



Women Against Violence Europe (WAVE) Network Analysis of the European Commission's Proposal for a Revised Victims' Rights Directive (VRD) - Directive 2012/29/EU Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime and Replacing Council Framework Decision 2001/2020/JHA

Vienna, September 2023

Women Against Violence Europe (WAVE), the largest European Network of Women Specialist Services (WSS)¹, proudly representing over 1,600 women's organizations across 46 European countries through its 170 members, warmly welcomes the European Commission's (EC) proposal to revise the [Victims' Rights Directive \(VRD\)](#). This directive plays a pivotal role in establishing essential standards for the rights, support, and protection of crime victims within the European Union. As the primary horizontal legislation for victims' rights, it defines fundamental entitlements, including access to information, support, protection, justice, and compensation, crucial for safeguarding the rights of all victims.

Since its inception in 2012, the VRD has undeniably improved access to these rights for victims of crime. However, new challenges have emerged, notably due to the COVID-19 pandemic, necessitating a comprehensive revision. This pandemic has underscored the evolving landscape of victim-centric justice and the necessity for greater attention to child-friendly and victim-centred approaches. Consequently, **the unrevised VRD falls short of effectively addressing the unique needs of specific victim categories, especially vulnerable groups such as victims of violence against women, domestic violence, and child victims.**

The core objective of this revision, as outlined by the EC, is to modernize the VRD, aligning it with current standards on victims' rights. To achieve this, the proposal strengthens provisions in six key areas: (i) ensuring effective communication with victims and providing a safe environment for reporting crimes; (ii) enhancing support and protection for the most vulnerable victims; (iii) facilitating victims' access to compensation; (iv) fostering cooperation and coordination among relevant stakeholders; and (v) amplifying the international dimension of victims' rights².

WAVE applauds this holistic approach to VRD revision, which addresses challenges arising from the worrying shift over the past decade towards harmful political narratives that threaten fundamental rights, especially women's rights and gender equality. We are deeply concerned about efforts to reduce citizens' acquired rights, accompanied by the dissemination of misleading information and harmful stereotypes.

We wholeheartedly support the EC's proposal to strengthen the recognition of the rights of vulnerable victims, encompassing those who require specialized support and protection measures, including children and victims of violence against women and domestic violence, among others. By making these changes, the EC acknowledges the reality faced by Women Specialist Services, which have accumulated over 40 years of feminist practice and expertise, emphasizing the need for tailored interventions that address the individual needs of victims/survivors of violence against women, domestic violence, and their children.

¹ 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.

²Proposal for a Directive of The European Parliament and of The Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, Explanatory Memorandum, p.1.



Furthermore, the explanatory memorandum addresses a crucial point: the complementarity of protection levels envisaged in sectoral and horizontal legislation. It clarifies that sectoral legislation, such as the proposed EU Directive on Violence Against Women and Domestic Violence (VAW and DV), "criminalizes certain acts and provides additional rights to victims of those crimes that respond more directly to their specific needs." This sectoral legislation is designed to apply "to those who are in need of specialist support and protection measures," precisely like the victims of violence against women and domestic violence³.

Therefore, the VRD, as horizontal legislation, establishes minimum universal standards of protection, recognizing the specific needs of victims of particular categories of crimes, such as VAW and DV. However, it acknowledges its limitations in fully addressing the specific needs of these vulnerable victims. Sectoral legislation, such as the proposed EU Directive on VAW and DV, is not only necessary but complementary. It "supplements the VRD by providing additional rights to victims of specific categories of crimes under its provisions." In other words, specialized support services tailored to the unique needs of victims, such as those affected by VAW and DV, are indispensable and cannot be replaced by generic, non-specialist services. This point has unfortunately been subject to misinterpretation and misconstruction in debates, forums, and policy papers concerning victims of VAW and DV. In the subsequent pages, we present our detailed feedback on the EC's proposed changes to relevant articles.

