



## WAVE's statement on the European Commission's proposal for a revised Victims' Rights Directive (VRD) - Directive 2012/29/EU

Vienna, 26 July 2023

Women Against Violence Europe (WAVE), the largest European Network of Women Specialist Services (WSS)<sup>1</sup> representing more than 1,600 women's organisations through 170 members based in 46 European countries, welcomes the European Commission's (EC) proposal for a revised [Victims' Rights Directive \(VRD\)](#) on establishing minimum standards on the rights, support and protection of victims of crime.

As the **main EU horizontal legislation for victims' rights**, defining the right of all victims to information, support, protection, access to justice and compensation, the VRD is a critical instrument in the defence of fundamental rights in the Union. Since its adoption in 2012, the VRD has had a positive impact on the access to rights of all victims of crime, however, new challenges have emerged, such as those posed by the COVID-19 pandemic, and minimum standards concerning child-friendly and victim-centred justice have changed. Therefore, the **current unrevised version of the VRD faces considerable shortcomings in the effective satisfaction of the specific needs of certain categories of victims**, in particular vulnerable victims, such as those impacted by violence against women and domestic violence and child victims, among others.

The main goal of the revision, as defined by the EC, is to bring this Directive to the current standards on victims' rights by strengthening the provisions in six key areas, (i) effective communication with victims and a safe environment for them to report crime; (ii) improving support and protection for the most vulnerable victims; (iii) facilitating victims' access to compensation; (iv) strengthening cooperation and coordination among all relevant actors; and (v) strengthening the international dimension of victims' rights<sup>2</sup>.

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<sup>1</sup> Women's Specialist Services (WSS) is a collective term used to define feminist services that support women and their children experiencing violence against women and domestic violence. These services include but are not limited to women's support centres, shelters, helplines, rape crisis or sexual violence referral centres, and prevention services.

<sup>2</sup> See Revised VRD, Explanatory Memorandum, p.1.



WAVE salutes this integrated approach to the VRD revision which also addresses challenges emerging from the worrying drift in the last decade towards harmful political narratives around the reduction of citizens' fundamental rights, in particular, the recognition of the rights of women and their children to live a life free from all forms of violence. We are referring to the backlash against women's rights and gender equality, that through passive or active strategies aims at countering further progress by trying to change laws or policies which would limit citizens' acquired rights, accompanying these efforts with the dissemination of misleading information and harmful stereotypical beliefs.

We welcome the Commission's proposal to strengthen the recognition of the rights of **vulnerable victims**, defined as "those who are in need of specialist support and protection measures [...] such as **children and victims of violence against women and domestic violence**", among others, as well as the need for "**improved access to specialist support**". In introducing these changes, the EC is recognizing the reality Women Specialist Services have been working in, accumulating over 40 years of feminist practice and expertise: the need for specific interventions adapted to the individual needs of victims/survivors of violence against women and domestic violence and their children.

Furthermore, the explanatory memorandum addresses a crucial point, **the complementarity of the levels of protection envisaged in sectorial and horizontal legislation**. It clarifies that sectorial legislation, such as the proposed EU-Directive on VAW and DV, "criminalises certain acts and provides for *additional rights* to victims of those crimes that *respond more directly to their specific needs*" and applies "to those who *are in need of specialist support* and protection measures [...] such as the victims of violence against women and domestic violence"<sup>3</sup>. In this regard, the VRD as a piece of horizontal legislation applies to all victims, establishing minimum universal standards of protection, and **while it recognises the specific needs of victims of particular categories of crimes, such as victims of VAW and DV, it recognises that it can only cover their specific needs as vulnerable victims to a certain extent**. Therefore, sectorial legislation, such as the proposed EU-Directive on VAW and DV is necessary and its provisions "build on the VRD and are applicable in addition to those of the VRD" meaning, "sectorial legislation supplements the VRD by providing additional rights to victims of specific categories of crimes under its provisions".

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<sup>3</sup> See Revised VRD, Explanatory Memorandum, p.4.



This is to say that in the area of “targeted and integrated specialised support services for victims with specific needs”, such as victims of VAW and DV, **specialised support services are necessary and cannot be replaced by generic services**, something which has been the subject of misinterpretation and misconstruction in debates, forums and policy papers concerning the victims of VAW and DV.

To avoid further inaccurate interpretations of the specific needs of vulnerable victims and facilitate access to specialist support, the Commission proposes changes to Recital 10 and the provisions under Article 8, therefore, **clarifying the referral paths between generic and specialist services and emphasising the importance of assessing the victims’ needs for support, including specialist support**, and of referring them to such services in a timely manner. Likewise, it recognises that in cases of proven special need for psychological support<sup>4</sup>, this shall be available free of charge to victims in need of such support, for as long as it is necessary. This is a need that Women Specialist Services have identified and provided for VAW and DV victims for decades, although with severe financial restrictions. **WAVE expects Member States and the Commission to provide sufficient resources to cover the costs of providing these specialised services, including where these are provided by non-governmental organisations, as referred to in Recital 15.**

The proposal also makes specific reference to the **harmonisation between the VRD and the forthcoming EU Directive on combating Violence Against Women and Domestic Violence** by including a new provision, **Article 27**, on the specific obligations in relation to victims of VAW and DV, further illustrating the differences between the competences of these two pieces of legislation. The **article recognises** i) the **existence of specialised helplines** for victims of VAW and DV and how these **cannot be replaced by the helplines referred to in Article 3a** of the proposed VRD, ii) the need for targeted measures to ensure reporting of cases of VAW and DV which go beyond the VRD, iii) the complementarity of the provisions in both Directives concerning the “specialised individual assessment to identify victims’ protection needs” and the “individual assessment of victims’ support needs”, and iv) the need for specific guidelines and protocols to conduct the individual assessment of support needs.

Another area of significant improvement is in the **recognition of the rights of the child** and the refined understanding of the complex dynamics of violence **considering the relationship**

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<sup>4</sup> Demonstrated via the individual assessment referred to in Article 22 of the revised VRD.



**between victims, perpetrators, and children.** In this regard, the amendments to **Article 24 of the VRD and the addition of a new paragraph**, referring to offences involving holders of parental responsibility, and the **prevalence of the best interest of the child above the rights of holders of parental responsibility** is a step in the right direction, not only in the protection of children but also in the protection of women victims of intimate partner violence. In summary, WAVE recognises the effort and political will of the European Commission to tackle some of the main challenges that victims of all crimes, and in particular of VAW and DV continue to face.

By proposing this revised version of the VRD the European Commission is adapting to these challenges and demonstrating that strong legislation and policy decisions can ensure the protection of citizens' fundamental rights. The WAVE network of experts will actively contribute to the forthcoming discussions of this revised version of the VRD and will advocate for the voices of women and their children, and those of Women Specialist Services to continue to be adequately represented in the text. We look forward to enriching this healthy debate and to debunking myths and misconceptions concerning Women Specialist Services.

The WAVE Network