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COMMISSION STAFF WORKING DOCUMENT

EVALUATION

of

**Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012
establishing minimum standards on the rights, support and protection of victims of
crime, and replacing Council Framework Decision 2001/220/JHA**

{SWD(2022) 180 final}

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Glossary

<i>Term or abbreviation/acronym</i>	<i>Meaning or definition</i>
Anti-trafficking Directive	Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA
Child Sexual Abuse Directive	Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA
Counter-terrorism Directive	Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA
Combating Fraud Directive	Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA
EU	The European Union
FRA	The European Union Agency for Fundamental Rights
Member States	Member States bound by the Directive, i.e. all Member States except Denmark
NGO	Non-governmental organisation
TFEU	Treaty on the Functioning of the European Union
The Victims' Rights Directive/The Directive	Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime
Victims' Standing Decision	The Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings

1. INTRODUCTION

1.1 General introduction

On 25 October 2012, the Parliament and the Council adopted Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime ('the Victims' Rights Directive' or 'the Directive'). The Directive, replacing Council Framework Decision 2001/220/JHA¹, was adopted to strengthen the rights of all victims of crime so that victims of any crime could count on having the same basic level of rights, whatever their nationality and wherever in the EU the crime took place. It brought about major changes in the EU legal framework for victims' rights.

The Victims' Rights Directive is the core EU level instrument that lays down a set of rights for all victims of all crimes and imposes corresponding obligations on Member States. The Directive states that all victims of crime and their family members are to be recognised and treated in a respectful and non-discriminatory manner based on an individual approach tailored to the victim's needs.

The Directive, adopted under Article 82(2) TFEU, is binding on all EU Member States with the exception of Denmark². To facilitate timely and correct transposition of the Directive by the Member States, in December 2013 the Commission published a Guidance Document³. Member States had to transpose the provisions of the Directive into their national laws by 16 November 2015.

Other EU acts in the area of victims' rights include the Compensation Directive⁴, Regulation (EU) 606/2013 on mutual recognition of protection measures in civil matters⁵ and Directive 2011/99/EU on the European protection order⁶. The EU has also adopted several instruments that deal with the specific needs of victims of particular types of crime (such as victims of terrorism⁷, victims of trafficking in human beings⁸, child

¹ Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, OJ L 82, 22.3.2001, p. 1 – 4.

² Denmark is bound by Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings.

³ DG Justice Guidance Document related to the transposition and the implementation of Directive 2012/29/EU, European Commission, DG Justice, December 2013, https://ec.europa.eu/info/sites/info/files/13_12_19_3763804_guidance_victims_rights_directive_eu_en.pdf.

⁴ Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims (the 'Compensation Directive'), OJ L 261, 6.8.2004, p. 15 – 18.

⁵ Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters, OJ L 181, 29.6.2013, p. 4.

⁶ Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order, OJ L 338, 21.12.2011, p. 2.

⁷ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017L0541>.

victims of sexual exploitation⁹ or victims of non-cash payment fraud¹⁰). On 8 March 2022, the Commission presented a proposal for a Directive on combating violence against women and domestic violence¹¹. These instruments complement and build on the Victims' Rights Directive.

In May 2020, the Commission adopted a report assessing the extent to which Member States have taken the necessary measures in order to comply with the Directive, pursuant to Article 29¹². This implementation report concludes that the Victims' Rights Directive contains ambitious rules capable of improving the situation of victims in the EU. However, the assessment shows that the full potential of the Directive has not been reached yet¹³. The report raises numerous concerns about the Directive's practical implementation. This is particularly the case for victims' access to information and victims' access to support and protection in accordance with their individual needs. Several infringement proceedings have been launched against some Member States for incomplete transposition of the Directive into their national laws.

Since the adoption of the report in May 2020, good progress has been made in the implementation of the Directive. The Commission has been closely working with Member States on a bilateral basis and been able to progressively keep closing almost all the infringement proceedings for incomplete transposition¹⁴.

In 2020, the Commission also published the first ever EU Strategy on victims' rights (2020-2025)¹⁵. The main objective of the strategy is to ensure that all victims of all crime, no matter where in the EU or in what circumstances the crime takes place, can fully rely on their rights.

⁸ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>. On its implementation, please refer to the 'Transposition report' (COM(2016) 722 final); the 'Users report' (COM(2016) 719 final) and the European Commission's progress reports (COM(2016) 267 final and COM(2018) 777 final). On the victim-centred, gender-specific and child-sensitive actions, see: https://ec.europa.eu/anti-trafficking/publications/eu-antitrafficking-action-2012-2016-glance_en and https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_antitrafficking_action_2017-2019_at_a_glance.pdf.

⁹ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0093>.

¹⁰ Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA, PE/89/2018/REV/3, OJ L 123, 10.5.2019, p. 18.

¹¹ Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence, COM/2022/105 final.

¹² COM(2020) 188 final, 11.5.2020.

¹³ As of the date of publication of the implementation report – 11 May 2020 – the Commission had 21 ongoing infringement proceedings for incomplete transposition of the Victims' Rights Directive.

¹⁴ As of January 2022, the Commission has one ongoing infringement proceeding against Bulgaria for incomplete transposition of the Victims' Rights Directive.

¹⁵ COM(2020) 258 final, 24.6.2020.

The pandemic situation became a worsening factor for victims with special needs. Seeking assistance in the event of domestic violence was already difficult before the pandemic, but confinement measures put victims of domestic violence at even greater risk. Another worsening factor is **terrorism** that is still a major concern for some countries in the EU.

Further, migrants arriving in the EU from third countries at war are particularly vulnerable to crime and face difficulties in accessing justice and support services. Their situation, as well as the rise in hate crimes, all point to the importance of effective legislation covering victims' needs¹⁶.

An aggravating factor that needs to be taken into account is the Russian war of aggression against Ukraine. The war has destroyed people's lives, leaving death and victims behind. EU legislation on victims' rights will ensure that the specific needs of victims who are fleeing from war, such as the right to assistance, support and protection, are met.

1.2 Purpose and scope of the evaluation

In line with the Better Regulation guidelines, the Commission is assessing the relevance, effectiveness, efficiency, coherence and EU added value of the Victims' Rights Directive. The evaluation also assesses the Directive's incidence on fundamental rights. Annex 4 lists in detail the evaluation criteria and questions.

The evaluation criteria are assessed from the date of entry into force of the Directive, i.e. 15 November 2012, until October 2021 and cover the entirety of the Directive and all Member States that are bound by it. An external evaluation study was carried out by a contractor to support the Commission's work, following a call for services under a framework contract (see Section 2 for more information).

This Staff Working Document aims to provide the Commission with a qualitative and quantitative analysis of the Directive's incidence as well as the lessons learned from its implementation. On the basis of the evaluation, the Commission will, if necessary, decide on appropriate follow-up actions. These could range from non-legislative measures, such as providing additional guidance on implementing the Directive, to putting forward legislative proposals. This evaluation will form the basis for an impact assessment¹⁷ of any future action by the Commission.

¹⁶ ICF (2021), 'Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime', final report, p. 30.

¹⁷ <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13096-Criminal-justice-EU-rules-on-victims%20%80%99-rights-update- en>

2. WHAT WAS THE EXPECTED OUTCOME OF THE INTERVENTION?

The Victims' Rights Directive provides victims with a right to information, a right to understand and be understood, a right to access support and protection in accordance with their individual needs, as well as with a set of procedural rights. The Directive is aimed at Member State authorities, who need to ensure full transposition and implementation of the Directive in their national framework.

2.1 Policy/Context

Every year, millions of people in the EU fall victim to crime¹⁸.

The Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings (the 'Victims' Standing Decision') was adopted with the aim of securing minimum rights for victims of crime.

The Lisbon Treaty marked a milestone in the development of victims' rights in the EU as it created an enhanced competence for the EU to intervene in matters related to justice and home affairs. Article 82 of the Treaty sets out an explicit legal basis for setting minimum standards on the rights of both individuals in criminal proceedings and victims of crime¹⁹.

An impact assessment accompanying the proposal to the Victims' Rights Directive was conducted in 2011. The impact assessment assessed the quality of treatment that victims received after a crime and during criminal proceedings. It also assessed their right to receive a minimum standard of treatment in all EU Member States regardless of their nationality or place of residence. The impact assessment identified a general lack of attention to victims as one of the main issues. Despite the growing awareness of victims needs in general from national policy makers, the lack of knowledge about their specific needs explains the absence of sufficient consideration given to victims. The absence of enforcement rules was also identified as contributing to the system's shortcomings. Victims' rights were found to be generally not enforceable. While all Member States had domestic legal provisions in place, the extent to which those would result in meeting victims' needs and safeguarding their interests varied from one jurisdiction to another. Without further action from the EU, the likelihood of victims' situations improving were considered minimum.

In 2020, to continue improving the rights of victims of crime across the EU, the Commission adopted **the first EU Strategy on victims' rights (2020-2025)**. The Strategy is based on a two-strand approach: empowering victims of crime and working together for victims' rights. The key priorities related to empowering victims of crime reflect the findings reported above and include: (i) effective communication with victims

¹⁸ According to a FRA's Fundamental Rights Survey on victimisation, over 22 million people in the EU experienced physical violence in the year before the survey, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-crime-safety-victims-rights_en.pdf, p. 19

¹⁹ Article 82(2)(b)) on the rights of victims of crime.

and a safe environment for victims to report crime; (ii) improving support and protection to the most vulnerable victims; (iii) facilitating victims' access to compensation. The key priorities aimed at working together on victims' rights are: (i) strengthening cooperation and coordination among all relevant actors; and (ii) strengthening the international dimension of victims' rights.

In addition to the EU Strategy on victims' rights, the Commission and the Member States will continue working on the implementation of numerous strategies and initiatives that are relevant for victims' rights. These include the Gender Equality Strategy 2020-2025²⁰, the Strategy on the rights of the child²¹, the Strategy on European judicial training²², the LGBTI+ Equality Strategy²³, the EU Anti-racism Action Plan 2020-2025²⁴, the EU updated framework for Roma equality, inclusion and participation²⁵, the Strategy for the Rights of Persons with Disabilities 2021-2030²⁶, the Security Union Strategy²⁷, the strategic approach towards the eradication of trafficking in human beings²⁸ and the Strategy for a more effective fight against child sexual abuse²⁹.

Finally, the approach to victims' rights supports a number of the UN's Sustainable Development Goals (SDG). In particular, this is SDG 10, target 10.3, which aims to ensure equal opportunities and reduce outcome inequalities, by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action on victims' rights. SDG 16, target 16.3 is also relevant: to promote the rule of law nationally and internationally and ensure equal access to justice for all.

2.2 Evaluation logic and objectives of the Directive

This subsection describes the logic of the Directive: its objectives, all necessary inputs and actions, as well as the outcomes and impacts that should be achieved, and how all these aspects are linked to each other. The logic used for this evaluation is summed up in the figure below, showing the needs addressed.

²⁰ COM(2020) 152 final, 5.3.2020.

²¹ COM(2021) 142 final, 24.3.2021.

²² COM(2020) 713 final, 2.12.2020.

²³ COM(2020) 698 final, 12.11.2020.

²⁴ COM(2020) 565 final, 18.9.2020.

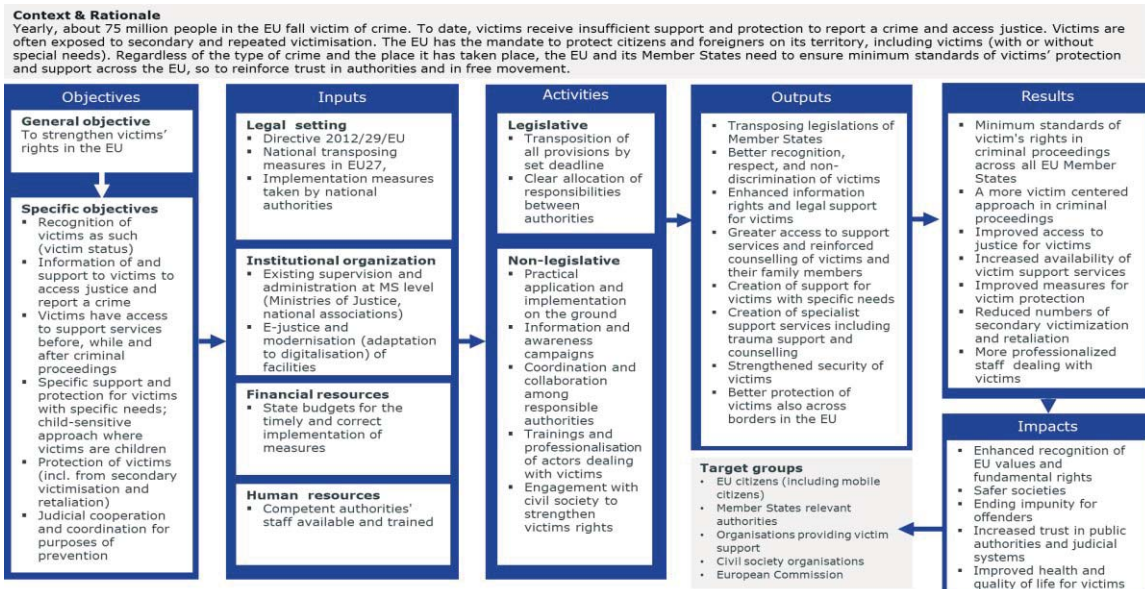
²⁵ COM(2020) 620 final, 7.10.2020.

²⁶ COM(2021) 101 final, 3.3.2021.

²⁷ COM(2020) 605 final, 24.7.2020.

²⁸ COM(2021) 171 final, 14.4.2021.

²⁹ COM(2020) 607 final, 24.7.2020.



The Directive entered into force in November 2012.

The Directive's general objective is to strengthen victims' rights in the EU, by ensuring that all victims of crime receive appropriate information, support and protection and can participate in criminal proceedings. According to the Directive, victims' needs should be dealt with in an individual manner, based on an individual assessment and a targeted and participatory approach towards the provision of information, support, protection and procedural rights. Specific attention is given to special support and protection for victims of certain crimes, due to the high risk of secondary and repeat victimisation as well as of intimidation and retaliation. The Directive also puts forward a child sensitive approach, whereby the best interests of a child victim must be the primary consideration throughout their involvement in criminal proceedings.

Victims' needs can be put into five categories:

1. the need to be recognised and treated with respect and dignity;
2. the need to be protected;
3. the need to be supported;
4. the need to access justice; and
5. the need for compensation and restoration.

2.3 Points of comparison

During the baseline period for the study carried out to support the evaluation of the Directive, the Victims' Standing Decision was in place. Its provisions were taken as points of comparison for the Directive, as detailed below.

The **broad scope** of the Victims' Standing Decision resulted in Member States reforming large parts of their criminal procedure codes³⁰ and adopting soft law tools, to lay the foundations for the adoption of the Victims' Rights Directive. However, there was still **room for improvement**.

Several victims' rights were already enshrined in the Victims' Standing Decision. These are: **the right to respect and recognition, the right to information, the right to have access to support services, the right to have access to justice, and rights to protection**. However, the reports on the Decision's implementation³¹ have identified numerous shortcomings and concluded that EU legislation has not been effective in achieving minimum standards for victims across the EU.

For instance, the reports show that the practical implementation of **the right to information** (Article 4 of the Victims' Standing Decision) **was fragmented** throughout the EU³², with an obligation for police officers, prosecutors and judges to inform victims of most of their rights in some Member States, while in other jurisdictions, the same pre-trial information was limited to the right to compensation³³.

Another **weakness**, impinging on the provision of information for victims, was that the Victims' Standing Decision merely obliged Member States to communicate the information to victims '**as far as possible in languages commonly understood**'³⁴. As a result, some Member States had information available in several languages, including English, but with no guarantee that the victim would understand the information. Other Member States, however, had an obligation to give victims information in a language they would understand³⁵.

On **the right to protection**, previous research has concluded that protection tools in Member States, partly stemming from the implementation of the Victims' Standing

30 Associação Portuguesa de Apoio à Vítima (APAV, Portuguese Association for Victim Support)(2009), Report on the Implementation of the EU Framework Decision on the standing of victims in criminal proceedings in the Member States of the European Union, p. 13.

31 *Report from the Commission on the standing of victims in criminal proceedings*, COM/2004/0054 final and *Report from the Commission on the standing of victims in criminal proceedings*, COM/2009/0166 final.

32 European Commission (2009), *Report from the Commission pursuant to Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA)*, pp. 4-6, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52009DC0166&from=EN>.

33 European Commission (2009), *Report from the Commission pursuant to Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA)*, p. 4, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52009DC0166&from=EN>.

34 Council Framework Decision 2001/220 on the standing of victims in criminal proceedings, Article 4(1), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001F0220>.