CHAPTER 2

PROVISION OF INFORMATION AND SUPPORT

Article 3a. Victims' Helpline (EC proposed new article)	Article 3a. Victims' Helpline (WAVE proposed amendment)
<ol style="list-style-type: none">1. Member States shall take the necessary measures to establish easily accessible, user-friendly, free-of-charge and confidential victims' helplines which:<ol style="list-style-type: none">a) provide victims with the information referred to in Article 4(1);b) offer emotional support;c) refer victims to specialised support services and/or specialised helplines if needed.2. Member States shall ensure the provision of helplines referred to in paragraph 1 through a telephone helpline connected to the EU harmonised number "116 006" and through other information and communication technologies, including websites.3. Member States shall take appropriate measures to ensure the availability of the services referred to in paragraphs 1 and 2 in other languages, including at least the languages most used in the Member State.4. Helplines may be set up by public or non-governmental organisations and may be organised on a professional or voluntary basis.	<ol style="list-style-type: none">1. Member States shall take the necessary measures to establish easily accessible, user-friendly, free-of-charge and confidential victims' helplines which:<ol style="list-style-type: none">a) provide victims with the information referred to in Article 4(1);b) offer emotional support;c) refer victims to specialised support services and/or specialised helplines if needed.2. Member States shall ensure the provision of helplines referred to in paragraph 1 through a telephone helpline connected to the EU harmonised number "116 006" and through other information and communication technologies, including websites, without prejudice to the continuation of pre-existing helplines, ensuring that they are financially supported by the Member States, without the European number replacing them.3. Member States shall take appropriate measures to ensure the availability of the services referred to in paragraphs 1 and 2 in other languages, including at least the languages most

³ Ibid., Explanatory Memorandum, p.4.



	used in the Member State. 4. Helplines may be set up by public or non-governmental organisations and may be organised on a professional or voluntary basis.
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While WAVE warmly welcomes the inclusion of victim's helplines, especially those operated by non-governmental organizations, in the revised Victims' Rights Directive. However, we firmly believe that a general European Helpline should not replace specialized helplines that offer tailored support to victims and survivors of specific categories of crimes, notably victims of Violence Against Women (VAW) and Domestic Violence (DV), who possess unique needs. It is of paramount importance to establish clear protocols for referring individuals to these specialized helplines. This measure is indispensable in ensuring that victims can readily access the precise support services they require, at the appropriate moment, without any detriment to the exercise of their rights.

<p>Article 5a. Reporting of Crime (EC proposed new article)</p> <ol style="list-style-type: none">1. Member States shall ensure that victims can report criminal offences to the competent authorities through easily accessible, user-friendly information and communication technologies. Such possibility shall include the submission of evidence where feasible.2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that criminal offences have been committed, or that further acts of violence are to be expected, to report this to the competent authorities.3. Member States shall ensure that victims can effectively report crimes committed in detention facilities. Detention facilities shall include in addition to jails, detention centres and holding cells for suspects and accused, specialised detention facilities for applicants of international protection and pre-removal centres, and accommodation centres where applicants and beneficiaries of international protection are located.4. Where children report criminal offences, Member States shall ensure that the reporting procedures are safe, confidential, designed and accessible in a child-friendly manner and use language in accordance with their age and maturity.5. Member States shall ensure that the competent authorities coming in contact with a victim reporting crimes are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the first individual assessment referred to in Article 22.'	<p>Article 5a. Reporting of Crime (WAVE proposed amendment)</p> <ol style="list-style-type: none">5. Member States shall ensure that the competent authorities coming in contact with a victim reporting crimes are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the first individual assessment referred to in Article 22.'
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WAVE firmly asserts that safeguarding the rights of victims and upholding human rights within the European Union must stand as an overarching priority, extending to all individuals regardless of their migration status. Restricting protection solely to victims of crimes occurring within the Union, contingent upon the completion of their individual assessments, falls short of effectively preserving their rights. This limitation risks discouraging victims of all forms of crime, including survivors of Violence Against Women (VAW) and Domestic Violence (DV), from seeking assistance from authorities. Regarding **literal 4 of this Article, WAVE embraces the explicit reference to the necessity for safe and child-friendly reporting procedures.** This inclusion addresses a significant gap in the protection of children's rights, guaranteeing that the unique needs of children are thoughtfully and adequately taken into account.

