29/EU
Article 26 a – paragraph 1 – point g(new)

Text proposed by the Commission

Amendment

(g) competent authorities who are likely to come into contact with victims are trained in a targeted and regular manner to ensure victims are identified and receive appropriate support and protection in accordance with Article 25.

Or. en

Amendment 452
Konstantinos Arvanitis

Proposal for a directive
Article 1 – paragraph 1 – point 14
DIRECTIVE 2012/29/EU
Article 26a - paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall take the necessary legislative measures to allow for collection and sharing of information, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.

3. Member States shall take the necessary legislative measures to allow for collection and sharing of information ***in line with General data protection regulation (EU) 2016/679***, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.

Or. en

Amendment 453

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26a – paragraph 3

Text proposed by the Commission

3. Member States shall take the necessary legislative measures to allow for collection and sharing of information, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.

Amendment

3. Member States shall take the necessary legislative measures to allow for collection and sharing of information, ***in line with General data protection regulation (EU) 2016/679*** including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.

Or. en

Amendment 454

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26 a – paragraph 3

Text proposed by the Commission

3. Member States shall take the necessary legislative measures to allow for collection and sharing of information, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.

Amendment

3. Member States shall take the necessary legislative measures to allow for collection and sharing of information ***in accordance with Regulation (EU) 2016/679***, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.

Or. en

Amendment 455
Margarita de la Pisa Carrión

Proposal for a directive
Article 1 – paragraph 1 – point 14
Directive 2012/29/EU
Article 26a – paragraph 3

Text proposed by the Commission

3. Member States shall take the necessary legislative measures to allow for collection and sharing of information, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.

Amendment

3. Member States shall take the necessary legislative measures to allow for collection and sharing of information, ***in line with Regulation (EU) 2016/679***, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.

Or. es

Amendment 456
Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 14
Directive 2012/29/EU
Article 26aa (new)

Text proposed by the Commission

Amendment

The following article is inserted in Chapter 5:

3 a. Article 26aa

National victim's rights strategies

1. Within two years after the entry into force of this Directive, Member States shall establish, publish and implement a national strategy on victim's rights, which as a minimum shall address the following:

- (a) the objectives and priorities of national policy in this area;*
 - (b) the roles and responsibilities of all the competent authorities involved;*
 - (c) the modes of coordination and cooperation between the competent authorities, as well as with support services;*
 - (d) the resources needed and how training of law enforcement professionals will be supported;*
 - (e) the procedures and mechanisms for regular monitoring and evaluation of the results achieved;*
- 2. Member States shall ensure that the strategy is reviewed and updated at regular intervals.*

Or. en

Amendment 457
Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 14
Directive 2012/29/EU
Article 26b (new)

Text Proposed by the Commission

Amendment

5 (new) *the following Article 26b is added in Chapter 5*

Coordinated system for communication with victims

1. Member States shall facilitate communications between victims and those responsible for working with victims of crime in the context of criminal proceedings and with respect to the support of victims, through a national communication co-ordination mechanism. Such a framework shall be established as part of the national co-ordination framework as referred to in Article 26a.

2. The communication mechanism shall include actors actively working with or for victims including law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services from government and civil society and shall organise and coordinate the delivery of information to victims in a consistent manner across Member States territories and enable victims to communicate with relevant organisations.

3. The communication framework shall establish:

a. what information should be communicated to victims, how, when and by whom;

b. mechanisms and protocols for intra- and inter-agency cooperation for the communication of information to victims;

c. the necessary legislative measures to facilitate the sharing of information, including information containing personal data of victims, between authorities working with victims and between those authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.

4. Member States shall establish a single dedicated website to provide information to the public on victims' rights, available victim services, functioning of the justice system and links to relevant procedures and application processes.

5. Member States shall ensure enhanced measures addressing the needs of victims who face higher barriers to communication, including but not limited to, victims who are residents of a Member State other than that where the crime was committed, victims with disabilities, and child victims.