35 European Commission (2009), *Report from the Commission pursuant to Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA)*, p. 4, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52009DC0166&from=EN>.

Decision are, overall, inadequate³⁶. Victims reported that negative reactions from direct and indirect social surroundings (including the media) were a major cause of psychological distress after victimisation³⁷, equaling this to secondary victimisation.

The baseline situation that the Victims' Rights Directive is compared to is therefore one in which a legal framework was in place, but had a number of shortcomings. The Framework Decision has, however, never been comprehensively evaluated in line with the Better Regulation guidelines, but was primarily assessed with respect to transposition requirements.

Building on the Victims' Standing Decision, the Victims' Rights Directive has introduced many new concepts and provisions aimed at strengthening victims' rights. The Victims' Standing Decision had already set down a right to information and protection, as well as a right to specific assistance for victims and measures to facilitate access to justice. The Victims' Rights Directive has expanded and strengthened victims' right and Member States' obligations in order to make the respectful treatment of victims and access to their rights a priority.

3. HOW HAS THE SITUATION EVOLVED OVER THE EVALUATION PERIOD?

Current state of play

EU Member States had to transpose the Directive into their national legal systems by 16 November 2015. In January 2016, the Commission launched infringement proceedings against 16 Member States that had not communicated their transposition measures by that date³⁸. As of the date of publication of the Commission's report on the implementation of the Victims' Rights Directive, most Member States had not completely transposed the Directive³⁹. Due to the progress made since the adoption of the Report, the Commission has progressively closed almost all infringement proceedings for incomplete transposition of the Directive⁴⁰.

Nonetheless, a key issue that emerges from the analysis of the report on the implementation of the Victims' Rights Directive is the **interpretation of certain terms and the lack of sufficiently clear criteria for minimum standards**. Although clearly defined in the Directive, the definitions of 'victim' and 'family member' have been

³⁶ APAV (2009), Report on the Implementation of the EU Framework Decision on the standing of victims in criminal proceedings in the Member States of the European Union, p. 101.

³⁷ APAV (2009), Report on the Implementation of the EU Framework Decision on the standing of victims in criminal proceedings in the Member States of the European Union, pp. 87-93.

³⁸ *Report from the Commission to the European Parliament and the Council on the implementation of the Victims' Rights Directive*, COM(2020)188 final, see: <https://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=COM%3A2020%3A188%3AFIN>

³⁹ Ibid.

⁴⁰ There is one ongoing infringement proceeding against Bulgaria for incomplete transposition of the Victims' Rights Directive.

interpreted differently in a number of Member States. This can impinge on certain rights of a victim. For example, Member States may use the possibility offered by the Victims' Rights Directive to limit the number of family members to discriminate against certain victims/relatives (e.g. same-sex partners). The Directive gives Member States a level of discretion to define their minimum standards. This results in very different interpretations of what constitutes 'quality' information, support and access across Member States. The evaluation study highlighted the lack of criteria as an issue for Articles 3 (understand and be understood), 4 (receive information), 8 (access to support services) and 9 (victim support services)⁴¹.

Victims of crime's access to qualified professionals was also identified as problematic. This is particularly relevant for professionals in support services and professional translators and interpreters. There is a lack of professional translators and interpreters, especially in instances where the requirement to have professional interpreters has not been made mandatory (Article 5). Analysis shows that even in cases of complete transposition, access to certain rights – interpretation and translation (Article 7) and the rights of victims residing in another Member State (Article 17) – is hampered by practical difficulties.

The evaluation found that financial issues had a particular impact on access to adequate support services (Article 8) and the right to legal aid (Article 13)⁴². According to the Vociare report⁴³, the infrastructure of courts has often hampered the ability to guarantee the right to avoid contact between victims and offenders (Article 19) and the rights of victims with specific protection needs during criminal proceedings (Article 23).

A cross-cutting issue that impacted the ability to guarantee a majority of rights, is the **training of practitioners** who work with victims of crime⁴⁴. This seems to be particularly relevant for Articles 6 (receive information about a case), 10 (right to be heard) and 22 (individual assessment). Evidence from the evaluation study shows that practitioners were often found to lack the sensitivity, skills and knowledge required to do so. In some cases, crime victims have to search for the information they need themselves, as they cannot rely on practitioners to inform them. The Victims' Rights Directive imposed different obligations on the different types of competent authorities. This affected the extent to which the Directive's provisions on training were implemented.

⁴¹ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 29 .

⁴² Ibid.

⁴³ Victim Support Europe, Victims of Crime Implementation Analysis of Rights in Europe (VOCIARE), October 2019, available at: <https://victimsupport.eu/about-us/our-projects/vociare/>.

⁴⁴ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 29.

4. EVALUATION FINDINGS (ANALYTICAL PART)

4.1. TO WHAT EXTENT WAS THE INTERVENTION SUCCESSFUL AND WHY?

4.1.1 Effective application of the Directive

Summary findings – effectiveness:

This section presents the findings on the effective application of the core provisions of the Directive. They are grouped as follows: victims' right to access information, victims' right to access support services, victims' right to access justice and victims' right to protection. The analysis includes cross-references when an element applies to several rights or provisions.

Victims' right to information

The Directive sets out broad provisions on the right to access information. It includes a right to understand and to be understood (Article 3), a right to information about victims' rights (Article 4), a right to be informed when making a complaint and about the case (Articles 5 and 6) and a right to interpretation and translation (Article 7). The Directive significantly strengthens the right to information compared to the Victims' Standing Decision.

On the one hand, the evaluation study identified several improvements in the implementation of the right to information. These improvements could be partially attributed to the adoption of the Victims' Rights Directive. For instance, Member States' obligation to ensure that victims are well informed contributes to **the standardisation of the existing systems of information provision**⁴⁵. On **the content of information**, the study also identified progress made as a result of the Directive. The Directive prompted Member States to **create information tailored to specific groups of victims**. Some good practices were also identified in the provision of information to victims in additional languages.

On the other hand, **a number of factors still undermine** the effective implementation of the right to information. Some of the main difficulties are related to the overall **lack of awareness** of competent authorities of certain victims' rights. Victims also suffer as a result of a lack of knowledge about where they can **find information** on their rights⁴⁶. For instance, evidence from the evaluation study shows that neither the authorities nor

⁴⁵ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 41.

⁴⁶ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 42.

the victims are aware of victims' right to lodge a criminal complaint and the right to receive an acknowledgment of the complaint.

Another problem is the **fragmented provision of information** in certain Member States. Some Member States have consolidated the information on a single website, but others have several information channels. This can be confusing for victims and result in incomplete access to information⁴⁷.

The fact that the provision of **information continues to depend on the reporting of the crime** also obstructs victims' access to information. Evidence from the evaluation study shows that not all crime victims report the crimes due to fear of deportation or prosecution⁴⁸. Other factors limiting access to information are online literacy and proximity to services⁴⁹.

Some stakeholders pointed out that information was often not provided **in a timely manner – namely at the first contact with the competent authorities**. These are the cases where the first authorities victims contacted referred them to another service provider. This means that **victims are not provided with the information they need upon their first contact with the authorities**. Another problem is that even if information is provided at the first contact, there is **no follow-up**. Authorities often provide a sheet of information which victims must sign to confirm they have received it, and this is considered sufficient for respecting their right to information⁵⁰.

The evaluation study also found that there is still significant room for improvement in the **provision of information about victims' cases**. Evidence from the evaluation study shows that there are different reasons why victims do not receive information about their case. This can be because victims' contact details are missing or incorrect, or because there is a lack of procedures or mechanisms (e.g. checklist or protocols) to provide information.

With regard to the **content of the information** provided, the main challenge is the lack of adaptation of the information according to the victims' needs and the **use of a standardised information**. The evaluation study found that in most Member States, competent authorities do not use language tailored to the victim. This is because there are **no formal procedures for authorities to assess victims' communication needs**. Another difficulty, related to linguistic assistance is the **lack of available interpreters** and their **lack of sensitivity** towards victims' needs and vulnerabilities⁵¹.

In particular, evidence from the study shows that there are **limited capacities and funding** in several Member States for remunerating interpreters and translators. This may result in the same interpreter's being assigned to both the victim and the offender, a

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid., p. 41.

⁵¹ Ibid., p. 43.

situation with the potential to undermine the translator's impartiality⁵². **Lack of training for translators and interpreters** on victims' needs also affects the provision of linguistic assistance⁵³.

Another shortcoming, identified by several stakeholders, is that the **information is often incomplete**⁵⁴. The VOciare survey from 2019 shows that only 20% of victims receive complete information, whilst 38% receive most information and 26% receive partial information. A small percentage of victims receive little information (14%) or none at all (2%)⁵⁵. The evaluation study identified several reasons for this, such as **the lack of cooperation between the different authorities** or the lack of a secure tool for exchanging information about individual situations. Several stakeholders also expressed concerns that the information provided to victims at their very first contact with the authorities was very extensive, with the result that **victims were often unable to process the information**⁵⁶.

Victims' access to support services

The purpose of Articles 8 and 9 of the Directive is to ensure that victims have access to general and specialist support services in accordance with their needs. The services must be confidential, free of charge and act in the interest of victims before, during and for an appropriate time after criminal proceedings. Family members have access to support services in accordance with their needs and the degree of harm suffered.

The right to specific assistance for victims was included in the Victims' Standing Decision⁵⁷, but the Victims' Rights Directive went further by introducing an obligation on Member States to ensure that victims have access to free and confidential support services in accordance with their needs. Article 9 of the Directive lists the minimum services that victim support services must provide. These include: information on specialist support services; emotional and psychological support; advice on financial and practical issues; advice on the risk and prevention of secondary and repeat victimisation, intimidation and retaliation.

The evaluation study shows that the Directive in general has **had a positive impact** on the development and improvement of victims' support services, and that it has helped to ensure that victims and their family members have access to support. Indeed, **both the number of general and specialised support services** increased across the EU in the evaluation period. However, there are still difficulties with the establishment of timely and comprehensive support services. This problem results partly from differences in the

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ivankovic, A., Altan, L., Carpinelli, A., Carmo, M., Valerio, M., 2019, *VOciare Synthesis Report*, pp. 30-32.

⁵⁶ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 44.

⁵⁷ Council Framework Decision 2001/220 on the standing of victims in criminal proceedings, Articles 6 and 13.

interpretation of the terms used in the Directive⁵⁸. In particular, stakeholders consider that ‘access to support services’ and ‘sufficient geographical coverage’ are not sufficiently clear⁵⁹. This results in differing distribution of support services in the Member States.

Yet another difficulty is that in some Member States, victims’ support services are located mostly in urban areas. As a consequence, **rural areas are deprived of these services**. This leaves certain victims, such as elderly people or victims with disabilities, who often do not have the means to travel long distances, at a disadvantage⁶⁰.

From the effectiveness point of view, the evaluation study found that the Directive had improved the **accessibility of victim support services**. This includes in particular the availability of 24-hour **victim support services** as well as the establishment of **crime reporting methods tailored to victims’ needs**. For instance, identified good practices include the availability of online reporting or the establishment of helplines and ‘help chats’⁶¹.

The Directive has also improved victims’ access to support services by introducing the requirement to **facilitate the referral of victims** (Article 8). A few stakeholders underlined the overall improvement in referral systems due to increased cooperation between victim support organisations and law enforcement authorities. An example of good practice is the introduction of a duty for prosecutors to refer victims of domestic violence to support services in a Member State⁶². However, other stakeholders noted that the referral of victims was not conducted systematically⁶³, as there is not a clear obligation for law enforcement authorities to refer victims to support services⁶⁴.

With regard to the **quality of support services**, the Directive envisages that a service should be reliable and respond to individual victims’ needs in a respectful, professional and non-discriminatory manner (Recital 63). Evidence from the evaluation study shows that the **lack of more specific quality standards in the Directive** has a negative impact on the quality of the services provided. As a result, services vary greatly, not only across Member States, but also within the same Member State⁶⁵. Nonetheless, the study identified a series of good practices across different Member States. One example is the ‘Barnahus’ model, a child-friendly, interdisciplinary and multi-agency centre for child victims and witnesses, where an interdisciplinary team of experts cooperates to decide on the most appropriate support for the children.

⁵⁸ ICF (2021). Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 44.

⁵⁹ Ivankovic, A., Altan, L., Carpinelli, A., Carmo, M., Valerio, M., 2019 *VOCIARE Synthesis Report*, p. 55.

⁶⁰ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 44.

⁶¹ Ibid., p. 45.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

Finally, the evaluation study highlighted cross-cutting issues that affect victims' access to support services. The Directive states that services should be free of charge, but victims of crime still face difficulties with costs, such as **travelling to the location of the services** or **charges for interpretation and translation**. Some Member States also impose a series of administrative requirements. These may discourage victims. For example, service providers may require extensive information about or evidence of the crime before providing support. Furthermore, certain services are only available at specific times which may not correspond to the victims' most immediate need⁶⁶.

Victims' access to justice

Several provisions of the Directive refer to the role of victims in the criminal justice system.

Article 10 aims to ensure that all victims have an opportunity to provide information, views or evidence throughout criminal proceedings. Article 11 lays down victims' rights in the event of a decision not to prosecute. Article 13 sets out the right to legal aid.

Article 14 stipulates the right to reimbursement of expenses (e.g. travel expenses and loss of earnings) by Member States, so that victims are not prevented from actively participating in criminal proceedings by financial limitations. Article 15 states that when property has been seized but is no longer needed for criminal proceedings, it must be returned to victims without delay.

According to Article 16, victims have the right to obtain decision on compensation from the offender in the course of criminal proceedings. Article 17 sets out the rights of victims resident in another Member State. Most of these are already in the Victims' Standing Decision. In addition, the Victims' Rights Directive introduced new rules in the event of a decision not to prosecute (Article 11).

On effectiveness, the evaluation study shows that the Directive has, overall, had a **positive impact on victims' access to justice**⁶⁷.

In this context, it must be pointed out that the procedural aspects of the rights related to access to justice are regulated by national law. Thus, the implementation of these rights varies significantly from one Member State to another. This makes the assessment of their effectiveness difficult.

On the **right to be heard** (Article 10), the study identified a few **similar good practices in several Member States**⁶⁸. One example is the introduction of a victim impact assessment⁶⁹ which allows victims to reflect on the evidence and make a statement, as well as seek to influence the sentencing. Stakeholders also feel that the right to be heard

⁶⁶ Ibid, p. 46.

⁶⁷ Ibid.

⁶⁸ Ibid, p. 47.

⁶⁹ Ibid.

was better enforced for victims in cross-border situations, with the help of translation and interpretation services⁷⁰.

Nonetheless, the evaluation study identified **common challenges** that negatively affect the effective implementation of Article 10. They are related to judicial authorities' lack of sensitivity towards victims or the use of extremely legal and complex language.

On **victims' rights in the event of a decision not to prosecute** (Article 11), practical challenges are related to the introduction of **deadlines for filling the request to review** in some Member States, especially if these deadlines are too short⁷¹. On the other hand, research shows that, as good practice, one Member State introduced a **partnership between courts and victim support services** to help victims understand the reasons behind a decision not to prosecute⁷².

There are some examples of good practices for **victims' right to legal aid** (Article 13) and the **right to the reimbursement of expenses** (Article 14). One Member State introduced free or partly funded legal representation for particularly vulnerable victims (including children). Similarly, in another Member State victims who are considered particularly vulnerable (e.g. victims of domestic violence, human trafficking, sexual coercion and rape) are exempt from the costs of proceedings⁷³.

Nonetheless, evidence from the evaluation study shows that **victims' right to legal aid** and **to reimbursement of expenses** are hindered in practice by different obstacles such as the significant delays between the request for legal aid and a final decision on the matter⁷⁴. Also, in several Member States, legal assistance depends on the circumstances of the crime, or on the victim's economic circumstances. This **limits access to legal aid to victims of a certain type of crime** or to **victims whose income per capita or household does not exceed a certain level of income**⁷⁵. In cases where the economic criterion is applied, the victim must demonstrate that they are in a situation of economic difficulty in order to benefit from the right to legal aid. However, the evaluation found that even when legal aid is ensured, there is a lack of **qualified lawyers** who are able to provide it⁷⁶.

The study also shows that there are numerous factors obstructing the **return of seized property** (Article 15). In particular, enforcing this right is affected by the difficulties of **establishing ownership**; the **deadlines for claiming the return of the properties**; the authorities' **lack of sensitivity** in returning property; **systematic delays** in returning

⁷⁰ Ibid.

⁷¹ Ibid, p. 48.

⁷² Ibid.

⁷³ Ibid, p. 49.

⁷⁴ Ivankovic, L., Altan, A., Carpinelli, M., Carmo, M. Valerio, M. (2019), *VOCIARE Synthesis Report*, p. 112, available from: https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf

⁷⁵ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 48.