Article 8. Right to Access Victim Support Services (Original 2012 version)	Article 8. Right to Access Victim Support Services (EC proposed amendments)
<ol style="list-style-type: none">1. Member States shall ensure that victims, in accordance with their needs, have access to confidential victim support services, free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings. Family members shall have access to victim support services in accordance with their needs and the degree of harm suffered as a result of the criminal offence committed against the victim.2. Member States shall facilitate the referral of victims, by the competent authority that received the complaint and by other relevant entities, to victim support services.3. Member States shall take measures to establish free-of-charge and confidential specialist support services in addition to, or as an integrated part of, general victim support services, or to enable victim support organisations to call on existing specialised entities providing such specialist support. Victims, in accordance with their specific needs, shall have access to such services and family members shall have access in accordance with their specific needs and the degree of harm suffered as a result of the criminal offence committed against the victim.4. Victim support services and any specialist support services may be set up as public or non-governmental organisations and may be organised on a professional or voluntary basis.5. Member States shall ensure that access to any victim support services is not dependent on a victim making a formal complaint with regard to a criminal offence to a competent authority.	<ol style="list-style-type: none">2. Member States shall ensure that victims are contacted by the relevant general or specialised support services if the individual assessment referred to in Article 22 demonstrates the need for support and the victim consents to be contacted by support services or if the victim requests support. <p>The following paragraph is added:</p> <ol style="list-style-type: none">6. Victim support services shall remain operational in times of crisis, such as health crises, significant migratory situations, or other states of emergency.'

WAVE appreciates the European Commission's European Commission's clear and unequivocal language in Article 8 and its corresponding Recital 10. This precision leaves no room for



misinterpretation and unequivocally recognizes the unique needs of vulnerable victims. Furthermore, it substantially enhances accessibility to specialist support services for survivors of gender-based violence. Of particular note is the revision within Paragraph 2 of Article 8, which deserves commendation for its explicit elucidation of the pathways for referrals between generic and specialist services. This revision underscores a fundamental principle: the urgent and crucial necessity of assessing victims' support needs comprehensively, including the provision of specialized assistance when required. Equally important is the directive to ensure swift referrals to the most appropriate services, an aspect we wholeheartedly endorse.

Women Specialist Services have consistently demonstrated their capacity to provide high-quality, survivor-centred counselling. Their track record speaks to their commitment to survivors' well-being and their ability to deliver the specialized care needed to facilitate recovery. By bolstering the capacity of these services, we can significantly reduce waiting times, ensuring that survivors receive the timely and specialized support they need to heal and rebuild their lives. Extensive research⁴ has repeatedly underlined the paramount importance of connecting victims of violence against women, particularly those affected by sexual violence, with the right support at precisely the right moment. It is well-documented that survivors often withhold disclosure of sexual violence unless they encounter counsellors who possess the requisite knowledge and convey an openness to such disclosure. Therefore, when victims engage with general support services and non-specialist counsellors, it becomes imperative that they are swiftly directed to specialist services capable of adequately addressing their unique needs. Doing so is not merely a matter of expedience but an ethical obligation aimed at minimizing the potential harm stemming from non-specialist counselling.

Therefore, the European Commission's commitment to explicit language and clear directives in Article 8 and Recital 10 is a significant stride toward achieving comprehensive and survivor-centric support for victims of gender-based violence. By promoting specialized services and prompt referrals, we are not only respecting the experiences of survivors but also actively working to dismantle the barriers that have long hindered their path to recovery. This is a critical step toward realizing our shared goal of eradicating gender-based violence in all its forms.

In regard to the newly introduced paragraph 6, WAVE commends the Commission's recognition of the imperative to sustain victim support services, including specialist ones, during crises. This aligns closely with WAVE's recommendations in its 2021 Country Report⁵ concerning the impact of the COVID-19 pandemic on the provision of Women Specialist Services. In both times of crisis and periods of stability, it is paramount that states unequivocally declare the prevention and mitigation of violence against women as a top priority. This includes acknowledging the indispensable role of women's specialist support services in these efforts.