6. Member States shall ensure that the content of information communicated to victims is developed together with civil

society organisations and content is consistent and regularly updated to ensure accuracy.

Or. en

Amendment 458

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26b – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that victims of crime may exercise their rights provided for in Article 3a, Article 4(1), Article 5(1), Article 5a, Article 6(1), (2), (4), (5) and (6) and Article 10b using electronic means of communication.

Amendment

1. Member States shall ensure that victims of crime may exercise their rights provided for in Article 3a, Article 4(1), Article 5(1), **(3)** Article 5a, Article 6(1), (2), (4), (5) and (6) and Article 10b using electronic means of communication.

Or. en

Amendment 459

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26c – paragraph 2

Text proposed by the Commission

Member States shall ensure that reasonable accommodation *is* provided for victims with disabilities upon request.

Amendment

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

Or. en

Amendment 460
Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 14
Directive 2012/29/EU
Article 26b – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall ensure that reasonable accommodation *is* provided for victims with disabilities upon request.

Amendment

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

Or. en

Amendment 461
Elena Kountoura

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2012/29/EU
Article 27a –point h (new)

Text proposed by the Commission

Amendment

(h) the use of barring, restraining and protection orders to provide protection for victims as referred to in Article 23 of this Directive does not affect Member States' obligations to ensure the physical integrity of victims of violence against women and domestic violence and their dependents provided for in Article 21 of Directive (EU) .../... [on combating violence against women and domestic violence].'

Or. en

Amendment 462
Maria da Graça Carvalho

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

Directive 2012/29/EU
Article 27 a – point i (new)

Text proposed by the Commission

Amendment

(i) the use of barring, restraining and protection orders to provide protection for victims as referred to in Article 23 of this Directive do not affect Member States' obligations to ensure the physical integrity of victims of violence against women and domestic violence and their dependants provided for in Article 21 of Directive (EU) .../... [on combating violence against women and domestic violence].

Or. en

Amendment 463
Maria Noichl

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2012/29/EU
Article 27a - point j (new)

Text proposed by the Commission

Amendment

(j) Children who witness violence are considered victims;

Or. en

Amendment 464
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 15
Directive 2012/29/EU
Article 27 a – point k (new)

Text proposed by the Commission

Amendment

(k) the obligation to take measures pursuant to Article 25 of this Directive

does not affect Member State's obligation to take targeted measures under Article 37 of Directive (EU) .../... [on combating violence against women and domestic violence]'

Or. en

Amendment 465
Elena Kountoura

Proposal for a directive
Article 1 – paragraph 1 – point 15 a (new)
Directive 2012/29/EU
Article 27 b (new)

Present Text

Amendment

(15a) the following article 27b is inserted:

Safeguards for the best interests of children

1. Member States shall take the necessary legislative or other measures to ensure that the consequences for children of violence against women and domestic violence are taken into account:

(a) in the limitation of the rights to exercise parental responsibility of the actual or alleged perpetrator of violence against women or domestic violence;

(b) in determining custody and access rights in respect of children; Member States shall take measures to ensure that the views of the child are given due weight in relation to such custody or access rights. Member States shall take measures to prevent the bias in the determination/interpretation of “the best interest of the child” principle, namely, to maintain contact with both parents or their relatives at all costs, regardless of the violence children have witnessed, with detrimental and dangerous effects for both the child and the non-violent parent.

The right of every child to maintain contact with both parents should be restricted if necessary, in the best interests of the child;

2. Member States shall take measures to ensure that decisions on parental responsibility can be made in emergency procedures, such as restraining orders or protection orders, and in situations of convicted or alleged violence based on a body of evidence. Legal protective measures must be fully applied to protect women and children from violence. Such measures should not be limited or restricted by parental rights, and decisions on shared custody should be postponed until violence against women or domestic violence has been adequately investigated and a risk assessment has been conducted.