⁷⁶ Ibid.

property since its return is linked to the end of criminal proceedings in many Member States⁷⁷.

With regard to the **right to a decision on compensation from the offender in the course of criminal proceedings** (Article 16), stakeholders highlighted several obstacles, such as **cumbersome and lengthy procedures, as well as a general lack of awareness of this right**⁷⁸. This is because victims often have to go through two sets of proceedings to receive both criminal and civil compensation⁷⁹.

Stakeholders also identified **administrative burdens** as one of the main issues competent authorities face in giving victims access to justice. **Limited awareness of victims' rights** was also identified as the main obstacle to victims' having recourse to justice⁸⁰. Other obstacles identified are related to the lack of **specific procedures for vulnerable** victims in several Member States. For instance, victims with disabilities, or children, are not always provided with procedural support they need to be able to participate in hearings⁸¹.

On **cross-border cases**, the evaluation study highlighted the **lack of information on the existing cooperation mechanisms between Member States**, the lack of efficient coordination and cooperation among Member States, and the **lack of financial resources and/or necessary means** to guarantee effective cross-border criminal proceedings⁸². For instance, some Member States do not use video-hearing tools due to a lack of resources, or because they lack the legal framework for using them⁸³. The lack of collaborative platforms among Member States, as well as the lack of sufficient resources, hinder referral, effective cross-border criminal proceedings and, generally speaking, support for cross-border victims of crime⁸⁴.

On digitalisation, stakeholder consultations identified **significant room for improvement**. On the one hand, victims' access to justice has improved, partially due to the **digitalisation of justice**, for instance through the introduction of online procedures⁸⁵. On the other hand, several stakeholders reported that access to justice had not improved for *all* crime victims, in particular vulnerable victims.

⁷⁷ Ivankovic, L., Altan, A., Carpinelli, M., Carmo, M., Valerio, M. (2019), *VOCIARE Synthesis Report*, p. 116.

⁷⁸ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 49.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid., pp. 49-50.

⁸³ Ivankovic, A., Altan, L., Carpinelli, A., Carmo, M., Valerio, M., (2019), *VOCIARE Synthesis Report*, pp. 130-132.

⁸⁴ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, pp. 49-50.

⁸⁵ Ibid., pp. 46-47.

Right to protection

In addition to the rights in the Victims' Standing Decision, the Directive introduced a series of rights aimed at extending and strengthening the protection of victims and the recognition of their specific protection needs (Articles 18-24). These rights include the right to protection during criminal investigations (Articles 18 and 20), the right to avoid contact between the victim and the offender (Article 19), and the right to individual assessment of victims to identify specific protection needs (Article 22).

The general assessment is that the Directive **has significantly extended and strengthened victims' right to receive protection.**

Nonetheless, **the evaluation found that there are still difficulties limiting the effective implementation of this right**⁸⁶. Article 18 requires Member States to ensure that a wide range of protection measures are in place to protect victims and their family members from secondary and repeat victimisation, intimidation and retaliation. It also requires Member States to protect victims and their family members from physical, emotional or psychological harm. Different measures are in place across Member States to address this provision, such as a legal obligation to keep the number of victims' interviews and medical examinations to a minimum, to conduct interviews without delay and to allow victims to be accompanied by a person of their choice during criminal proceedings⁸⁷.

Other good practices include the recording of witness statements to avoid multiple testimonies, interrogations of vulnerable victims being conducted by professionals of the same sex, the introduction of electronic surveillance of offenders, and other restrictive measures against the offender⁸⁸. Another good practice is the introduction of an accelerated procedure to issue a protection measure when there is an imminent threat for a victim. However, 11 out of 20 of the victim support and NGOs surveyed as part of the evaluation study still consider that the Directive is not effectively ensuring that victims' right to protection⁸⁹.

On the availability of **different entries and waiting areas for victims and offenders** (Article 19), stakeholders reported that the main problem for victims is the lack of measures to avoid contact with the offender, e.g. through IT solutions or separate physical areas⁹⁰. At the same time, some good practices were identified in this area, including the introduction of technological tools, such as videoconferencing, to avoid contact between the two parties on court premises, and the establishment of child-friendly rooms in various courts, or a Barnahus⁹¹.

⁸⁶ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 50 .

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid., pp.50-51.

⁹¹ Ibid., p. 51.

On the **right to privacy** (Article 21), stakeholders reported improvements, such as the possibility for victims' cases to be heard without any public being present or an extension of the prohibition to take pictures of the victim outside the courtroom⁹². However, the evaluation study also found that certain difficulties persist in this area. For instance, in a few Member States, privacy protection measures are only in place for victims of certain types of crimes, such as victims of sexual abuse or child victims⁹³.

One of the Directive's most significant achievements is the **right to an individual needs assessment** (Article 22). Its purpose is to determine whether a victim is in any way particularly vulnerable to secondary and repeat victimisation, to intimidation and/or to retaliation, and to protect them according to their individual needs. In addition to some implementation issues, highlighted in the evaluation study⁹⁴, stakeholders reported that the quality of the individual assessments could often be hampered by practical factors. These are the **lack of specific guidelines, protocols and practical procedures for conducting the assessments** or the **lack of awareness among practitioners** of the importance of the assessments and what they should consist of⁹⁵. Stakeholders also identified as a major flaw the **lack of training of the authorities** who perform the individual assessment. Furthermore, **the extent to which the different stakeholders who come into contact with victims – support services, police and judicial authorities – cooperate with each other varies across Member States**⁹⁶. There is therefore no assurance that the individual assessment is conducted consistently and effectively where cooperation is not well established. The evaluation study also highlighted that in certain cases, the lack of a secure tool for exchanging information between competent authorities prevents the effective implementation of the individual assessment when more than one authority is involved in it.

Victims' specific needs can be protected only if there is an adequate individual assessment. Therefore, the challenges related to the implementation of the right to an individual needs assessment have a negative impact on the implementation of protective measures across Member States.

However, the evaluation study did identify some good practices by conducting a case study of individual assessments⁹⁷. These good practices relate to the development of a **practical questionnaire to facilitate the individual assessment of victims and make it possible to identify specific protection needs**⁹⁸. Other examples are a follow-up meeting with victims to avoid repeat victimisation, or the use of online tools to help professionals assess risks in cases of domestic violence⁹⁹.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Ibid., p. 52.

⁹⁸ Ibid.

⁹⁹ Ibid.

Provision of training

On effectiveness, the evaluation study found that there has been an improvement in the provision of training for practitioners by Member States (Article 25). Nonetheless, shortcomings were identified in terms of the type, content and level of training, as well as in relation to categories of stakeholders receiving training¹⁰⁰. This is particularly true for judicial authorities and other relevant practitioners (e.g. victim support organisations).

Evidence from the evaluation study shows that while training is available across Member States for professionals who are in contact with victims of crime at different stages, the level of training provided varies.

There is also still room for improvement with regard to the quantity of trained professionals and the quality of training. On the **quantity of training**, the evaluation study found that there is no systematic approach to training and that there is a low level of attendance. On the **quality of training**, it was reported that it is mostly generic victim support training or training on specific victims, not a combination of both. Stakeholders highlighted that, in addition to generic victims' rights training, there should be training on dealing with specific categories of victims¹⁰¹. At the same time, national authorities overall disagreed with making training mandatory, preferring guidance on how to prepare training courses and the dissemination of resources and good practices through manuals and networks¹⁰².

As an example of good practice, stakeholders identified the 'Enhancing hate crime victim support' (EStAR)¹⁰³ project. The project provides guidance on how to deliver training and workshops in which national authorities can discuss what works and what does not.

On training for different authorities, it seems that the Directive has led to significant improvements in law enforcement training, resulting in high numbers of trained law enforcement officials¹⁰⁴. However, the evaluation study found that there is **still room for improvement, in particular for the judiciary and other relevant stakeholders (e.g. victim support organisations)**.

Some concerns were also raised about the overall lack of incentives to attend training, or follow training content¹⁰⁵. In terms of training content, stakeholders argued that more attention should be paid to topics such as recognising one's own bias, empathetic communication or active listening¹⁰⁶. Stakeholders believe this would help to build trust in the police and could lead to an increase in the number of victims who report a crime to the authorities or who request support.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ <https://www.osce.org/odihr/hate-crime-victim-support>.

¹⁰⁴ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 53.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

The evaluation found that **training for the judiciary** on victims' rights **is available in most Member States**. However, the level of attendance seems to be lower in comparison to the attendance level of other stakeholder categories in some Member States¹⁰⁷. The **quality of training** was also sometimes found to be insufficient to meet victims' needs. For instance, training for judges, more focused on formal aspects, does not include soft skills training (e.g. communication skills). Stakeholders agreed that more training on victims' rights, of a higher quality, should be made available, and a system put in place, with incentives for professionals to take part in training introduced to yield higher attendance rates in this group¹⁰⁸.

The study also found that victim support organisations received insufficient national-level training. In most Member States training for lawyers is provided, but training for victim support organisations is organised mostly by NGOs¹⁰⁹. Most stakeholders argued that training at national level should be extended to victim support organisations¹¹⁰.

Stakeholders also pointed out that **interdisciplinary training could improve coordination among different authorities**. Ideally, this should include civil society representatives and community leaders, so that the training is comprehensive and enables an exchange of views on the interlinked needs of victims¹¹¹.

4.1.2 Efficiency

Summary findings – efficiency

There is no conclusive evidence on the exact costs of achieving the results of the Directive. A lack of quantifiable data from Member States makes it difficult to carry out a detailed assessment of the Directive's regulatory burden.

This section looks at how cost-effective the implementation of the Directive has been cost-effective. It aims to provide, to the extent possible, an overview of the costs incurred as a result of, and the benefits of, implementing the Directive. It also looks at the extent to which the benefits of having and implementing the Directive justify the costs. In addition, it seeks to identify whether there are areas where cost savings could be made (see also Annex IV).

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid., pp. 53-54.

¹¹⁰ Ibid., p. 54.

¹¹¹ Ibid.

Costs and benefits linked to the implementation of the Directive

The impact assessment accompanying the Directive estimated that its implementation would require between EUR 358 million and around EUR 1.4 billion, with almost all costs falling to public administrations. These costs have been broken down into five categories: (1) training costs (expected to range from EUR 4.61 million to EUR 17.28 million); (2) the costs of establishing, supporting and/or enhancing existing victim support services (estimated to be less than EUR 24 million to EUR 27 million); (3) restorative justice services (estimated to range from EUR 0 to EUR 878 million); (4) interpretation and translation costs (expected to be less than EUR 89.29 million to EUR 205.49 million); (5) and the costs of attending trials (estimated to range from EUR 240 million to EUR 242.9 million)¹¹².

The extent to which **costs** have been incurred to implement the Directive in individual Member States largely depends on the situation in each Member State before the Directive was adopted. National laws and practices differ to a varying degree, requiring different levels of effort to meet the Directive's requirements.

It was not possible to obtain a breakdown of costs in individual Member States and across the EU overall. Nonetheless, the Directive introduced obligations that were expected to have significant cost implications, such as the requirement to provide translation services for victims, the additional resources needed to carry out individual assessments, and the costs of capacity building¹¹³. In addition, it is not possible to ascertain if Member States had made additional financial resources available to help with the implementation of the Directive.

On **benefits**, the impact assessment had assumed that meeting the victim's needs throughout the whole criminal proceedings would, in terms of benefits, considerably mitigate the costs of victimisation and considerably reduce the total costs of crime. Lack of data means it is impossible to ascertain whether such savings actually occurred.

The collection of data on the number and types of crimes reported and the number of victims supported is included in the Directive's monitoring provisions. Article 28 of the Directive states: *'Member states shall, by 16 November 2017 and every three years thereafter, communicate to the Commission available data showing how victims have accessed the rights set out in this Directive'*. Recital 64 specifies what type of statistical data should be provided, including at least the number and type of crimes reported and, if known and available, the number of victims.

Some of the difficulties encountered by Member States in collecting, monitoring and reporting data can be related to the multitude of national (and regional) authorities

¹¹² https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/sec/2011/0580/COM_SEC%282011%290580_EN.pdf.

¹¹³ The Victims' Rights Directive: European Implementation Assessment, European Parliament, December 2017: [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU\(2017\)611022_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf).

involved in implementing the Directive's provisions for the different types of crimes. These difficulties concern the number and types of crimes, the number of victims and the overall budget allocated to the Directive's implementation.

The overall structural organisation of victim protection and support systems varies across the Member States and is also fragmented within most Member States. In most Member States, responsibility for victim protection and support services lies with several ministries. This fragmentation within individual Member States and the diversity of models in place across the EU often make gathering comprehensive data on the costs and benefits of implementing the Directive in individual Member States, and in the EU in general, more difficult.

Possible cost savings

The Directive introduced a set of obligations for Member States that entail costs for their implementation. One would therefore expect an increase in Member States' budgets for victim protection and other activities related to the implementation of the Directive. Some Member States already had a victim protection framework in place in line with the Directive's provisions, while others had to set up new or additional structures and services.

The analysis of the Directive's effectiveness has highlighted many problems with implementation, many of them related to a lack of financial and human resources. Training for professionals involved in protecting victims, translation and interpretation services for victims, access to compensation systems and the provision of long-term support services emerge as the most problematic areas. These findings seem to point to generalised under-funding of the victim protection system, at least from public budgets. Other sources of funding seem to be scarce and used sporadically.

The stakeholders consulted reported that the budget allocated to the protection and support of victims of crimes has either remained stable or somewhat increased since the Directive entered into force. In most Member States, the entire victim protection and support system relies heavily on public funding. Resource availability for and allocation to the support and protection of victims of crime therefore depends on the economic situation within individual Member States and in the EU in general.

The general fragmentation of competencies across national competent authorities has led to a variety of budget streams in most Member States. This can lead to inefficiencies and the ineffective application of victim protection measures, such as unsystematic individual needs' assessments and disparities in access to services across national territories. Addressing these inefficiencies is not likely to solve the problem of a lack of resources for victim protection.

4.1.3 Coherence

Summary findings – coherence

The Directive is overall internally coherent. The evaluation also finds that it is mostly coherent with other EU level relevant interventions.

Internal coherence

The evaluation study finds that the provisions of the Directive are generally internally coherent and operate well together to achieve its objectives. The different measures and obligations in the Directive fit well together, with minimum rules corresponding to and addressing victims' different needs.

For them to work, Directives must be transposed into national law. Given this, the evaluation also examined the degree of consistency in the way that Member States have implemented the Directive. Many provisions are being interpreted and applied in different ways across Member States, partly because the Directive only sets minimum rules. However, the different approaches do not seem to be inconsistent or incoherent with each other. The evaluation did not identify any inconsistencies in the implementation of the Directive at national level.

Overall, the different provisions of the Directive fit well together. Nevertheless, the **definitions** in the Directive tend to limit its full coherence. For instance, despite the broad definition of 'victim', certain articles depend on the role of the victim. This limits the rights of some victims. Recital 20 of the Directive acknowledges that Member States have a diversity of traditions, practices and legal systems setting out victims' rights in criminal proceedings, and specifies that Member States are to determine the scope of any rights set out in the Directive where there are references to the role of the victim in criminal proceedings. For example, in Member States that recognise victims as parties to proceedings, victims may be able to receive information on criminal proceedings. Conversely, in Member States that do not recognise victims as parties to proceedings, this right may be restricted in accordance with Article 6(2) of the Directive.

A few stakeholders consider some formulations of the Directive to be too **vague** and therefore a barrier to the Directive's full coherence. For example, the Directive requires non-discriminatory access to rights, but leaves it to Member States to ensure this.

Some vague provisions were also identified on the right to information, the right to access support services and the right to protection. On the **right to information**, the definition of 'simple and accessible' information was found to be a stumbling block for many Member States. Notably, the provisions on victims' information rights are not tailored to children, who have different needs to adults. On the **right to access support services**, it is not clear what the minimum standards of support are for victim support services. Stakeholders said there was scope for more involvement of support services, such as enabling NGOs to accompany or represent victims throughout criminal proceedings. On the **right to protection**, there is a strong emphasis on protection measures during criminal proceedings, the role of support services in enhancing protection and the implementation of this right is not reflected in the Directive.

Coherence and complementarity with other policy interventions

Coherence with Member State legislative frameworks

There are no major inconsistencies between the Directive and national legislative frameworks, but there is some room for improvement in some national interpretations of its provisions.

Most national stakeholders consulted¹¹⁴ confirmed that there were no inconsistencies between Member State legislative frameworks and the Directive. However, there is still room for improvement in the national interpretation of the Directive¹¹⁵ since it does not always ensure adequate assistance for and protection of victims. Victim support organisations¹¹⁶ suggested that further coherence at national level could be achieved by further explaining certain concepts, for example what is meant by ‘access to support services’ (e.g. what qualifies as a ‘support service’), and legal provisions on what is considered sufficient information.