⁴ "Rape as a Weapon of War: Advancing the Rights of Women in Armed Conflict" FOURNET, Caroline 2014, Cambridge University Press. Caroline Fournet's work examines the use of rape as a weapon of war and the critical need for immediate and specialized support for victims in conflict zones; "Violence Against Women: An EU-Wide Survey" 2014, European Union Agency for Fundamental Rights. This survey by the European Union Agency for Fundamental Rights highlights the prevalence of violence against women in the EU and the urgent requirement for timely and appropriate support for victims; "The Long-Term Health Consequences of Child Physical Abuse, Emotional Abuse, and Neglect: A Systematic Review and Meta-Analysis" BELLIS, David C. et al. 2019, PLOS Medicine. This systematic review emphasizes the long-term health consequences of abuse and neglect in childhood, highlighting the need for early intervention and support for victims; "Mental Health and Sexual Violence: A Review of the Literature" SCOTT, K et al. 2011, Aggression and Violent Behaviour. This literature review explores the intersection of mental health and sexual violence, emphasizing the importance of timely support for survivors to mitigate mental health consequences. These references collectively underscore the critical significance of providing victims of violence against women, especially those affected by sexual violence, with the right support at the right time to address the immediate and long-term consequences of such violence.

⁵"WAVE Country Report 2021 – Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision", Women Against Violence Europe (WAVE) Network. Vienna, Austria, December 2021.



To ensure the long-term viability of service provision, it is imperative to allocate the necessary resources and establish flexible funding mechanisms. This enables these services and their staff to adapt and meet the evolving needs during crisis conditions. Therefore, WAVE anticipates that Member States and the Commission will commit to **providing adequate resources to cover the costs of delivering specialized services**, even when these services are provided by non-governmental organizations, as delineated in this article and the corresponding Recital 15.

Article 9. Support from Victim Support Services (Original 2012 version)	Article 9. Support from Victim Support Services (EC proposed amendments)
<p>1. Victim support services, as referred to in Article 8(1), shall, as a minimum, provide:</p> <ul style="list-style-type: none">(a) information, advice and support relevant to the rights of victims including on accessing national compensation schemes for criminal injuries, and on their role in criminal proceedings including preparation for attendance at the trial;(b) information about or direct referral to any relevant specialist support services in place;(c) emotional and, where available, psychological support;(d) advice relating to financial and practical issues arising from the crime;(e) unless otherwise provided by other public or private services, advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation. <p>2. Member States shall encourage victim support services to pay particular attention to the specific needs of victims who have suffered considerable harm due to the severity of the crime.</p> <p>3. Unless otherwise provided by other public or private services, specialist support services referred to in Article 8(3), shall, as a minimum, develop and provide:</p> <ul style="list-style-type: none">(a) shelters or any other appropriate interim accommodation for victims in need of a safe place due to an imminent risk of secondary and repeat victimisation, of intimidation and of retaliation;(b) targeted and integrated support for victims with specific needs, such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships, including trauma support and counselling.	<p>1. Victim support services, as referred to in Article 8(1), shall, as a minimum, provide:</p> <ul style="list-style-type: none">(a) no changes(b) no changes(c) emotional and, where available, psychological support once they become aware of the status of a person as a victim. If the special need for psychological support has been demonstrated by individual assessment referred to in Article 22, psychological support shall be available to victims in need of such support for as long as necessary;(d) no changes(e) no changes <p>2. No changes</p> <p>3. Unless otherwise provided by other public or private services, specialist support services referred to in Article 8(3), shall, as a minimum, develop and provide:</p> <ul style="list-style-type: none">(a) no changes(b) targeted and integrated support, including trauma support and counselling, for victims with specific needs, such as victims of sexual violence, victims of gender-based violence, including violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council [on combating violence against women and domestic violence], victims of trafficking in human beings, victims of organised crimes, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism, victims of core international crimes.' <p>4. Member States shall provide the protection and specialist support services necessary to comprehensively address the multiple needs of victims with specific needs in line with the protocols referred to in Article 26a(1), point (c).</p>

Women Specialist Services have been at the forefront of recognizing the pressing need for psychological support for victims and survivors of Violence Against Women (VAW) and Domestic Violence (DV) for many decades. Despite operating under severe financial constraints, these services



have tirelessly provided long-term psychological support. In light of this, **WAVE fully endorses the Directive's acknowledgement, as articulated in the amendment to literal (c) paragraph 1**, that victims with a demonstrated special need for psychological support should have access to such services free of charge, for as long as they require it.

