Rights, support and protection of victims of crime

2023/0250(COD) - 12/07/2023 - Legislative proposal

PURPOSE: to improve victims' ability to assert their rights under Directive 2012/29/EU (Victims' Rights Directive).

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Directive 2012/29/EU of the European Parliament and of the Council on victims' rights is the main horizontal instrument for victims' rights. It lays down rights for all victims of all crimes, including the right to information, the right to support and protection based on victims' individual needs, procedural rights, and the right to receive a decision on compensation from the offender at the end of criminal proceedings.

The Commission has assessed how victims have exercised their rights under Directive 2012/29/EU and has published the results of this analysis in an evaluation report. According to this evaluation, the Victims' Rights Directive has, on the whole, brought the expected benefits and had a positive impact on victims' rights, but several shortcomings have been identified in its practical application.

In particular, it was observed that victims were not sufficiently able to assert their rights to access information, support and protection in accordance with their individual needs, to participate in criminal proceedings and to obtain a decision on compensation from the offender in the context of those proceedings.

This revision of Directive 2012/29/EU addresses the shortcomings identified during the evaluation and numerous consultations.

CONTENT: this proposal for a revision of the Victims' Rights Directive has the following specific objectives:

- a **significant improvement in victims' access to information**, particularly through to the obligation to set up victim helplines that provide all victims who contact them, including those who do not report a crime, with information about their rights;

- **better alignment of protection measures with victims' needs**, particularly due to the improved individual assessment of victims' protection needs and the enlarged list of protection measures that will be available for victims following the assessment, including protection orders;

- **better support**, particularly through the right to free psychological support for as long as necessary, the right to targeted, multi-agency support for **child victims and rights of persons with disabilities**;

- **more effective participation for victims in criminal proceedings** through the right to administrative assistance at court and the right to remedy;

- **better access to compensation** by (i) strengthening victims' rights to receive a decision on compensation from the offender during the criminal proceeding; and (ii) making it binding for the state to pay the offender's compensation to victims in due time following the judgment on offender's compensation, with a possibility for the state to recuperate it later from the offender;

- the obligation for Member States to provide for the possibility for victims to exercise their right to information and their right of access to justice by **electronic means**;

- the introduction of **specific obligations relating to victims of violence against women and domestic violence**. A provision would be introduced to clarify the link between the proposed revision of the directive on victims' rights and the legislative proposal on violence against women and domestic violence.