Coherence with relevant EU level interventions

The evaluation found that the Directive is highly coherent with, and complementary to, relevant EU policy interventions. No major inconsistencies or overlaps were identified. Rather, areas for potential further synergies were identified. The evaluation showed that there is a certain degree of coherence and complementarity between the Directive and the EU instruments dedicated to specific categories of victims. Stakeholders¹¹⁷ consider the Directive to be consistent with relevant EU policies, but some suggested¹¹⁸ that there should be more cross-referencing of legal texts.

The **Counter-terrorism Directive** is fully coherent with the Directive. This was confirmed by stakeholders¹¹⁹ working with victims of terrorism. The Counter-terrorism Directive uses the definition of victims given in Article 2 of the Directive. In addition, Article 24(7) of the Counter-terrorism Directive also specifies that ‘*this Directive shall apply in addition, and without prejudice, to measures laid down in Directive 2012/29/EU*’. It complements what is set out in the Directive by responding more directly to the specific needs of victims of terrorism. It sets out further measures beyond the scope of the Directive, such as assistance and support for victims of terrorism in accordance with their specific needs. For example, it requires a comprehensive response

¹¹⁴ Interviews: Police authorities – CY, EE, IE, PL; Judiciary – ES, HU, PL, PT; Prosecution – PL; Ministry of Justice – EE, HU, IT; National Rapporteur for trafficking in human beings – EL; Ombudsman for children – SE; Combined response – AT, FI, FR, LU, SI, SK.

¹¹⁵ Interview: EU agencies and institutions – DG HOME D.2. Survey – 9 respondents. Pemberton, A., Groenhuijsen, M. (2011), *Developing Victims’ Rights within the European Union: Past, Present and Future*, available at SSRN: <https://ssrn.com/abstract=1947236> or <http://dx.doi.org/10.2139/ssrn.1947236>.

¹¹⁶ Survey – 7 respondents; Focus group for victim support organisations 7.10.2021.

¹¹⁷ Interviews: National implementing authorities – LU combined, PL prosecution; EU agencies and institutions – DG HOME D.2, DG HOME D.4, DG HOME C.2, DG CONNECT G.3, DG JUST B.1, EU platforms and NGOs – European Women’s Lobby (EWL).

¹¹⁸ Interviews: Ombudsman for children – SE; EU agencies and institutions – DG JUST B.1.

¹¹⁹ Interview: EU agencies and institutions – DG HOME D.2, EU Counter-Terrorism Coordinator.

to their specific needs immediately after a terrorist attack and for as long as necessary, building on the obligations in the Victims' Rights Directive. This complementary approach is fully in line with the Directive, the objective of which is to set minimum standards for victims of crime, which can then be supplemented by additional and tailored (legislative) measures.

On **cooperation between Member States in cross-border cases**, both the Victims' Rights and the Counter-terrorism Directives have room for improvement. A stakeholder highlighted that both Directives could take greater account of the specific circumstances of cross-border victims. The plight of cross-border victims of terrorism was also evident in the evaluation of the Counter-terrorism Directive. It showed that although cross-border victims of terrorism rely on swift and adequate cooperation between the Member States, there seem to be obstacles to this, such as the lack of a secure tool for exchanging information on individual situations, both in the immediate aftermath of a terrorist attack or during follow-up over a longer period¹²⁰.

Overall, the Directive appears overall coherent with and complementary to the **Anti-trafficking Directive**. Articles 11 to 18 of the Anti-trafficking Directive contain provisions on victims' rights, specifically victim support and assistance, which are in line with the Directive. The Directive was adopted after the Anti-trafficking Directive, so several of the Anti-trafficking Directive's provisions form the basis for the Directive. Some provisions of the Anti-trafficking Directive are also more protective than the Directive due to the specific nature and context of human trafficking.

The Victims' Rights Directive appears to be coherent with and complementary to the **Child Sexual Abuse Directive**, also adopted before the Directive. The Child Sexual Abuse Directive provides additional guarantees for child victims of sexual abuse which are not enshrined in the Directive. For example, Member State authorities shall take the necessary measures to ensure that a child is provided with assistance and support as soon as they believe the child might have been subjected to the offences the Directive covers. In addition, assistance and support for a child victim should not be made conditional on the child victim's willingness to cooperate in the criminal investigation, prosecution or trial.

Prior to the proposal for a Directive on combating violence against women and domestic violence that was presented by the Commission on 8 March 2022, the legal framework for **gender-based violence (GBV) and domestic violence (DV)** consisted of several instruments¹²¹. The new proposal contains several provisions on victims' rights, such as:

¹²⁰ SWD(2021) 324 final.

¹²¹ The Victims' Rights Directive, the Anti-trafficking Directive (2011/36), the European Protection Order (EPO) Directive (2011/99), the Compensation Directive (2004/80), International Protection Directives (2013/33, 2011/95 and 2008/115), Directives related to equal treatment and equal opportunities (2006/54/EC, 2004/113/EC and 2010/41/EU), Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters and Article 16 of the UN Convention on the Rights of Persons with

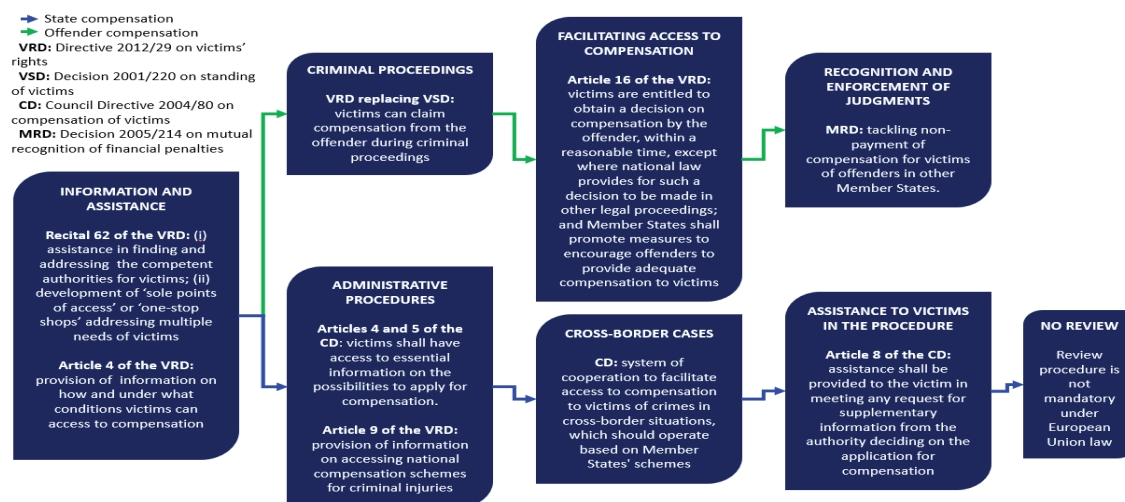
the protection of victims of violence against women and domestic violence; access to justice and specialised support for such victims.

The evaluation found that there is a good level of coherence between the Directive and the **Combating Fraud Directive**. The main developments of the Combating Fraud Directive include the assistance provided to victims and greater attention to computer-related fraud.

During the COVID-19 pandemic, there was an increase in cases of online fraud and phishing. The Combating Fraud Directive refers to the Directive in Recitals 33 and 34 on victims' rights. Opportunities exist for the Directive to more extensively cover support and assistance provided to victims in line with the Combating Fraud Directive.

Assistance to and support for victims is enshrined in Article 1 of the Combating Fraud Directive and detailed in Article 16, which states that fraud victims must receive information not only on the dedicated service providers, but also on preventive measures to protect themselves from the negative consequences of such crimes. Such preventative measures are not entailed in the Victims' Rights Directive and neither is the provision of Article 16(2) which encourages Member States to have single national online information tools to facilitate access for assistance and support.

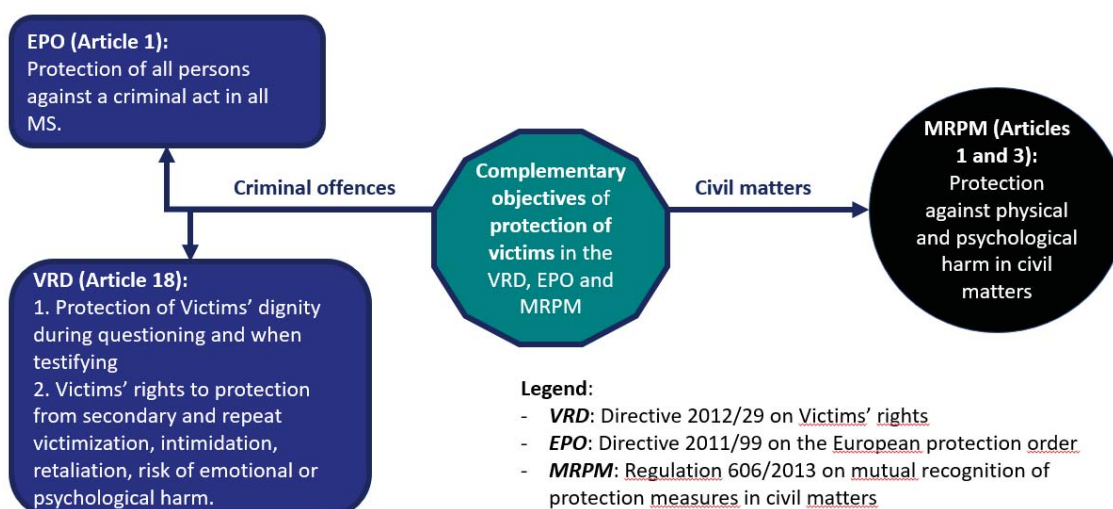
The evaluation found that EU rules on **state and offender compensation** for victims are mostly coherent, with potential for closer alignment.



Overall, the evaluation found that the **EU tools aimed at protecting victims of crime at EU level** are coherent with and complementary to the Victims' Rights Directive. Despite the intended complementarity, the application of protection orders in cross-border situations rarely functions as it should. A range of challenges have been identified

Disabilities, ensure a specific approach to prevent and tackle GBV/DV and confer specific rights on victims of GBV/DV.

including a lack of knowledge of the system amongst victims and practitioners, a lack of training and the diversity of measures between Member States.



4.2. HOW DID THE EU INTERVENTION MAKE A DIFFERENCE?

EU added value

Summary findings – EU added value

The Directive has generated added value beyond what could have been achieved unilaterally by Member States or internationally. It has also provided added value compared to the Framework Decision.

The EU added value of the Directive is that it sets out binding rights for all victims of crime and imposes concrete obligations on Member States. It acts as a safety net for specific categories of victims for whom there is no specific legislation (*lex specialis*) in place.

This harmonisation could not have been achieved by Member States alone. Instead, it was necessary for the EU to set such rules on the legal basis of Article 82(2) TFEU. It is unlikely that such harmonisation would have happened in the absence of the Directive; criminal law takes shape incrementally and often reflects national circumstances. Without EU intervention, it is highly unlikely that Member States would have taken a harmonised approach to developing their criminal law frameworks.

Improvement in the situation of victims

The Directive brought significant added value in the area of victims' rights, expanding on the provisions of the Framework Decision, thereby prompting further action and investment. It introduced crucial new elements, such as the right to an individual assessment.

A majority of stakeholders agreed that progress had been made on addressing victims' rights and needs since the entry into force of the Directive¹²². A minority of stakeholders¹²³ believed that no significant improvements had been made, especially for some categories of victims.

Some stakeholders said that their national legislative framework had been strong before the introduction of the Directive, but most agreed that the Directive had contributed to a certain extent to progress made since 2015¹²⁴.

Stakeholders agreed that while the provisions of the Directive brought very significant added value across the different sets of rights for victims of crime, the fact that some provisions are not drafted in a mandatory or sufficiently specific way diminishes the Directive's added value. For example, a lack of clarity on what constitutes '*simple and accessible*' language means that in many Member States, information is still provided in legal language that is difficult for most victims of crime to understand¹²⁵.

Added value compared to national interventions

The Commission proposal for the Directive highlighted the need for a new Directive, building on the Framework Decision. In the explanatory memorandum, the proposal stated that the objective cannot be sufficiently achieved by Member States alone, since the aim of the proposal is to build trust between Member States. It is therefore important to agree on common minimum standards that apply throughout the EU. There is also a major cross-border aspect of victimisation, with significant numbers of EU citizens living, working and travelling around the EU and falling victim to crime while abroad. People in such situations can find accessing their rights particularly difficult and criminal proceedings can impose an additional burden on them. Citizens should be able to rely on having access to a minimum level of rights across the EU.

¹²² Interviews: national implementing authorities: CZ combined, DE combined, ES combined, FI combined, FR combined, LU combined, PT combined, RO combined, SE combined, SI combined, SK combined, PL judiciary, BE THB, EE Ministry of Justice, HU Ministry of Justice, IT Ministry of Justice, NL Ministry of Justice, CY police authorities, FI police authorities; national rapporteur THB – BE, DE, EE, EL, IE, MT; Ombudsman for children – EE, HR; EU agencies and institutions – DG HOME D.2, DG JUST C.2; EU NGOs and platforms – *La Strada*; one academic. Survey – 17 respondents (N=20).

¹²³ Interviews: EU NGOs and platforms – EWL, International Committee on the Rights of Sex Workers in Europe (ICRSE); Survey – 1 respondent.

¹²⁴ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 82.

¹²⁵ Focus group for victim support organisations 7.10.2021.

The evaluation study found that national situations varied widely when the Directive was introduced, with some Member States already having strong national legislation on victims' rights prior to the Directive, while others recognised that this was not, and would not have been, a priority without impetus from the EU. Stakeholders' views on the extent to which the same level of progress could have been achieved by individual Member States diverge. Several recognised that such progress would have been slower or patchier in their Member State without the Directive¹²⁶. None of the Member States had rules in place covering all provisions contained in the Directive before it came into force.

On victim support services, in some Member States, relevant services and specialised agencies dealing with specific types of crime were already quite well developed prior to the Directive¹²⁷. Some Member States either had a historically stronger victim support service culture or had strong administrative structures and highly active NGOs and a sufficient legal framework in place that allowed them to provide a relatively high standard of victim protection. The evaluation study suggests that national legal frameworks focused mostly on the offender's procedural rights, overlooked the specific needs of victims during criminal proceedings. In that respect, the Directive's victim-centred approach is seen as innovative and of added value in better protecting and paying more attention to the place of victims in criminal proceedings.

Other Member States used the Directive to further boost services for victims.

The introduction of the right to an individual assessment for all victims of crime is an innovation of the Directive.

In Member States with limited pre-existing rules on victims' rights, most national authorities recognised that progress would not have been made without the Directive¹²⁸. The Directive's added value was most obvious in Member States where no legal framework covering all types of victims previously existed.

Civil society organisations, notably those representing more vulnerable categories of victims, were supportive of the Directive as it had led to improvements in legislation in this area across the EU, which could not have been achieved by Member States alone. However, they noted that there were shortcomings, some of which are related to the Directive's implementation, in particular the treatment of certain victims in practice.¹²⁹

Stakeholders generally agreed that the Directive's added value was to lay the foundations of minimum standards on which to build further, be it either for Member States who lacked standards applicable to all victims of crime, or for certain types of victims who

¹²⁶ Interviews: national implementing authorities: EE Ministry of Justice, IT Ministry of Justice. Survey of national victims' organisations: three respondents.

¹²⁷ 2017 Implementation Assessment of the VRD.

¹²⁸ Interviews: national implementing authorities: CZ combined response, ES combined response, LU combined response, PT combined response, SI combined response, SK combined response, PL Judiciary, EL THB rapporteur, CY Police.

¹²⁹ Interviews: EU NGOs and platforms: European Women's Lobby, European Disability Forum, Transgender Europe, End female genital mutilation (End FGM) European network.

also benefit from more protective measures through other instruments. A stakeholder from the Organization for Security and Cooperation in Europe (OSCE) pointed to the added value the Directive had as both a binding instrument and as a prompt for countries to adapt and rethink their national legislation, even countries outside the EU¹³⁰.

4.3. IS THE INTERVENTION STILL RELEVANT?

Summary findings – relevance

The evaluation's findings show that both the scope of the Directive and the definitions it contains remain broadly fit for purpose. Nonetheless, issues related to its scope were identified, particularly with regard to **crime coverage** and the **ability for certain victims to access** the rights set out in the Directive. **The evaluation found that the discretion left to national jurisdictions in assessing the definitions of 'family member', 'dependant' and 'child' limits their relevance.**

Challenges also exist with regard to the relevance of the provisions, related to **respectful and non-discriminatory treatment of victims by competent authorities**, as well as to **the child-sensitive approach of the Directive**.