Furthermore, extensive research has unequivocally underscored the pivotal role of integrated support, which encompasses trauma support and counselling, for victims with specific needs, including survivors of sexual violence and victims of gender-based violence, such as Violence Against Women and Domestic Violence. For instance, the Clinical Innovation Project (CIP) developed by the Rape Crisis Network Ireland⁶ has elucidated that "survivors of sexual violence have complex counselling needs and encounter numerous barriers to accessing counselling, as well as additional obstacles when disclosing their experiences."

Consequently, for victims and survivors to effectively disclose incidents of gender-based, sexual violence, and intimate partner violence, and to address the enduring consequences of these traumatic experiences, it is imperative that they have consistent access to reliable, specialized, and long-term counselling services. Therefore, **WAVE wholeheartedly welcomes the amendment to literal (b) paragraph 3, and the introduction of the new paragraph 4 in Article 9**. These revisions align with Article 22 of the Istanbul Convention, emphasizing the importance of ensuring access to long-term counselling provided by trained and specialist staff. This is a crucial step in facilitating the recovery of survivors of sexual violence and victims of gender-based violence, including Violence Against Women and Domestic Violence.

Article 9a. Targeted and Integrated Support Services for Children

(EC proposed new article)

1. Member States shall take the necessary measures to ensure the availability of child-friendly targeted and integrated specialist services for children to provide for age-appropriate support and protection necessary to comprehensively address the multitude of needs of child victims.
2. Targeted and integrated support services for child victims shall provide for a coordinated multi-agency mechanism that includes the following services:
 - (a) the provision of information;
 - (b) medical examination;
 - (c) emotional and psychological support;
 - (d) possibility of crime reporting;
 - (e) individual assessment of protection and support needs referred to in Article 22;
 - (f) video recording of testimonies referred to in Article 24(1).

The services referred to in paragraph 2 shall be provided within the same premises.'

As a network of Women Specialist Services dedicated to assisting women who are victims of domestic violence, WAVE possesses a profound understanding of the imperative for specialized services that are child-friendly and targeted to address the unique needs of child victims. This need is particularly evident when violence against women extends to include violence against children within the same household.

In light of this, we wholeheartedly endorse the European Commission's recognition of the necessity to safeguard children's rights by establishing integrated support services designed to assist child victims. This recognition is especially crucial in situations where children may experience secondary victimization as a result of witnessing intimate partner violence. Hence, **we offer our full support for the Commission's proposed new Article 5a**, as it represents a pivotal step forward in

⁶ Rape Crisis Network Ireland, "The State of Counselling for Survivors of Sexual Violence" [Manuscript submitted for publication].



prioritizing the protection of children's rights and ensuring the provision of comprehensive support services for them.

Article 10a. Right to Assistance at the Court

(EC proposed new article)

Member States shall take the necessary measures to establish assistance at the court premises to provide information and emotional support to victims.

The proposed Article 10a, which underscores the right to assistance at the court premises for victims, is a significant and highly valuable addition to the Victim Rights Directive. From a feminist perspective, and considering the specialized expertise of Women Specialist Services, this provision carries profound importance, particularly in the context of child custody proceedings related to violence against women and domestic violence. Women Specialist Services are uniquely positioned to provide invaluable support and guidance to women navigating the complex and often traumatic terrain of courtrooms. In cases involving child custody, where the dynamics of violence persist, the presence of these specialized services can be transformative. Women Specialist Services understand the nuances of gender-based violence and the intricate challenges faced by survivors. Their role in court settings can encompass offering emotional support, explaining legal procedures, and providing critical information to empower women to make informed decisions in the best interests of themselves and their children. Moreover, their presence helps to counterbalance the power dynamics that may disadvantage survivors in court, ultimately contributing to a fairer and more just legal process. This provision not only recognizes the importance of providing assistance to victims of all crimes but opens the door to reinforce the unique competence of Women Specialist Services in ensuring that women's voices are heard and their rights are protected, particularly in child custody cases marred by violence.