3. Member States shall ensure that the best interests of the child take precedence over the rights of access of an offender or suspect of violence against women or domestic violence. Member States shall ensure that the views of the child are given due weight when it comes to such rights of access. Member states shall aim at prohibiting mandatory shared custody and/or visiting rights in cases of violence or suspected violence, and prohibit the use of so-called “parental alienation” syndrome or any related concept when determining custody and visitation rights in cases of violence or suspected violence.

Or. en

Amendment 466
Radka Maxová

Proposal for a directive
Article 1 – paragraph 1 – point 15 a(new)
Directive 2012/29/EU
Article 27 b (new)

(15 n) 1. Member States shall take the necessary measures to ensure that each worker affected by domestic violence has an individual right to safe-leave of up to 10 days that is to be taken in any period of 12 consecutive months, in order to attend to ongoing matters arising due to domestic violence, to be specified by each Member State or by collective agreement. The domestic violence safe leave shall be a paid leave.

2. The right to domestic violence safety leave shall be granted irrespective of the worker's marital or family status, as defined by national law. Member States shall ensure that the domestic violence safety leave will be distinct from other leave entitlements.

3. One person with close ties to the victim, such as a relative or household member, and who is closely supporting the victim, shall be entitled to minimum 3 days of paid domestic violence leave each year.

Or. en

**Amendment 467
Elena Kountoura**

**Proposal for a directive
Article 1 – paragraph 1 – point 15 b (new)
Directive 2012/29/EU
Article 27 c (new)**

(15 o) the following Article 27c is inserted:

Custody, visitation rights and safety

1. Member States shall take the necessary legislative and other measures to ensure

that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Directive and the Directive (EU) .../... [on combating violence against women and domestic violence] are taken into account.

2. Member states shall take the necessary legislative and other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.

Or. en

Amendment 468

Radka Maxová

Proposal for a directive

Article 1 – paragraph 1 – point 15 b(new)

Directive 2012/29/EU

Article 27 c (new)

Text proposed by the Commission

Amendment

(15b) Member States shall ensure the use of electronic monitoring to secure the enforcement of emergency barring, restraining and protection orders, especially in cases where the offender faces suspended sentence, interim measures or any other similar measure ordered by the competent authorities while the offender awaits the final decision of the court on the charges brought against them.

Or. en

Amendment 469

Annika Bruna, Jean-Paul Garraud

Proposal for a directive

Article 1 – paragraph 1 – point 16

2012/29/EU

Article 28(1)

Text proposed by the Commission

1. Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims of crime. The statistics shall include data relevant to the application of national procedures on victims of crime, including at least the number and type of reported crimes and the number, the age, sex of the victims and the type of the offence. They shall also include information on how victims have accessed the rights set out in this Directive.

Amendment

1. Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims and ***perpetrators*** of crime. The statistics shall include data relevant to the application of national procedures on victims of crime, including at least the number and type of reported crimes and the number, the age, sex of the victims and the type of the offence. They shall also include information on how victims have accessed the rights set out in this Directive. ***They shall also include useful data on perpetrators of crime, such as their age, sex, nationality, relationship to the victim, the sentence handed down and, where applicable, the existence of previous convictions.***

Or. fr

Amendment 470

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2012/29/EU

Article 28 – paragraph 1

Text proposed by the Commission

1. Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims of crime. The statistics shall include data relevant to the application of national procedures on victims of crime, including at least the number and type of reported crimes and the number, the age, sex of the

Amendment

1. Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims of crime. The statistics shall include data relevant to the application of national procedures on victims of crime, including at least the number and type of reported crimes and the number, the age, sex,

victims **and** the type of the offence. They shall also include information on how victims have accessed the rights set out in this Directive.

gender and disability, if any, of the victims, the type of the offence **and the nature of the relationship between the victim and the offender**. They shall also include information on how victims have accessed the rights set out in this Directive **and whether victims have suffered a crime due to a bias or discriminatory motive as specified in Article 22**.