4.3.1. Relevance of scope and definitions

This subsection examines the relevance of the scope and definitions of the Victims' Rights Directive. **The evaluation's findings show that both the Directive's scope and its definitions remain broadly fit for purpose.**

Stakeholders agree that the Directive's strength is its 'all-encompassing' nature¹³¹. Nonetheless, issues related to its scope were identified, particularly with regard to **crime coverage** and the **ability for certain victims to access** the rights set out in the Directive.

Reporting is crucial and constitutes a starting point for victims to be able to benefit from their rights. For various reasons, however, **a large proportion of criminal offences are not reported by victims to authorities**¹³². These findings **do not discredit the relevance of the Directive, but they do highlight the need to improve or facilitate the reporting of crime.**

¹³⁰ Interviews: EU NGOs and platforms: the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (ODIHR).

¹³¹ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 89.

¹³² Fundamental Rights Agency (2021), Crime, safety and victims' rights, pp. 77-83; ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 31.

The evaluation highlighted some **challenges in identifying a crime** which is important for victims in the process of accessing their rights. While some crimes are easier to identify and establish, some offences and damages are intangible and therefore difficult, if not impossible, to prove. This is particularly the case for crimes committed using **new technologies**, such as cybercrime and online harassment¹³³. Stakeholders reported that in such cases the relevance of the current provisions of the Directive can be questioned. New technologies also bring with them a higher risk of re-victimisation (harmful content online may be difficult to remove or may reappear)¹³⁴.

Stakeholders also encouraged consideration of how the Directive could better take into account victims for whom the harm done/crime is more difficult to prove and therefore to report. At the same time, the evaluation found some good practices. These could be adopted in law or elsewhere and are designed to improve evidence collection. They include giving victims information on, and raising their awareness of, how to preserve evidence, or best practice models of support.

The broadness of the geographical scope of the Directive is positively seen by stakeholders. However, the evaluation found that as a general rule victims in cross-border situations are more vulnerable and have greater difficulty exercising their rights. For instance, complaints made to competent authorities outside the EU, such as embassies or consulates, do not trigger the fulfilment of the obligations set out in the Directive¹³⁵. In this context, there may be scope for extending certain rights, such as the right to information, the right to referral, and the right to have the report of the crime passed on to police authorities.

Research also showed that cross-border victims are disadvantaged compared to national victims when seeking to enjoy victims' rights. In this respect, additional measures to ensure equality of access to rights could be considered. Migrants and refugees are particularly vulnerable in this context. Illegally staying third country nationals are fearful of reporting crimes due to document checks. Asylum seekers must have their status recognised in order to access services¹³⁶. Some (good) practices are recommended in the case of migrants, such as the setting up of (i) specialised contact points for migrant workers, or (ii) a 'firewall' between immigration enforcement, child protection, other services and competent authorities¹³⁷. This last right concerning the 'firewall' was deemed to be especially important for all migrants, whether in work or undocumented.

¹³³ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 32.

¹³⁴ Ibid.

¹³⁵ Victims' Rights Directive, recital 13; ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p.33.

¹³⁶ Victims' Rights Directive 2012/29/EU-European Implementation Assessment, p. 96; *VOCIARE Synthesis Report*, p. 127.

¹³⁷ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 33.

The Directive states that Member States may limit the number of **family members** who can benefit from victims' rights and define priority of one family member over another¹³⁸. This is to avoid a situation in which the definition gives rise to disproportionate demands on criminal justice actors, since all the rights in the Directive apply to all family members of deceased victims and the rights to support and protection apply to family members of surviving victims. At the same time, this provision could also be used to discriminate against and prevent certain victims/relatives from benefiting from the Victims' Rights Directive, such as same-sex partners, as seen in one Member State, or non-married partners as this is the case in another Member State¹³⁹. Another issue is related to the definition of family members that includes '**dependents of the victim**'. Stakeholders reported that *children* are not always considered 'dependents' when parenthood is not recognised in a household¹⁴⁰.

The implementation of the definition of **child victim** also sometimes appears problematic. According to the Victims' Rights Directive, a '**child**' is 'any person below 18 years of age'¹⁴¹. However, the age to be considered a child/adult, for the purposes of accessing victims' rights, differs across Member States¹⁴². This may jeopardise access to enhanced rights and protection of children, including in cross-border situations. Stakeholders also indicated that the 'clear-cut' definition of 'child' in the Directive is not flexible enough as it does not allow for specific rights to be granted according to the particular needs of a person who is over 18 transitioning to adulthood¹⁴³. Recognising this transition as a vulnerability factor may be one way to address some of the issues.

4.3.2. Relevance of the provisions about the treatment of victims

This section examines the relevance of the provisions on victims' recognition and their non-discriminatory treatment in a respectful, sensitive and tailored manner. The relevance of the Directive's child-sensitive approach is also analysed.

Compared to Council Framework Decision 2002/629/JHA, the Directive introduced many new concepts and provisions aimed at strengthening victims' rights. Some of its major achievements are the obligation for the competent authorities of the Member States to carry out an **individual assessment of victims' protection needs** and the obligation to ensure that victims have **access to free and confidential support services**¹⁴⁴. By introducing a wider range of rights for victims and calling for their proper recognition and treatment, the Directive remains highly relevant for supporting and protecting victims of crime.

¹³⁸ Victims' Rights Directive, Articles 2(1)(b) and 2(2)(a).

¹³⁹ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p.34.

¹⁴⁰ Ibid.

¹⁴¹ Victims' Rights Directive, Article 2(1)(c).

¹⁴² ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 34.

¹⁴³ Ibid.

¹⁴⁴ Ivankovic, A., Altan, L., Carpinelli, A., Carmo, M., Valerio, M. (2019), *VOCIARE Synthesis Report*.

However, practical challenges in relation to the application of these minimum standards on recognition and treatment still remain. Part of the reason for this is the way certain provisions have been formulated. First, **victims' recognition remains problematic**, mainly due to a certain legal vagueness of the Directive in this regard. In situations where victims do not report a crime (e.g. for fear of being returned to their country of origin or prosecution, or lack of awareness, etc.), they risk not being recognised as victims and as such, are unable to access their rights¹⁴⁵. Indeed, for some rights or within criminal proceedings, formal recognition may be needed, but in practice it is not necessary to report a crime in order to receive support.

Victims also lack recognition in some Member States due to the absence of legislation that **acknowledges victims of violent crime as parties to criminal proceedings**.

On **the non-discriminatory treatment of victims** in accordance with Article 1 of the Directive, research shows¹⁴⁶ that there are still significant obstacles for victims in cross-border situations, as well as vulnerable victims, to actually enjoy their rights. Some of the main difficulties for **cross-border victims** are related to the lack of access to information about proceedings and information available in their language. **Undocumented migrants** are less likely to report a crime for fear of being returned if they seek help or report their mistreatment. Evidence from the evaluation study shows that information is not always available in a format suitable for **victims with disabilities**, such as sign language or Braille, or for **children**, who need more simplistic information¹⁴⁷. Explicit provisions on how discrimination and equality should be achieved could be an area for further reflection.

According to the results from the evaluation study, the treatment of victims across Member States has improved since the entry into force of the Victims' Rights Directive¹⁴⁸. However, stakeholders also pointed out that **the language of the Directive is often vague**, leaving too much leeway in the transposition of its provisions into national law and their practical implementation. This means that the Directive ultimately fails to ensure that victims are treated in a respectful, sensitive and tailored manner.

Evidence from the evaluation study shows that problems victims encounter also relate to the **lack of recognition** as a victim by law enforcement authorities, and **a general lack of commitment** of the latter in investigations. It also appears that **interviews are not always carried out in a respectful manner**. **Overall communication during trial with victims was often considered 'insufficient, abstract and distant'**¹⁴⁹. Also, although competent authorities shall assess and identify victims' protection needs in accordance

¹⁴⁵ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 35.

¹⁴⁶ Ibid, pp. 35-36.

¹⁴⁷ Ibid., p. 36.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid., p. 37.

with Article 22 of the Victims' Rights Directive, several victims highlighted **the police's initial reluctance to assess their risk of repeat victimisation**¹⁵⁰.

On the child-sensitive approach, there appears to be no consensus as to whether the Directive's provisions are specific enough to ensure such an approach is achieved in practice.

Stakeholders reported that the Victims' Rights Directive has brought about important child-friendly changes across the Member States. Examples of such measures are: the possibility to use audio-visual recordings as evidence; access to psychological examination and support; accompaniment of child victims during criminal proceedings; the obligation for those interrogating child victims to have been trained; and the development of information for children using adapted means and language¹⁵¹.

On the other hand, a large majority of stakeholders consulted consider that the provisions in the Victims' Rights Directive are not clear or specific enough to ensure a child-sensitive approach. It has been argued that the Directive provides guidance but lacks clear recommendations for implementation measures¹⁵². **These shortcomings seem compounded by the intersectionality of some child victims.** For instance, evidence from the evaluation study shows that some child victims like – child victims of human trafficking, child victims with disabilities, child victims of gender-based violence – seem less likely to receive child-sensitive justice in certain Member States. Another issue is that in one Member State, children older than 15 do not have the same protection as other child victims, contrary to what it says in the Victims' Rights Directive¹⁵³.

An example of the wide divergence in ensuring the best interests of the child is that **in some Member States, age, rather than maturity, seems to be the deciding factor for hearing a child victim**¹⁵⁴.

Finally, research shows that the Directive's scope does not seem to be broad enough when it comes to child victims, as it does not take account of more recent forms of victimisation. **For instance, the Directive is silent on digitally enabled offences such as online harassment**¹⁵⁵. In particular, it does not set out specific measures even when such crimes are recognised nationally.

Stakeholders' consultations indicate that there is room **for improvement in relation to the role that both the digital space and the use of communication technology could**

¹⁵⁰ European Union Agency for Fundamental Rights, 2019, *Women as victims of partner violence – Justice for victims of violent crimes*, Part IV, p. 48; ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 37.

¹⁵¹ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, pp. 37-38.

¹⁵² Ibid., p. 38.

¹⁵³ Ibid.

¹⁵⁴ Ibid., pp. 38-39.

¹⁵⁵ Ibid., p. 39.

play¹⁵⁶ The COVID-19 pandemic led to increasing digitalisation of criminal procedures. Digital participation in criminal proceedings can be beneficial, provided that the procedural safeguards for both parties are guaranteed and there is a sufficient personal/human dimension to the technological solutions. In particular, the use of digital tools should not always replace physical intervention, e.g. in the case of suspicions of domestic violence¹⁵⁷.

5. WHAT ARE THE CONCLUSIONS AND LESSONS LEARNED?

The overall objective of this Staff Working Document is to evaluate the Directive, using five evaluation criteria: effectiveness, relevance, efficiency, coherence and EU added value. The evaluation also assesses the Directive's impact on fundamental rights (mainly by assessing its effectiveness and coherence).

This section presents the main findings and lessons learned from the evaluation.

5.1. CONCLUSIONS

On **effectiveness**, the evaluation shows that the Directive has had a generally positive impact on the right to information, on access to victim support services, access to justice, protection measures and the provision of professional training. That said, several shortcomings were identified. They are described in detail in the next section on lessons learned.

On **relevance**, the evaluation study shows that the Directive in general remains relevant and adequate, with its scope and definitions considered fit for purpose. That said, several limitations potentially affecting its relevance have been identified. For instance, victims can only benefit from the rights the Directive grants from the moment they report a crime. They must also go through a process of formal recognition that limits their access to certain rights in some Member States. The Directive may also not adequately address the needs of victims of online crime or of crime enabled by new technology.

Another issue the Directive does not address is victims' period of transition from childhood to adulthood. There are also concerns about the rights of victims being limited to their role in criminal proceedings in different Member States. Evidence also suggests that the Directive may have overlooked the practical challenges in ensuring non-discriminatory treatment of victims. On the Directive's scope, evidence shows that there is room for improvement on the role of the digital space and use of common technologies.

¹⁵⁶ Ibid., p. 40.

¹⁵⁷ Ibid.

On **efficiency**, evidence shows that the aspects that are the most costly to implement have differed greatly from one Member State to another. This is due to the varied national laws and practices regarding victims' rights. The same conclusion can be drawn on the availability of general resources and the costs associated with implementing specific provisions of the Directive. Certain limitations, such as the lack of complete monitoring and reporting by Member States, affected the assessment of the Directive's efficiency. For instance, by the time this Staff Working Document was published, some Member States had provided the Commission with only partial data and statistics, as required by Article 28 of the Victims' Rights Directive. Evidence shows that data on support services' resources are also very scarce and fragmented. There is a variety of budget streams in most Member States, linked to the fragmentation of competences across national authorities. The under-funding of the victim protection system from the public budget and the sporadic use of other resources were identified as a potential cause of inefficiencies in victim protection measures.

Although difficult to quantify, the evaluation of the Directive confirms that it has broadly generated the benefits it was expected to. This is particularly the case for the overall treatment of victims by competent authorities, victims' being able to count on their right to information and protection being enforced, as well as their right to access support services and justice. Member States have also started to pay more attention to the privacy of victims. In general, the Directive has enhanced victims' safety and reduced the risk of secondary victimisation and retaliation.

The evaluation shows that the Directive is internally and externally coherent to a satisfactory degree. On **internal coherence**, potential inconsistencies were identified in relation to the status of victims. The lack of a clear legal concept for the status of a victim in criminal proceedings potentially raises practical issues for the achievement of the Directive's objectives. On **external coherence**, there are no major inconsistencies between the Directive and national legislation. Some of the difficulties identified can be attributed to the fact that some of the Directive's provisions remain vague. Still, the evaluation shows that the Victims' Rights Directive is in general coherent with the sectorial legislation on victims' rights, such as the Counter-terrorism Directive, the Anti-trafficking Directive, the Child Sexual Abuse Directive and the Combating Fraud Directive.

Evidence from the evaluation shows that the Directive has provided **added value** by extending the provisions of the Victims' Standing Decision, prompting further action and investments and introducing crucial new aspects. The Directive's added value on access to information is the introduction of specific rights, such as the right to understand and be understood and the right to receive information. As regards access to support services, the added value of the Directive is linked to the wider establishment of generic victim support services and their extension to all types of victims. In terms of the right to protection, the added value included the introduction of minimum standards for victim protection and support and the individual assessment of victims' needs. On access to justice, evidence from the evaluation study suggests that the Directive has contributed to

enhancing provisions related to procedural rights. An important added value of the Directive is also related to the handling of cross-border cases, which enhances the cooperation of victim support services.

In certain cases, the Directive's added value was limited by a lack of specificity of some provisions. The conclusion of the assessment of this criterion also varies across Member States, with some having strong national legislation on victims' rights prior to the Directive, while others recognised that this would not be prioritised without EU impetus.

5.2. LESSONS LEARNED

Lessons learned and some possible measures are set out below. They should not be understood as exhaustive. These recommendations should be understood as food for thought based on the findings of this evaluation and should not prejudice any decision to review the Directive.

Victims' ability to access information

The **right to information** was significantly strengthened by the Directive, even though victims of crime still face several difficulties when trying to access this right. A number of challenges were identified regarding the content and the provision of information, at the different stages of the victim's experience (i.e. first contact/during criminal proceedings). On the content of the information provided, some of the main challenges identified were a lack of comprehensive information, low awareness of services and rights, and information that is not sufficiently tailored to victims' needs or accessible enough. The main difficulties with the provision of information are the lack of awareness of where to find it, language barriers, information provision's being too reliant on the crime's being reported, and insufficient information accessibility (i.e. online literacy and proximity to services).

Possible actions

- The Directive could provide more details on the information requirements for victims at different stages of the process, including on the content of information.
- It could establish an obligation to operate the single victim helpline in every Member State.
- It could introduce a requirement that the provision of information be coordinated through governmental organisations and NGOs coming into contact with victims to ensure consistent and systematic provision of information.
- It could introduce a requirement that information be provided in multiple formats: written, online or through visual media. It could also ensure that those who come into contact with victims are trained to provide information in a way that takes into account victims' needs.

- It could introduce a requirement that information be made widely available and accessible to victims permanently, even if they do not report the crime.

Victims' access to support services

The Directive has improved victims' **access to support services**. However, there is room for improvement in the provision of specialised expertise to meet specific victims' needs. Other remaining problems include uneven information distribution at national level and the lack of certain services. Part of the reason for this is the difficulty in interpreting certain provisions of the Directive, such as 'access to justice' and 'sufficient geographical coverage'. The evaluation also shows that the quality criteria are vague (support services having to be reliable and to respond to victims' needs in a respectful, professional and non-discriminatory manner) and a lack of proper standards. This is partly the result of the discretion given to Member States on access to support services, with some of them choosing to do little, while others adopt a more extensive approach.