CHAPTER 4

PROTECTION OF VICTIMS AND RECOGNITION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS

Article 22. Individual assessment of victims to identify specific protection needs
(Original 2012 version)

1. Member States shall ensure that victims receive a timely and individual assessment, in accordance with national procedures, to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings, as provided for under Articles 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.
2. The individual assessment shall, in particular, take into account:
 - (a) the personal characteristics of the victim;
 - (b) the type or nature of the crime;
 - (c) the circumstances of the crime.
3. In the context of the individual assessment, particular attention shall be paid to victims who

Article 22. Individual assessment of victims to identify specific support protection needs
(EC proposed amendments)

1. Member States shall ensure that victims receive a timely and individual assessment, to identify specific **support** and protection needs and to determine whether and to what extent they would benefit from special measures provided for under **Article 9(1), point (c)**, and Articles 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.
 - 1a. The individual assessment shall be initiated upon the first contact of the victim with the competent authorities and shall last as long as necessary depending on the specific needs of each victim. Where the result of the initial stage of the individual assessment by the first contact authorities demonstrates the need to continue the assessment, such assessment shall be**



<p>have suffered considerable harm due to the severity of the crime; victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics; victims whose relationship to and dependence on the offender make them particularly vulnerable. In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence, exploitation or hate crime, and victims with disabilities shall be duly considered.</p> <ol style="list-style-type: none">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.5. The extent of the individual assessment may be adapted according to the severity of the crime and the degree of apparent harm suffered by the victim.6. Individual assessments shall be carried out with the close involvement of the victim and shall take into account their wishes including where they do not wish to benefit from special measures as provided for in Articles 23 and 24.7. 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.	<p>undertaken in collaboration with the institutions and bodies depending on the stage of the procedure and victims' individual needs in accordance with the protocols referred to in Article 26a.</p> <ol style="list-style-type: none">2. The individual assessment shall take into account:<ol style="list-style-type: none">(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;(a) the type or nature of the crime;(b) the circumstances of the crime;(c) the relationship to and the characteristics of the offender.3. In the context of the individual assessment, particular attention shall be paid to:<ol style="list-style-type: none">(a) victims who have suffered considerable harm due to the severity of the crime;(b) victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics;(c) victims whose relationship to and dependence on the offender make them particularly vulnerable.<p>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.</p>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.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
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	<p>shall be organised within the framework of targeted and integrated support services referred to in Article 9a.'</p> <p>5. Does not change.</p> <p>6. Individual assessments shall be carried out with the close involvement of the victim and shall take into account their wishes including where they do not wish to benefit from special measures as provided for in Articles 8, 9, 9a, 23 and 24.'</p> <p>7. Competent authorities shall update the individual assessment at regular intervals to ensure the support and protection measures related 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.</p>
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WAVE greatly appreciates the European Commission's acknowledgement of the crucial need to assess victims' requirements for support in addition to ensuring their protection. This commendable approach underscores the importance of placing victims at the centre of our efforts, enabling a more comprehensive safeguarding of their rights. Moreover, we commend the explicit mention of adjusting the duration of individual assessments to align with each victim's unique needs. This adaptive approach truly recognizes the individuality of each case, allowing for a nuanced consideration of specific circumstances.

In a similar vein, we wholeheartedly welcome the inclusion of intersectional discrimination experiences and the characteristics of the offender as relevant criteria in the individual assessment process (paragraph 2). Furthermore, the assessment of the risk posed by the offender (paragraph 3) is a critical component that we support. These additions align with longstanding demands from Women Specialist Services, particularly for women who are victims of intimate partner violence and sexual violence. The significance of these provisions becomes evident when we consider the distressing statistics regarding sexual abuse against children and women in Europe. Shockingly, between 70% and 85% of children in Europe know their abusers, emphasizing the need for comprehensive assessments that consider these complex dynamics. Additionally, the fact that 31% of women in the EU-28 have experienced physical violence by either a partner or a non-partner since the age of 15⁷ underscores the urgency of these measures in addressing gender-based violence effectively. In conclusion, the Commission's efforts in recognizing and addressing the multifaceted aspects of gender-based violence are commendable, and we believe these provisions will significantly contribute to better protecting and supporting victims in Europe.