Or. en

Amendment 471

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2012/29/EU

Article 28 – paragraph 1

Text proposed by the Commission

1. Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims of crime. The statistics shall include data relevant to the application of national procedures on victims of crime, including at least the number and type of reported crimes and the number, the age, sex of the victims and the type of the offence. They shall also include information on how victims have accessed the rights set out in this Directive.

Amendment

1. Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims of crime. The statistics shall include data relevant to the application of national procedures on victims of crime, including at least the number and type of reported crimes and the number, the age, **gender**, sex of the victims, **as well as other intersectional equality data** and the type of the offence. They shall also include information on how victims have accessed the rights set out in this Directive **and develop qualitative analysis on remaining barriers when reporting crimes and accessing victims' rights**.

Or. en

Amendment 472

Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 16
Directive 2012/29/EU
Article 28 – paragraph 1

Text proposed by the Commission

1. Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims of crime. The statistics shall include data relevant to the application of national procedures on victims of crime, including at least the number and type of reported crimes and the number, the age, sex of the victims and the type of the offence. They shall also include information on how victims have accessed the rights set out in this Directive.

Amendment

1. Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims of crime. The statistics shall include data relevant to the application of national procedures on victims of crime, including at least the number and type of reported crimes and the number, the age, sex, **and where applicable the existence of disability** of the victims and the type of the offence. They shall also include information on how victims have accessed the rights set out in this Directive.

Or. en

Amendment 473
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 16
Directive 2012/29/EU
Article 28 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Member States shall collect the statistics referred to in this Article on the basis of common disaggregation developed in cooperation with the Commission (Eurostat) **and experts in the field of victims' rights**. They shall transmit this data to the Commission (Eurostat) every three years. **Member States shall have a synchronised timeline for this reporting to ensure data comparability**. The transmitted data shall not contain personal

data.

Or. en

Amendment 474

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2012/29/EU

Article 28 – paragraph 3

Text proposed by the Commission

3. The European Union Agency for Fundamental Rights shall support Member States and the Commission in the collection, production and dissemination of statistics on victims of crime and in reporting on how victims have accessed the rights set out in this Directive.

Amendment

3. The European Union Agency for Fundamental Rights shall support Member States and the Commission in the collection, production and dissemination **and qualitative analysis** of statistics on victims of crime and in reporting on how victims have accessed the rights set out in this Directive.

Or. en

Amendment 475

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2012/29/EU

Article 28 – paragraph 3

Text proposed by the Commission

3. The European Union Agency for Fundamental Rights shall support Member States and the Commission in the collection, production and dissemination of statistics on victims of crime and in reporting on how victims have accessed the rights set out in this Directive.

Amendment

3. The European Union Agency for Fundamental Rights shall support Member States and the Commission in the collection, production and dissemination of **qualitative analysis and** statistics on victims of crime and in reporting on how victims have accessed the rights set out in this Directive.

Amendment 476
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 16
Directive 2012/29/EU
Article 28 – paragraph 5

Text proposed by the Commission

5. The Member States shall make the collected statistics available to the public. The statistics shall not contain personal data.

Amendment

5. The Member States shall make the collected statistics available to the public. The statistics shall not contain personal data ***in compliance with Regulation (EU) 2016/679.***

Amendment 477
Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 16
Directive 2012/29/EU
Article 28 – paragraph 5

Text proposed by the Commission

5. The Member States shall make the collected statistics available to the public. The statistics shall not contain personal data.

Amendment

5. The Member States shall make the collected statistics available to the public ***in an easily accessible manner.*** The statistics shall not contain personal data.

Amendment 478
Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 16 a (new)
Directive 2012/29/EU

Article 28a (new)

Text proposed by the Commission

Amendment

b. Article 28a

Resources

1. Member States shall ensure adequate human, technical and financial resources for the full and timely implementation of this Directive.