Possible actions

- Development of guidelines on how support services should operate (e.g. clarification of minimum standards) and be more available (i.e. accessible by victims in remote areas or by victims who do not report the crime). Possible alignment with the terms of the Istanbul Convention could allow a harmonised approach towards support services.
- Adoption of a one-stop shop approach by Member States, whereby several agencies or centres work together in one network victims can turn to to obtain all relevant support and advice.
- Provision by Member States of free psychological support and medical treatment for as long as vulnerable victims need them (as a minimum) – this could be streamlined with the provisions of the Counter-terrorism Directive.
- Provision by Member States of single national online information tools to facilitate access to assistance and support.

Victims' access to justice

On victims' **access to justice**, the Directive has introduced a set of rights for victims in the event of a decision not to prosecute and has established the right to be heard. Nonetheless, evidence from the evaluation study suggests that some groups of vulnerable victims seem to have difficulties accessing justice because Member States still lack specific procedures for vulnerable victims. The procedural aspects of the rights related to access to justice are regulated by national law and their effectiveness in practice is difficult to assess as it can be limited by national procedural requirements. Common challenges to access to justice stem from competent authorities' limited awareness of victims' rights and victims' own limited awareness, judicial authorities' lack of sensitivity towards victims, or the use of highly legal and complex language.

Possible actions

- Ensure that victims can be accompanied by a legal/administrative representative throughout criminal proceedings and that they have access to legal remedies.
- Provide guidance on the application of the General Data Protection Regulation (GDPR) in the context of victims' rights to ensure greater consistency.
- Adopt certain rights, normally reserved for parties to proceedings, for all victims of crime to better meet their needs and enhance their participatory rights. This could include greater powers for victims of crime to request evidence to be taken into account.

Victims' right to protection

Significant challenges were also identified with regard to **victims' right to protection**. Indeed, the Directive has introduced the victims' right to individual needs assessment. This is considered a major achievement. However, the evaluation study shows that the implementation of this right is partially hampered because of the lack of specific guidelines for conducting assessments, the lack of awareness or the lack of training for practitioners. It was pointed out that the Directive does not provide measures for victims' physical protection. This may explain the great diversity of existing measures and affect the mutual recognition of protection orders. Remaining factors limiting victims' right to protection are the lack of measures to avoid contact with the offender and the uneven level of protection of victims' privacy.

Possible actions

- Encourage Member States to cooperate with support services. Support services could follow up on the individual needs assessment to ensure that the protection of victims is adjusted to their changing needs.
- Examine the possibility of establishing additional minimum standards for physical protection measures such as restraining orders, setting up a telephone line available 24/7, providing shelters and ensuring support services are available in remote areas.
- Consider strengthening privacy measures – for example by providing more specific requirements on how privacy should be ensured.
- Explore the possibility of introducing a template for a cross-border referral mechanism.

Provision of training

The problem with the **provision of training** was that there was often a lack of quantity and quality. The degree of training provided differed from one authority to another. The most progress was made on the availability of training for law enforcement officials, but

training for the judiciary and other relevant stakeholders (e.g. victim support organisations) could be further improved. This is partially a reflection of the different approach in the Directive between an obligation and an encouragement to provide training.

Possible actions

- Encourage Member States to introduce interdisciplinary training (i.e. training with different authorities and communities to improve cooperation and build more trust).
- Ensure that training is available and relevant professionals are encouraged to attend.
- Give stakeholders guidance on the types of training (e.g. the introduction of training on ‘soft skills’ to deal with different vulnerabilities).

Cross-cutting elements:

The evaluation study identified **cross-cutting elements** that have a negative impact on the implementation of the Directive. In particular, this is the lack of cooperation between different authorities in Member States and between Member States. Collaborative platforms among Member States are not well developed, hindering the referral of and support for cross-border victims.

Possible actions

- Encourage Member States to nominate one national authority as a coordinating authority responsible for collecting, monitoring and reporting implementation data.
- Encourage Member States to set up safe reporting channels to help victims overcome the fear of reporting that is leading to low reporting rates (e.g. anonymous reporting channels or third-party reporting). Consider also the possibility of putting in place practical firewalls between law enforcement and immigration authorities, for victims who are afraid of being returned to the country they came from if they report a crime.
- Reinforce the systematic collection of data on key aspects to monitor the functioning of the Directive.

1. LEAD DG, DeCIDE PLANNING/COMMISSION WORK PROGRAMME REFERENCES

The Evaluation Roadmap for the initiative was published by the Directorate-General for Justice and Consumers of the European Commission (DG JUST) on the Commission's 'Have your say' website¹⁵⁸ in December 2020. The Terms of Reference were drawn up for engaging a contractor to carry out the external study as part of the evaluation. A request for service was issued on 27 January 2021, and a contractor selected by an evaluation committee. The study began on 29 April 2021 with a kick-off meeting and ended in November 2021. The agenda planning (Decide) reference assigned to the evaluation is PLAN/2020/9515. The evaluation was announced in the Commission Work Programme 2022.

2. ORGANISATION AND TIMING

In line with the Better Regulation Guidelines, an existing interservice steering group within the Commission oversaw the evaluation. Several Commission Directorates-General were invited to nominate steering group representatives.

The steering group meetings were chaired by DG JUST. The steering group was regularly consulted over the course of the evaluation, typically in conjunction with the submission of specific draft reports by the contractor responsible for carrying out the external study. These consultations took place in regular meetings, by email or on the telephone.

3. EXCEPTIONS TO THE BETTER REGULATION GUIDELINES

In conducting the evaluation, no exceptions from the usual procedural requirements described in the Better Regulation Guidelines were required.

4. EVIDENCE, SOURCES AND QUALITY

DG JUST used an external contractor to support the evaluation of the Victims' Rights Directive. ICF¹⁵⁹ carried out a study of the extent to which the Victims' Rights Directive's objectives have been achieved, and offered conclusions and broad recommendations on how to address the shortcomings identified in the study. In particular, the resulting final report presents quantitative and qualitative evidence to assess the Directive's relevance, effectiveness, efficiency, coherence and EU added

¹⁵⁸ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12727-Supporting-crime-victims-evaluation-of-the-Victims%E2%80%99-Rights-Directive_en

¹⁵⁹ ICF S.A. - external contractor

value, as well as its impact on fundamental rights¹⁶⁰. The report's findings and final recommendations should also help the Commission to identify the key problems and draw out the priorities for future legislative or non-legislative action¹⁶¹.

The evaluation study assessed how the 26 Member States bound by the Directive (all but Denmark) have transposed and implemented the Directive since its entry into force on 15 November 2012. The study identified challenges and success factors in the Directive's implementation at EU level, but also in its transposition at national level in each Member State. To do this, it examined the relevant national legislation and implementing measures. In addition to the legal aspects, the study covered the practical aspects and challenges of implementing the Victims' Rights Directive. It also took stock of the Directive's legal links with other EU instruments in the area of victims' rights.

The study was guided by and structured around an evaluation matrix. The approach was changed slightly after the kick-off meeting between the Commission and the contractor on 21 April 2021 and at the elementary stage of the literature review during the inception phase.

During the inception phase, the contractor did a literature review of primary and secondary sources. The primary sources included publications from the EU institutions and agencies (legal and policy documents), as well as publications from NGOs and EU platforms and networks. The contractor also used the national reports written in 2018-2019 in the context of the conformity assessment of the transposition of the Victims' Rights Directive. At this preliminary stage, the contractor also looked at secondary sources such as studies and academic papers, statistical data, or position papers¹⁶².

A baseline scenario was prepared based on the information collected through desk research. In line with the Better Regulation Guidelines, the baseline comprises an assessment of the situation before the adoption of the Victims' Rights Directive, and of the situation during the transition period before its complete implementation in 2021-2015. The study then reported the changes compared to this baseline in subsequent years. These changes were examined at EU level and, where possible, at Member State level¹⁶³.

Preliminary written and oral consultations also took place during the inception phase, to gather the views and experiences of a representative panel of international, EU and national stakeholders in the area of victims' rights.

First, an online survey was put together for victim support organisations in EU Member States. The survey was open for replies from 23 July to 7 October 2021. The contractor received 22 responses from organisations established in 10 Member States: Belgium, Bulgaria, Croatia, Cyprus, Czechia, Finland, France, Germany, Greece and Ireland. The

¹⁶⁰ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 11.

¹⁶¹ Ibid.

¹⁶² Ibid., p. 19.

¹⁶³ Ibid.

survey questions covered specific and practical issues related to the effectiveness and relevance of key provisions of the Victims' Rights Directive. Stakeholders were also asked for their views on the Directive's coherence with national legislation. Finally, they were asked for their views on the added value of an EU directive compared with what could have been achieved at Member State level alone. The platform used for the survey was Qualtrics.

Then, from the beginning of July 2021, the contractor conducted more targeted consultations in the form of a written questionnaire and a semi-structured interview. Stakeholders were given the choice between the written questionnaire and the interview. One hundred and twenty-five stakeholders of different categories were contacted, such as competent national authorities responsible for implementing the Directive, academic experts, EU officials and representatives from civil society. The selected pool of representatives from national authorities included officials from the Ministry of Justice, members of the judiciary, law enforcement officials, national rapporteurs and ombudsmen. The questionnaire covered the five evaluation criteria.

The inception report was finalised in July 2021. It included a section on the background and policy context of the evaluation, presented the state of play of research and a first overview of the implementation issues identified.

The contractor then drafted an interim report on the basis of the desk research and the first feedback from stakeholders. Finalised in September 2021, the report presented the preliminary findings of the evaluation against the five evaluation criteria (relevance, effectiveness, efficiency, coherence and EU added value) and fundamental rights. The analysis was further refined after final consultations with stakeholders.

In particular, the Commission carried out a public consultation over 14 weeks from 19 July to 25 October 2021. The Commission received 95 contributions, which were taken into account in the drafting of the final evaluation report.

The period during which feedback was accepted for preliminary written and oral consultations covered the summer holiday period. To ensure the highest possible participation rate, the deadlines were extended until the beginning of October.

Three focus groups chaired by ICF were set up in the final stage of the evaluation in October 2021. In the interests of having an open discussion on the evaluation's preliminary findings, they brought national victim support associations and EU umbrella organisations together at EU level to validate the main findings and get stakeholders' views on good practices and remaining challenges¹⁶⁴. These exchanges also helped to identify problems and draw up recommendations for the Commission on how to address them.

¹⁶⁴ Ibid., p. 97.

Finally, two validation workshops were held on 8 and 9 November 2021 with the members of the European Network for Victims' Rights to present the study's preliminary conclusions. On this occasion, the participants discussed the main findings and eventual follow up action from the Commission.

In line with the official recommendations on social distancing in the context of the COVID-19 pandemic, the three focus groups and the two validation workshops were held online with remote participation.

ICF's partner Victims Support Europe, as well as the European Network for Victims' Rights, joined their efforts in carrying out the consultation process by participating in stakeholder engagement. Victim Support Europe did this by circulating the link to the online survey and to the public consultation among its contacts and peer organisations in EU Member States. Victim Support Europe encouraged victim support organisations to reply to the questionnaires and further circulate the link, thus playing a crucial role in mobilising many key stakeholders among their members. Thanks to this partnership, the study team could get feedback from organisations across all of the 26 EU Member States in which the Directive applies. The European Network for Victims' Rights played the same role for national competent authorities in the context of the targeted consultations conducted by the study team and the public consultation launched by the Commission.

The final report of the study to support the evaluation of the Victims' Rights Directive presents the evidence gathered and analysed and answers each of the evaluation questions.

The report is structured around the key components of the Victims' Rights Directive, namely its scope and its main provisions. In particular, the report assesses the main obligations related to the right to information, the right to protection, the right to access support services and to have better access to justice. The contractor examined the quality of the transposition of the Directive's provisions, and identified potential implementation and practical shortcomings by analysing the situation in each Member State. This was done using the five evaluation criteria.

There are however some limitations to the study's findings. Certain aspects of the evaluation questions were not covered or supported by evidence in the literature, especially on the Directive's efficiency and added value, as well as on how individual Member States implemented the Directive. To overcome this limitation, specific questions on the measures taken at national level to comply with the Directive and the practical difficulties faced were included in the surveys and questionnaire for national stakeholders¹⁶⁵. As a result, most of the information gaps identified in the written documentation were partially filled by stakeholder feedback. However, this meant that some findings of the study were based on evidence from a single type of source, which could not be triangulated.

¹⁶⁵ Ibid.

Quantitative information from Member States was incomplete or partial in several cases. This affected the robustness of some of the study's findings, in particular the efficiency assessment and the evaluation of the costs and benefits incurred by the Directive's implementation across all EU Member States. It appears that the responsibility for victim support is spread among various governmental and non-governmental actors. It seems that, consequently, there is no regular and reliable collection of statistical data regarding victim support' costs at national level in the EU Member States. The Directive's implementation also involves costs of a different nature and it covers all victims of all crimes. It is therefore difficult to carry out an accurate and comparable analysis of costs without access to disaggregated data for each crime category¹⁶⁶. To address these shortcomings, the study supported its analysis with additional statistical data provided by the Commission.

¹⁶⁶ Ibid., p. 99.

1. METHODS AND SOURCES

The evaluation aimed to analyse the implementation and application of the Victims' Rights Directive in Member States using specific criteria set out in the Commission's Better Regulation Guidelines (relevance, coherence, effectiveness, efficiency and EU added value), as well as the Directive's impact on fundamental rights and freedoms.

The external evaluation study was carried out by ICF, following a call for services under a framework contract. The evaluation was conducted using a mixed methods approach and was informed by the triangulation of a variety of sources. A range of methodological tools and techniques were used.

The evaluation study entailed extensive desk research involving a review of all relevant studies and literature. It covered an extensive range of EU and Member State sources, such as legal and policy documents, studies and academic papers, statistical data, position papers, publications from relevant stakeholders, and transposition and implementation studies.

The evaluation study established the baseline for intervention on the basis of the context in which the Victims' Rights Directive was drafted and adopted. Where feasible, it then analysed the developments in the area, namely the transposition period and the changes that occurred afterwards at EU level and at Member State level.

A wide range of stakeholders were consulted as part of the evaluation study. The consultation process consisted of targeted consultations of key EU, international and national stakeholders, as well as a public consultation launched by the Commission.

The targeted consultations included: an **online survey** aimed at national victim support organisations; **a questionnaire or semi-structured interviews** for **national authorities** responsible for implementing the Directive in Member States; **focus groups** to discuss the main study findings and possible recommendations with **EU umbrella organisations** working in the area of victims' rights and with **national victims' associations; semi-structured interviews** with academics and EU officials. A more detailed description of the consultations is described in the Synopsis Report in Annex V.

A public consultation was launched by the Commission on 10 July 2021 and remained open until 25 October 2021. The consultation received 95 contributions. The analysis of the contributions is presented in Annex V.

In addition to the consultation activities carried out by ICF, the Commission organised a plenary meeting of the Victims' Rights Platform on 15 December 2021. During the

meeting, the Commission presented the preliminary study findings to the members of the platform that includes representatives of EU-level networks, agencies, bodies and civil society organisations relevant for the implementation of the EU Strategy on victims' rights. The purpose of this was to ascertain whether the findings were in line with the views of EU-level actors relevant for victims' rights.

The evaluation is thus based on a combination of extensive desk research and field research, legal analysis including relevant case law, and a broad range of stakeholder feedback from consultations carried out by the external contractor and by the Commission. This made it possible to triangulate the findings of the evaluation.

2. LIMITATIONS

The assessment is that the evaluation took place under favourable conditions with a certain level of interest in it from all sides. In most Member States, the evidence provided by the literature review, combined with input from stakeholders, was sufficient to draw evidence-based conclusions on aspects such as the exact nature of the measures adopted after 2012 and/or whether they were a consequence of the Directive or implementation issues¹⁶⁷.

However, certain limitations, related to the limited or fragmented evidence for the costs of implementation, and to fragmented data for certain aspects of the evaluation, affected the findings.

The main limitation of the desk research and consultation process was poor access to reliable statistical data and quantitative figures. The information provided, especially on implementation, was either insufficient or inoperable. Since 16 November 2017, Article 28 of the Directive requires Member States to communicate to the Commission 'available data showing how victims have accessed the rights set out in this Directive' every 3 years. However, the data provided were often incomplete. This explains why the costs and benefits of the Directive could not be fully examined for all Member States. It affected the robustness of some of the report's findings, in particular the efficiency assessment.