Article 23. Right to protection of victims with specific protection needs during criminal proceedings
(EC proposed new paragraph)

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:
- (a) continuous or temporary presence of law enforcement authorities;
 - (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.

⁷"Violence Against Women: An EU-Wide Survey" 2014, European Union Agency for Fundamental Rights. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf



Barring, restraining, or protection orders, particularly emergency protection orders, are pivotal tools to ensure the safety of women who are victims of violence and their children when they face immediate danger. The recently acceded Istanbul Convention by the European Union mandates that in such perilous situations, law enforcement or another relevant authority can instruct an aggressor to vacate the victim's residence for an adequate duration. Several European countries have adopted these measures in recent years, and European protective measures are in place, facilitating the recognition of such protections across EU Member States' borders. Despite substantial progress in establishing these protective measures, concerns persist regarding their effective implementation.

Women Against Violence Europe is optimistic that the inclusion of these protection measures, specifically designed, among others, for victims of gender-based violence, within the legal framework will yield positive outcomes. This includes improved implementation of these measures and enhanced data collection to assess the impact and effectiveness of emergency barring orders and other protective measures in safeguarding victims.

From the perspective of Women's Support Services, it is evident that numerous barriers obstruct victims from accessing these measures. These barriers encompass the provisional and temporary nature of the orders, as well as a scarcity of housing programs, which unfortunately compel victims to cohabit with abusive ex-partners post-separation. Notably, orders mandating the abuser's departure from the victim's residence often come with an expiration date, granting the abuser the right to return once the order has lapsed. This aspect underscores the pressing need for more comprehensive and enduring solutions to ensure the safety and well-being of victims of gender-based violence.

Article 24. Right to protection of child victims during criminal proceedings
(EC proposed new paragraph)

3. Where the offence involves the holder of parental responsibility, or there could be any other conflict of interest between the child victims and the holder of parental responsibility, Member States shall take into account the best interest of the child and ensure that any act requiring consent is not conditional upon the consent of the holder of parental responsibility.

Significant improvements have been made in this revision of the VRD, particularly in recognizing the rights of children and gaining a more nuanced understanding of the intricate dynamics of violence, which takes into account the relationships between victims, perpetrators, and children. Notably, the amendments to Article 24 and the inclusion of a new paragraph addressing offences involving individuals with parental responsibility, with a clear emphasis on prioritizing the best interests of the child over the rights of those with parental responsibility, represent a positive step forward. These developments are not only a stride toward better-safeguarding children but also offer increased protection for women who are victims of intimate partner violence. In essence, WAVE acknowledges and appreciates the European Commission's commitment and determination to address some of the most pressing challenges faced by victims of all types of crimes, with a particular focus on Violence Against Women (VAW) and Domestic Violence (DV).

Article 27a. Specific obligations in relation to victims of violence against women and domestic violence
(EC proposed new article)

When Member States adopt the measures to comply with this Directive, they shall ensure that it is done without affecting the obligations under Directive (EU) .../... [on combating violence against women and domestic violence], which are applicable in relation to such victims in addition to the obligations set out in this Directive. In particular, Member States shall ensure that



- (a) the victims' helpline as referred to in Article 3a of this Directive does not affect the operation of dedicated and specialised helplines for victims of violence against women and domestic violence as required under Article 31 of Directive (EU) .../... [on combating violence against women and domestic violence];
- (b) the obligation to take measures pursuant to Article 5a(2) of this Directive does not affect Member States' obligation to take targeted measures to encourage the reporting of acts of violence against women or domestic violence set out in Article 16(1) of Directive (EU) .../... [on combatting violence against women and domestic violence];
- (c) the obligation to take measures pursuant to Article 5a(3) of this Directive does not affect Member States' obligation to take specialised measures to ensure the reporting of occurrences of violence against women or domestic violence in reception and detention centres set out in Article 35(4) of Directive (EU).../... [on combatting violence against women and domestic violence];
- (d) the obligation to take measures pursuant to Article 5a(4) of this Directive does not affect Member States' obligation to take targeted measures under Article 16(4) of Directive (EU) .../... [on combatting violence against women and domestic violence];
- (e) as regards victims of violence against women or domestic violence, the provisions of [Articles 18 and 19 of Directive (EU) .../... [on combating violence against women and domestic violence] shall apply in addition to the rules set out in Article 22 of Directive 2019/29, as amended by this Directive';
- (f) the protocols on individual assessment of victims' needs for support and protection as referred to in Article 26a in conjunction with Article 22 of this Directive do not affect Member States' obligations to issue guidelines and establish dedicated mechanisms for victims of violence against women and domestic violence provided for in Article 23, point (b), and Article 40(2) of Directive (EU) .../... [on combating violence against women and domestic violence].'