2. Member States shall ensure that, where support services are provided by non-governmental organisations, they are provided with adequate, predictable and sustainable financial resources to provide those services.

Or. en

Amendment 479

Maria Walsh

Proposal for a directive

Article 1 – paragraph 1 – point 16)

Directive 2012/29/EU

Article 28 paragraph 7 (new)

Text proposed by the Commission

Amendment

7) The European Commission, together with its agencies, shall carry out regular data collection exercises relevant to priority issues as determined by the EU Coordinator for victims' rights and the EU Victims' Rights Platform.

Or. en

Amendment 480

Maria Walsh

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2012/29/EU

Article 28 paragraph 8 (new)

Text proposed by the Commission

Amendment

8) Member States shall take the necessary measures to promote, support and, to the extent possible, fund or facilitate fund-raising for victim-centred research, including comparative research. Research shall, inter alia, focus on:

Or. en

Amendment 481

Maria Walsh

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2012/29/EU

Article 28 paragraph 8a (new)

Text proposed by the Commission

Amendment

(16f) 8 a) criminal victimisation and its impact on victims;

Or. en

Amendment 482

Maria Walsh

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2012/29/EU

Article 28 paragraph 8b (new)

Text proposed by the Commission

Amendment

8 b) the effectiveness of legislative and other measures for the support, compensation and protection of victims of crime;

Or. en

Amendment 483
Maria Walsh

Proposal for a directive
Article 1 – paragraph 1 – point 16
Directive 2012/29/EU
Article 28 paragraph 8c (new)

Text proposed by the Commission

Amendment

8 c) the effectiveness of available interventions by criminal justice authorities, victim services and restorative justice programmes.

Or. en

Amendment 484
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 16 a (new)
Directive 2012/29/EU
Article 28 a (new)

Text proposed by the Commission

Amendment

(16a) the following article is inserted:

‘Article 28a

Coordination of the EU strategy on victims’ rights

1. In order to ensure consistency and effectiveness of actions in relation to victims’ rights policy, Member States shall facilitate the tasks of a Victims’ Rights Coordinator.

2. In particular, the Victims’ Rights Coordinator shall ensure a smooth functioning of the Victims’ Rights Platform and implementation of the EU Strategy on victims’ rights and synchronise victims’ rights related actions

of other Union level stakeholders, notably where relevant to the application of this Directive.

Or. en

Amendment 485
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2012/29/EU
Article 29 – paragraph 1

Text proposed by the Commission

By [six years after adoption], the Commission shall submit a report on the application of this Directive to the European Parliament and the Council. The report shall assess the extent to which the Member States have taken the necessary measures to comply with this Directive, including the technical implementation.

Amendment

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

Or. en

Amendment 486
Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2012/29/EU
Article 29

Text proposed by the Commission

By [six years after adoption], the Commission shall submit a report on the application of this Directive to the

Amendment

By [six years after adoption], the Commission shall submit a report on the application of this Directive to the

European Parliament and the Council. The report shall assess the extent to which the Member States have taken the necessary measures to comply with this Directive, including the technical implementation.

European Parliament and the Council. The report shall assess the extent to which the Member States have taken the necessary measures to comply with this Directive, including the technical implementation, *as well as take into account the findings of the European Union Agency for Fundamental Rights.*

Or. en

Amendment 487

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 17

Directive 2012/29/EU

Article 29

Text proposed by the Commission

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

Amendment

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

The Commission shall, by [at most two years after the date of the first report] submit a report to the European Parliament and to the Council, assessing the extent of the practical implementation of the Directive identifying any rights which are not fully or correctly implemented.

Or. en

Amendment 488

Giuliano Pisapia, Maria Noichl

Proposal for a directive

Article 2 – paragraph 1 – subparagraph 1

Directive 2012/29/EU

Text proposed by the Commission

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

Amendment

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

Or. en