One of the reasons Member States indicated for the lack of consistent and reliable data collection is the significant number of institutions involved. It appears that the responsibility for victim support is spread among various governmental actors, such as judicial authorities, law enforcement authorities, central authorities, but also non-governmental actors, such as a wide diversity of general and specialised victim support services at national level and umbrella organisations and networks at EU level. Victims' rights-related costs are not monitored as a single item in their respective budgets. It seems that, consequently, there is no regular and reliable collection of statistical data

¹⁶⁷ Ibid., p. 20.

regarding victim support' costs at national level in the Member States. The incremental costs of all the authorities involved are not monitored or recorded at national level.

The Directive's implementation also involves costs of a different nature such as transposition costs, equipment and operational costs, human and financial resources costs or cooperation costs. The Victims' Rights Directive is a horizontal instrument that covers all victims of crime. Member State authorities and organisations, however, do not necessarily categorise the costs in the same manner. For instance, some organisations or bodies may provide data for specific categories of victims of crime. At the same time, some can provide yearly estimates, while others provide a rough figure covering several years¹⁶⁸. This makes it difficult to carry out an accurate and comparable analysis of costs¹⁶⁹.

Some costs are easy to account for and compare, but it appears that many costs and benefits are difficult to estimate, such as cooperation and respectful, tailored and professional treatment of victims. Similarly, the assessment of the Directive's impact on fundamental rights is limited by Member States' irregular monitoring of the issue¹⁷⁰.

The lack of reliable quantitative information made it difficult to compare the current costs and benefits with the baseline. To address these shortcomings, the study supported its analysis with additional statistical data provided by the Commission. ICF also asked specific questions about the measures taken at national level to comply with the Directive and the practical difficulties faced in the surveys and questionnaire for national stakeholders¹⁷¹. When quantitative data were too limited, ICF analysed the data qualitatively. The study team estimated the efforts required based on the changes that occurred in Member States as a result of the Directive's entry into force.

Thanks to the stakeholder feedback, most of the information gaps identified in the written documentation were partially filled. However, this means that some findings of the study are based on evidence from a single type of source, which could not be triangulated. This in turn made it difficult to assess the situation in each Member State in a more balanced way.

There were also some limitations that affected the information and feedback provided by stakeholders in the consultations. A short timeline for carrying out the consultations, combined with the fact that the consultation period overlapped with the summer holiday period and the wide range of stakeholders involved in implementing the Directive nationally, led to some delays in the organisation of the consultation activities. The impact of the COVID-19 pandemic on the organisation of services nationally and at EU level and the attendant social distancing measures played a role in the initially low participation rate of stakeholders in the evaluation.

¹⁶⁸ Ibid., p. 21.

¹⁶⁹ Ibid., p. 99.

¹⁷⁰ Ibid., p. 21.

¹⁷¹ Ibid., p. 97.

To ensure the highest possible number of responses from stakeholders, ICF sent up to three rounds of reminders to non-responsive stakeholders, where possible, in their national language and by telephone. For specific stakeholders whose feedback was considered particularly crucial, ICF continued to make efforts to secure their participation, also involving the EU umbrella organisation Victim Support Europe and the European Network for Victims' Rights. The deadline to participate in the activities was also extended several times, ultimately until October 2021. The fact that stakeholders were given the choice between an oral or a written format to provide their input gave them some flexibility. Stakeholders could opt for the format that corresponded best to their working methods and the nature of the data to be collected.

ANNEX III. EVALUATION MATRIX AND, WHERE RELEVANT, DETAILS ON ANSWERS TO THE EVALUATION QUESTIONS (BY CRITERION)
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1. To what extent are the Directive's scope and definitions suitable and appropriate for achieving the Directive's objectives?
 - To what extent is the definition of victim fit for purpose? Where does the definition sit on a scale from being too broad, to being too narrow?
 - Are the definitions contained in the Directive still fit for purpose considering the evolution in victims' needs and contextual developments? Is there a need to revise/add any definitions?
 - Are there any gaps in terms of types of victims covered/crimes covered?
2. To what extent are the provisions/minimum standards on support for and protection of crime victims of the Victims' Rights Directive suitable?
 - To what extent do the provisions of the Directive ensure the proper recognition of victims?
 - Are the provisions relevant to guarantee that victims are treated in a non-discriminatory manner?
 - To what extent do the provisions of the Directive ensure that victims are treated in a respectful, sensitive, and tailored manner in all contacts with services and authorities?
 - Are the provisions of the Directive relevant and specific enough to ensure a child-sensitive approach?
 - Are any of the provisions in the Directive no longer relevant/obsolete?

Effectiveness

3. To what extent has the VRD been successful in achieving its objectives (as stated in Article 1)?
 - To what extent has the Directive ensured that victims of crime receive appropriate information?
 - To what extent has the Directive ensured that victims of crime access support services?
 - To what extent has the Directive ensured that victims of crime are able to participate in criminal proceedings?
 - To what extent has the Directive ensured that victims receive appropriate protection?
 - To what extent has the Directive ensured that the child's best interests are properly taken into account and assessed on an individual basis?

- Elements to be covered under each sub-question above:
 - What were the rules and measures in place at MS level before 2012 (if any)?
 - What changes have occurred in the past five-seven years (standards, procedures, mechanisms, etc.)
 - To what extent are more victims receiving appropriate information/access to support services/access to justice/protection as a result of the Directive?
 - What are the main success factors/good practices?
- 4. To what extent do law enforcement, the judiciary and other relevant professionals receive appropriate training, guidance, etc. to increase their awareness, knowledge and skills required to properly implement the Directive?
 - Is there an obligation to offer training for law enforcement, people from the judiciary and other professionals and/or obligation to take part in it? How and to what extent can/should such training obligations be improved?
 - What kind of training and/or other guidance do practitioners receive in practice? Do they receive any specialised training, guidelines, protocols, briefing sessions, for example child- and gender-sensitive training? If so, what aspects does this training cover? Is this training adequate?
- 5. What factors are limiting the effectiveness of the Victims' Rights Directive?
 - What are the main challenges faced by victims when trying to rely on their rights (for each provision topic; i.e. right to information, right to access support services, right to access justice, right to protection)?
 - What barriers/obstacles do competent authorities or organisations encounter which limit their effective application of the Directive (for each provision topic; i.e. right to information, right to access support services, right to access justice, right to protection)?
 - Are there any new elements or circumstances to be investigated, prosecuted or adjudicated for which the Directive does not foresee? (as a result of the COVID-19 pandemic or new type of crime, or other)?

Efficiency

- 6. What are the implementation costs and the benefits incurred by the Directive – in the individual Member States and overall?
 - Which aspects of the Directive have been most costly to implement?
- 7. Are there any areas in which cost savings could be made?
 - Do the benefits outweigh the costs?

Coherence

- 8. To what extent are the provisions of the Directive internally coherent?
 - Are the provisions of the Directive internally coherent? If not, which inconsistencies can be identified and what are their consequences?
- 9. To what extent is the Victims' Rights Directive coherent with and complementary to other policy interventions with similar objectives (at EU/MS/international levels)?

- To what extent are the objectives and definitions of the Directive coherent with other policy interventions at EU and international levels?
 - Are there discrepancies in the way the objectives and definitions of the Directive are framed across other EU policy interventions?
 - Are there discrepancies in the way the objectives and definitions of the Directive are framed across other international policies (UN)?
- Is the provision of information and support of the Directive coherent with the provisions implemented at Member State level (rights of different victims' groups, protected categories)?
 - Are there inconsistencies in the way that Member States have interpreted the Directive? If so, are there provisions of the Directive that could give rise to legal uncertainty or potentially inconsistent interpretations, such as stricter/more protective rules (e.g. Council Directive 2004/80/EC relating to compensation for crime victims, the Anti-trafficking Directive, the Directive on fighting sexual exploitation of children, and the Counter-Terrorism Directive)?

EU added value

10. To what extent has the situation of victims improved in the past years?
 - Can progress be directly attributed to the Directive?
 - Should additional measures be taken?
11. To what extent could such progress have been achieved by Member States/organisations on their own?

Impact on fundamental rights

12. Are you aware of any measures that MS have implemented since 2015 to ensure non-discrimination of crime victims at all stages of the criminal process?

ANNEX IV. OVERVIEW OF BENEFITS AND COSTS [AND, WHERE RELEVANT, TABLE ON SIMPLIFICATION AND BURDEN REDUCTION]

<i>Overview of costs and benefits identified in the evaluation</i>			
Type of benefits/costs	Stakeholders affected	Qualitative description of costs/benefits	Limitations in quantification/monetisation
Economic and social benefits <ul style="list-style-type: none"> • direct & indirect • recurring 	Individuals (victims), society as a whole	<p><u>Direct benefits</u></p> <p><u>Better recognition and treatment of victims</u></p> <ul style="list-style-type: none"> - Mandatory training of law enforcement authorities on victims' rights and needs → better communication and interaction between victims and law enforcement professionals. - Implementation of needs assessment mechanisms → better recognition and orientation of vulnerable and indirect victims through better identification of their specific needs. <p><u>Better protection of victims from secondary victimisation</u></p> <ul style="list-style-type: none"> - Wider recognition by Member States of victims' right to receive protection within their jurisdictions and across (intra-EU) borders → victims 	<ul style="list-style-type: none"> - Structure and content of the monitoring data → limitations for making causal links between the number of victims being supported and/or protected (relative to the total number of crimes) and the direct impact of the Directive's implementation. - Intangible nature of the identified benefits (relating to human rights, victims' treatment, etc.) → limitations for the monetisation of benefits.

		<p>less likely to be subjected to further criminal acts and intimidation during both criminal investigations and court proceedings.</p> <ul style="list-style-type: none"> - Separate waiting areas → increased victims protection during criminal proceedings (for instance, by avoiding the distress, for the victim, of having to come face-to-face with the offender). <p><u>More effective access to victim support services</u></p> <ul style="list-style-type: none"> - Increased presence of and access to generic and specialised support services across the EU → victims benefit from free and confidential support services tailored to their needs, thus increasing their wellbeing and safety. <p><u>More effective access to justice through:</u></p> <ul style="list-style-type: none"> - better access to, and tailored content of, information - a more victim-centred approach (obligation for MS to implement and meet the VRD's minimum standards on victims' rights in criminal proceedings). 	
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		<p><u>Indirect benefits</u></p> <p>The Directive's implementation has led to the direct benefits listed above. Addressing victims' needs significant is resulting in this indirect benefit:</p> <ul style="list-style-type: none"> - victims are better recognised and receive better treatment, support and protection throughout criminal investigations and court proceedings, mitigating both the physical and emotional turmoil of victims during their recovery/the aftermath of the crime. <p>This in turn brings down the total costs associated with crimes incurred by society (loss of productivity due to work incapacity, costs related to potentially necessary mental health support ...).</p>	
<p>Economic costs</p> <ul style="list-style-type: none"> • direct • recurring 	<p>Public administrations (both national and local)</p> <p>Victim Support Organisations</p> <p>NGOs</p>	<p><u>Direct costs</u></p> <p><u>Costs identified as part of the Impact Assessment:</u></p> <ul style="list-style-type: none"> - costs of training - costs of improving victim support services - costs of interpretation/translation - costs of restorative justice - costs of attending 	<p>The estimation of the (overall and individual/national) costs incurred by implementing the Directive was not possible, due to the following limitations:</p> <ul style="list-style-type: none"> - the multitude of national and regional authorities involved in implementing the Directive - the general fragmentation of authorities' competences - the general fragmentation of the overall structural organisation of victim protection and support systems.

		<p>trials</p> <ul style="list-style-type: none"> - costs of providing separate waiting areas. <p>It was not possible to estimate and quantify the real costs incurred by implementing the Directive, but costs have been incurred by fulfilling the Directive's obligations and implementing the related provisions, mainly for public administrations (both national and local). Victim support organisations and other NGOs also reported having incurred costs.</p>	
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1. Consultation objectives

The scope of the consultation was relatively broad. It covered national authorities responsible for transposing and implementing the Directive, special national rapporteurs, EU officials, academic experts, national victim support organisations, NGOs at EU level, management staff from networks and platforms active at EU level in the area of victims' rights, and public opinion, including victims' opinions.

2. Description of the consultation methods and tools by group of stakeholders

To reach such a diverse pool of stakeholders, the contractor used different consultation tools and formats. The methodology and the tools used are described below.

Victim support organisations at Member State level contributed through an online survey.

Between July and October 2021, the study team sought input from national competent authorities, national rapporteurs and ombudsmen, academic experts, EU officials and NGOs, and management staff from networks and platforms at EU level. The stakeholders were given the choice between two ways of answering the questionnaire: 1) in the context of a semi-structured interview online, or 2) by emailing their written replies to the study team. Thirty-four interviews were conducted and ninety written contributions submitted to the study team. Most EU officials and representatives of organisations at EU level preferred interviews, while most representatives of national authorities provided written replies to the questionnaire.

The European Network for Victims' Rights was in charge of sending the questionnaire to national competent authorities. The network shared with the contractor the inputs collected from their contact points in Member States. It also helped the study team to reach different categories of stakeholders, such as central authorities, by providing their contact details. The consultation strategy did not originally envisage the consultation of central authorities, although they do play a role in implementing the Directive and were therefore relevant for the evaluation. Thanks to this help from the network, 15 officials in German federal authorities, as well as staff from various ministries in Austria, Belgium and Romania sent replies to the questionnaire.

The study team also analysed the results of a public consultation carried out by the Commission. The Commission launched the consultation on its 'Have your say' website on 19 July 2021 and accepted replies until 25 October 2021. The consultation was open to the public and to individuals representing organisations. It asked 25 questions, covering all five main evaluation criteria: relevance, effectiveness, efficiency, coherence and EU added value. The questionnaire was available in all EU official languages. The

Commission received 95 contributions from 19 Member States and 2 non-EU countries (the Dominican Republic and South Africa). Germany was the Member State from which the highest number of replies originated, followed by Hungary and Belgium. Most replies were from EU citizens and representatives of NGOs. Most of the replies referred to the criterion of added value, followed by effectiveness, coherence, relevance and efficiency.

Finally, the study took into account the results of five meetings/workshops (three focus groups and two validation workshops). The focus group of 1 October 2021 brought together 14 participants from networks and NGOs at EU level. On 4 and 5 October 2021 13 participants gathered together from national victim support organisations. ICF organised and coordinated the three focus groups in close cooperation with Victim Support Europe. The participants were given the opportunity to react to the evaluation's preliminary findings, particularly to the problems identified and the proposed way forward. These exchanges were also the occasion to point out and discuss data gaps. ICF and the European Network on Victims' Rights coordinated the two validation workshops with national competent authorities. The results of these meetings were taken into account in the evaluation. The meetings made it possible to take into account the views of other stakeholders who were not involved in the previous consultation stages, and to complement individual insights with the results of collaborative and creative discussions on victims' rights. The opinions extracted from the chat of the online focus groups and written material sent by the participants as a follow-up to the meetings provided further material for the evaluation.

The inputs from the focus groups were particularly useful for further refining the report's conclusion and final recommendations. The validation workshops of 8 and 9 November 2021 aimed at refining the formulation of the conclusion and recommendations in the draft final report. The workshops brought together 24 single contact points of the European Network for Victims' Rights. They represented the national competent authorities of 17 Member States: Austria, Croatia, Italy, France, Slovakia, Romania, Germany, Hungary, Slovenia, Belgium, the Netherlands, Estonia, Sweden, Lithuania, Luxembourg, Portugal, and Malta, including some Member States whose authorities had not participated in the previous consultation phases.

3. Targeted consultations

The targeted consultation activities consisted of an online survey, replies to a questionnaire in the form of semi-structured interviews or written replies, and conclusions from focus groups and workshops.

Competent authorities responsible for implementing the Directive in the Member States, as well as national rapporteurs and ombudsmen, constituted the first group of stakeholders for the study. For this group, the main channel for providing their contribution was written replies to the questionnaire sent to them by the European Network for Victims' Rights.

The second group of stakeholders comprised staff from the EU institutions and agencies. Most of them chose to reply to the consultation questions in an interview. A few of them submitted their replies by email.

The study team also got in touch with academics, constituting the third group of stakeholders who participated in the targeted consultations. All of this group provided input in semi-structured interviews.

Victim support organisations constituted the fourth group of stakeholders. They mainly contributed by sending written replies to the online survey. From this stakeholder group, 13 representatives also participated in the focus groups of 3 and 4 October 2021, to react to the preliminary findings of the evaluation.

Finally, the consultation strategy identified a fifth group of stakeholders. They are also members of the management staff of NGOs, but represent the interests of networks, platform and umbrella organisations at EU level rather than at national level. These stakeholders participated in the targeted consultations mainly by replying to the questionnaire in semi-structured interviews, but some submitted their replies in writing. From this group, 14 representatives also participated in the focus group of 1 October 2021.