Regarding the proposal for an **EU Directive on Combating Violence Against Women and Domestic Violence (2022/0066 (COD))**, the revised Victims' Rights Directive (VRD) proposal includes specific references **highlighting the alignment between these two pieces of legislation throughout its text**. Notably, **Article 27**, which outlines the particular obligations related to victims of Violence Against Women (VAW) and Domestic Violence (DV), serves to underscore the distinctions in competencies between these two legislative frameworks. This article acknowledges several key points:

- (i) The recognition of the existence of specialized helplines designed to assist victims of VAW and DV, emphasizing that these specialized services cannot be substituted by the helplines referred to in Article 3a of the proposed VRD.
- (ii) The imperative for targeted measures that facilitate the reporting of cases involving VAW and DV, surpassing the scope of the VRD.
- (iii) The complementary nature of the provisions in both Directives, especially regarding the "specialized individual assessment to identify victims' protection needs" and the "individual assessment of victims' support needs."
- (iv) The need for specific guidelines and protocols to effectively conduct the individual assessment of support needs.

These nuanced and distinct references within Article 27 further **underscore the vital role that both Directives play in addressing and combatting VAW and DV**, recognizing the need for a comprehensive and multifaceted approach to protect victims and ensure their access to support and justice.

In conclusion, Women Against Violence Europe (WAVE), representing Women Specialist Services (WSS) across European countries, extends its heartfelt appreciation to the European Commission for its proactive proposal to revise the Victims' Rights Directive (VRD). The VRD, as the cornerstone of EU legislation safeguarding victims' rights, plays a pivotal role in upholding the fundamental rights of all individuals. It is heartening to witness the Commission's commitment to ensuring that the VRD remains a robust and contemporary instrument for protecting the rights, safety, and well-being of all victims.



The proposed revisions to the VRD reflect a comprehensive and forward-thinking approach that addresses the evolving challenges in our society, particularly those posed by the persistent issues of Violence Against Women and Domestic Violence. The strengthened provisions in critical areas such as enhanced support and protection for the most vulnerable, streamlined access to compensation, and reinforced cooperation among relevant actors are laudable steps forward. These amendments underscore the Commission's recognition of the urgent need to counteract the erosion of fundamental rights, particularly the rights of women and their children to live free from all forms of violence.

The Commission's proposal also **shines a spotlight on the indispensable role of specialized support services, specifically Women Specialist Services, in the fight against gender-based violence.** For over four decades, Women Specialist Services have been on the front lines, providing tailored interventions that respond to the individual needs of victims and survivors of violence against women and domestic violence, as well as their children. The proposal's emphasis on improving access to these services is a resounding acknowledgement of their expertise, dedication, and unwavering commitment to ending gender-based violence.

In summary, WAVE wholeheartedly acknowledges and commends the European Commission's unwavering dedication to addressing the multifaceted challenges faced by victims of all crimes, with a keen focus on combatting Violence Against Women and Domestic Violence. Through this revised version of the VRD, the Commission demonstrates its resolute commitment to the protection of fundamental rights within the European Union. **The WAVE network, as a repository of expertise and advocacy, eagerly anticipates active participation in the forthcoming discussions on this revision, where we will passionately advocate for the voices of women, children, and Women Specialist Services to be authentically and comprehensively represented in the final text.** We are poised to enrich this robust debate, challenge misconceptions, and champion the indispensable role of Women Specialist Services in achieving a Europe where all individuals can live free from violence.

The WAVE Network