3.1. Results of the targeted consultations in relation to the relevance criterion

3.1.1. Relevance of objectives

Overall, Member State authorities considered that the provisions of the Directive remain relevant as regards its key objectives, namely to improve the protection of and support for victims of crime, to facilitate access to justice and compensation and to ensure that victims of crime are treated with respect. Most national authorities replied that the provisions of the Directive are effective in protecting all victims at the different stages of criminal proceedings in a non-discriminatory manner, including vulnerable groups. They consider that the measures are concrete enough and applicable in practice. Member State authorities and victim support organisations could not identify any provision that they would consider obsolete or irrelevant. Similarly, EU officials generally consider that the provisions of the Directive are comprehensive enough and fit for the purpose of providing rights and minimum standards for a wide range of victims of crime.

EU officials who were consulted voiced concerns about the increasingly prominent role of digital and communication technologies in European societies. One stakeholder believed that this increased the risk of re-victimisation, directly linked to the efficiency of policies to remove harmful content online. A significant part of the inputs from this stakeholder group suggested that the Directive should include specific provisions for crimes enabled by modern technologies, such as provisions on the removal of illegal content online and hate crimes. Several national contact points also pointed out that some provisions may not be fully compatible with the increased use of new technologies and communication tools in police stations and courtrooms. Some academics insisted in their

contributions on the importance of ensuring access to justice through online tools after the COVID-19 pandemic.

A few competent authorities who were consulted stressed that proper implementation is a condition for the Directive to remain relevant.

Stakeholders from academia suggested many improvements, in particular as regards the right to information, protection and compensation, and improved access to justice. They also suggested introducing provisions on judicial remedies if the rights in the Directive are breached. National victim support organisations also made numerous suggestions for improvement, although no overall consensus emerged on the priorities for improvement and some suggestions even contradicted each other.

Networks and umbrella organisations at EU level stressed the importance of the Victims' Rights Directive because it sets minimum standards at EU level. However, most EU NGOs recommended further clarifying the language of the Directive and introducing more specific requirements.

3.1.2. Relevance of definitions and scope

Most representatives from national authorities who were consulted consider that the Directive's definition of victim is relevant.

All the stakeholders from EU institutions and agencies who were consulted consider the Directive's 'all-encompassing' nature to be a strength¹⁷². Similarly, a few representatives of national authorities believe that it must retain its horizontal nature, with its provisions applying to victims of all crimes. These representatives also believe that differentiating between categories of victims and types of crimes would duplicate sectorial legislation. In their opinion, if the provisions of the Victims' Rights Directive would apply in a different manner for different categories of victims, then it would lose its added value compared with sectorial legislation. This would affect its relevance.

Among national victim support organisations, there were conflicting views on whether the Directive's scope is large enough and covers all victims sufficiently. Three respondents said that the Directive's definition of 'victim' is too restrictive. Two said that a definition of 'victim of crime' was lacking in their Member State. Some stakeholders from this group warned that some victims could be left behind, such as child victims of sexual abuse, cross-border victims, undocumented migrants or victims of online crime¹⁷³.

Stakeholders from national authorities and EU umbrella organisations agreed that certain categories of victims may not be sufficiently covered, or would even fall outside the scope of the Directive. A significant number of national authorities claimed that this would be the case for victims of human trafficking, victims of sexual and domestic violence, victims of hate crime and hate speech, and to a lesser extent victims of crimes

¹⁷² Ibid., p. 135.

¹⁷³ Ibid., p. 138.

enabled by digital and information technologies such as cybercrime and cyberbullying. EU-level non-governmental organisations cited, for instance, victims of online crime, cross-border victims or elderly victims. For some individuals from national authorities, as well as for EU-level NGOs, the Directive does not correctly address the intersectionality of victims. This puts these victims at greater risk of becoming the subject of secondary and repeat victimisation.

The under-reporting of crimes was the main concern of the officials from EU institutions and agencies who were consulted on the relevance criterion. In their view, the Directive does not sufficiently address situations where victims may not be aware that they are a victim of crime, especially in the case of online crime or violence against women and domestic violence. Some academic experts consider that victims' rights should not be contingent on the victim's having filed a complaint. For them, the rights under the Directive should not depend on the victim's being given a formal role in criminal proceedings. EU-level NGOs agreed that more specific provisions should address people at risk of falling victim to crime, as well as people who may not consider themselves victims of crime. They explicitly regretted that the exercise of the rights in the Directive is too contingent on the victim's formally reporting the crime, and on their being given a formal role in criminal proceedings. Those stakeholders pointed out that victims have needs that outlast the duration of the criminal proceedings, such as the need to be treated for trauma.

One EU official also pointed out the particular vulnerability of asylum seekers, who cannot exercise their rights under the Directive, such as access to support services, until their status is recognised. Having residence status can also be a prerequisite for introducing a claim for compensation or benefiting from protection measures.

Three stakeholders from academia gave their views as part of the targeted consultations. On the scope of the Directive, the definition of 'family members' was not considered inclusive enough. They also pointed out that the relationship between the status of victim and that of convict or suspect needed to be clarified.

One of the consultation questions was about the relevance of the provisions on child victims. Most representatives from national Member State authorities praised the fact that the Directive provides for a legal framework for all child victims. Most Member States also consider that the related provisions are specific enough to ensure a child-centred approach. Some Member States disagree, saying that the provisions of the Directive are not specific enough on this, and do not constitute operational or concrete obligations. For these Member States, 'child-sensitive' or 'child-centred' approach is not clearly defined. Some other representatives even consider that the provisions of the Directive do not sufficiently protect child victims, as they are not specific or tailored enough for this category of victims.

One official from an EU institution considered that the definition of 'child' in the Directive does not take into account the specific needs of children. In particular, the needs of young children may not be the same as the needs of a teenager making the

transition to adulthood. Most national victim support organisations were satisfied with the child-sensitive approach put forward by the Directive.

Some academic experts argued that the Directive does not sufficiently address the situation of victims in institutions, such as care and health institutions. According to one expert, there is also a legislative gap in relation to victims under guardianship and those who could be dependent on the agreement of their guardian to make a complaint. This expert suggested making provision for the possibility to appoint independent mediators in the case of a conflict of interest between victims and people they depend on.

Some representatives of EU institutions and agencies stressed that the scope of application of each article of the Directive is not sufficiently clear. The way the Directive is drafted gives the impression that each provision applies to all types of victims. They also pointed out that some provisions leave too much room for manoeuvre in interpretation and transposition by the Member States. The unclear and imprecise language of the Directive explains the differences of implementation and practice across the Member States.

3.2. Results of the targeted consultations in relation to the effectiveness criterion

3.2.1. General findings on effectiveness

The vast majority of **victim support organisations** said that overall, more victims have been treated in a respectful, sensitive, professional and non-discriminatory way as a result of the Directive. **NGOs and networks at EU level** believe that the Directive has effectively granted new rights to more victims.

Several stakeholders from **the EU institutions and agencies** gave the Barnahus model as an example of a positive impact the Directive on Victims' Rights has had. The EStAR project (Enhancing hate crime victim support, OSCE) was also cited as an example of good practice. **EU stakeholders** and one **academic** expert believe that the Directive has improved the situation of victims of violence against women and domestic violence. The academic expert also believes that the provision of information and support as well as access to justice for all victims, including those with disabilities, have improved as a result of the Directive.

Representatives from **EU institutions and agencies** consider that insufficient training on discrimination and working with child victims (for instance on how to present information to child victims) has undermined the Directive's effectiveness in these areas. They also suggested that a lack of awareness of the rights in the Directive still affects its application and proper implementation.

EU officials also claimed that the absence of provisions on the removal of illegal content online, notably child sexual abuse and cyberbullying material leads, to secondary victimisation. Two other problems are limited cross-border cooperation and discrepancies in the individual assessment of victims' needs.

One **academic** expert explained the financial cost of taking legal action could undermine the Directive's effectiveness.

It emerged from the contributions of **EU-level organisations** that two main factors are likely to hamper the effectiveness of the Directive. The first concerns the lack of disaggregated statistical data, preventing Member States from effectively monitoring the situation as regards victims' rights on their territory, but also preventing comparisons between Member States. The second problem is the unclear and imprecise language of the Directive, identified as one of the reasons for differences in implementation and practice across Member States.

3.2.2. Right to information

Most **national competent authorities** consider that victims have sufficient access to information. In their opinion, competent authorities play a proactive role in this regard. The Directive improved the content quality of information, by requiring that it be tailored to the specific needs of victims, especially children and particularly vulnerable victims. However, the stakeholders from competent Member State authorities claim that access to information remains problematic. In particular, the information is not always provided in a language victims understand.

Some **EU officials** flagged the connection between the under-reporting of crime and a deficiency in the provision of information. Victims of hate crime, dependent victims such as children, or victims who have a greater tendency to not trust the police, could be more vulnerable and therefore at risk of finding themselves in a situation in which they would receive insufficient information or in which the information would not be provided in a way that is adapted to their specific circumstances and that they can fully understand.

According to **EU officials**, information is not always available to victims at their first contact with authorities. Nor is it provided at the different stages of criminal proceedings.

National authorities consider the fact that the right to access to information as set out in the Directive applies only if a crime is reported to be too restrictive.

Overall, **victim support organisations** acknowledge the progress made since the entry into force of the Directive. They highlighted in particular the obligation to provide information in simple and accessible language, taking into account the personal characteristics of the victim, including any disability they may have¹⁷⁴.

However, both **victim support organisations** and **EU-level organisations** warned that interpretation and translation remain a problem.

Victim support organisations also reported that victims are not always aware of the availability of support services. EU-level networks specifically mentioned that the needs of victims with disabilities remain insufficiently addressed, pointing out in particular the

¹⁷⁴ Victims' Rights Directive, Article 3.

insufficient availability of interpreters in sign language at the moment of first contact with the authorities.

On the content of information, both **national victim support organisations and EU-level networks** argued that in practice, information is provided in complex legal terms, is not available in a language that the victim can understand and is not sufficiently tailored to the needs of certain victims (on the basis of their personal situation, or the specific nature of the crime). In particular, information on rights and legal steps is not sufficiently accessible.

For **EU-level organisations**, victims' lack of awareness of their rights is one of the major obstacles to the effective exercise of the rights in the Directive. The stakeholders suggested diversifying the places and people providing the information, for example: hospitals, social services and detention centers¹⁷⁵. Another major shortcoming identified was the insufficient training of competent authorities who come into first contact with the victims, in particular as regards soft skills such as sensitivity and how to avoid unconscious bias. Training courses should also tackle victims' multiple and intersecting needs. More appropriate training should be available, along with incentives for the relevant practitioners to participate. EU-level organisations also said that multidisciplinary programmes should be promoted so that professionals in contact with victims do not work in silos. These programmes should enable the participation of civil society to provide additional data, help disseminate information and help build trust between the authorities and communities¹⁷⁶.

3.2.3. Access to victim support services

Most of the representatives of **national authorities and victim support organisations** acknowledged the progress made since the entry into force of the Directive in terms of the quality and quantity of support services available to victims of crime and their families. These stakeholders also acknowledged that access to these services had improved. **Victim support organisations** cited improvements in terms of geographic distribution and funding. They praised the existence of legal requirements, in particular the introduction of an obligation to carry out a needs assessment.

According to national authorities, representatives of **EU institutions and agencies** and victim support services, geographical coverage remains problematic. In particular, competent **national authorities** stressed that coverage could be less concentrated in rural areas, thus affecting disproportionately categories of victims – such as elderly people or victims with disabilities – for whom it can be difficult to travel by car and who may be constrained to use more expensive and complex means of transport.

¹⁷⁵ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 140.

¹⁷⁶ Ibid.

EU officials said that the lack of coordination at national level, reflected in the absence of a ‘well-established state system of support services’¹⁷⁷, is likely to impede effective access to victims’ rights to support services. In particular, victim support organisations do not have enough resources for the number and needs of victims. The offer of specialised services is particularly insufficient, partly because civil society organisations providing victim support are faced with unrealistic requirements and insufficient resources.

EU officials, national authorities and victim support organisations raised the issue of funding. EU institutions and agencies consider that financial resources are minimal compared with the needs, especially for civil society organisations. EU and national organisations consider the shortage of resources to be the main issue.

According to **victim support organisations and national authorities**, both victims and competent authorities are not sufficiently aware of available services and the practical details about them (opening hours and location). **Victim support organisations** consider that current referral mechanisms are ineffective, and would like to see better communication and coordination between civil society and authorities.

National authorities pointed out that translation and interpretation costs can undermine effective access to support services.

EU-level organisations stressed that unconscious bias and discrimination on the part of the authorities, law enforcement authorities in particular, could result in a victim’s not being referred to the appropriate service or even in some victims’ being overlooked.

Competent national authorities suggested developing online reporting tools, help chats and helplines in multiple languages. Some stakeholders also said that access to support services could be improved by relying on interdisciplinary teams instead of developing more specific support services tailored for a particular type of victims or crime. These teams should include psychotherapeutic and psychological trauma experts. **EU officials** agreed that the Barnahus model is good practice. A slightly different approach was put forward by **EU networks**, who suggested more tailored support services.

3.2.4. Access to justice

A significant number of representatives of **competent authorities and EU agencies and institutions** consider that the Directive has had a generally positive impact on access to justice. In particular, competent authorities believe that the right to be heard is also guaranteed in cross-border situations, including in terms of translation and interpretation. **EU officials** stressed the improvements made regarding mechanisms tailored to children, such as the increased use of recording during children’s testimonies, the use of language

¹⁷⁷ Ibid., p. 136.

adapted to children, and the introduction of court dogs to help children feel more comfortable.

However, competent national authorities consider that there is still room for improvement in implementing the Directive.

National authorities stressed that while cooperation mechanisms are available and authorities are in general aware of their existence, in practice there is still insufficient coordination in cross-border cases.

National authorities pointed out shortcomings related to the right to compensation. The representatives argued that procedures are often cumbersome and lengthy, and the existence of this right remains largely unknown by victims.

EU representatives pointed out that the minimum age requirements for participating in criminal proceedings still obstruct access to justice. They also pointed out that the costs of implementing a child-friendly approach could explain its insufficient implementation.

EU officials also pointed out that language barriers and deficiencies in providing information at the different stages of victims' experience are still likely to impede efficient access to justice. Other stumbling blocks are the length of criminal proceedings, the administrative burden of prosecutors and legal aid.

EU-level NGOs said that effective access to compensation remains an important part of effective access to justice. They also said that victims generally do not have a comprehensive understanding or full awareness of the possibilities the justice system affords them, beyond prosecution and including other aspects such as restorative justice. The length and costs of criminal proceedings are also likely to discourage victims.

3.2.5. Right to protection

Most **victim support organisations** believe that the protection of victims has improved as a result of the Directive. The consultations of **victim support organisations and national competent authorities** identified the arrangement of premises to avoid contact between victims and offenders and rooms tailored to serve victims' needs as good practices. **Competent authorities** consider that the provision on the individual assessment of victims to identify their specific protection needs is one of the Directive's most significant innovations. **Victim support organisations** also cited measures such as stronger legal requirements for protection and greater use of remote questioning. The practices **national authorities** most often cited as good practices were the recording of witness statements to avoid multiple testimonies and the setting up of child-friendly rooms in various courts and of Barnahus facilities.

However, a slight majority of **victim support organisations** still believe that victims are not sufficiently protected. Only a few **EU institutions and agencies** believe that victim protection has improved as a result of the Directive.

Stakeholders from **national authorities** suggested introducing more detailed provisions to ensure that victims are not in contact with offenders, such as the possibility of remote participation in proceedings or separate areas in court. **National victim support organisations** also noted that victims still report having to cross paths with offenders in court or at police stations.

National representatives consider that the right to an individual needs assessment is crucial for victim protection, because it is the basis for deciding on tailored and adapted protection measures. However, both **national representatives and representatives of EU institutions and agencies** noted that this provision is unevenly implemented across Member States. They also think it is not implemented systematically. Only half of the respondents from **victim support organisations** confirmed that the individual needs assessments is not done systematically. Practical factors also hamper its efficiency, such as the lack of training of practitioners in identifying victims' needs. A more specific procedure and guidelines on the assessment criteria could help improve the assessment's quality. **National victim support organisations** warned that the individual needs assessment required in the Directive is not always conducted.

EU-level non-governmental organisations consider that avoiding contact between the victim and the offender throughout criminal proceedings and a qualitative individual needs assessment are the two major factors that undermine the effective implementation of the right to protection.

The problem of insufficient human and financial resources was also raised by **representatives of EU institutions and agencies and national victim support organisations**. **EU officials** stressed that most protection needs concern situations outside the context of judicial proceedings, where funding is scarce.

EU officials pointed out that the needs assessment is ineffective if practitioners are insufficiently trained.

EU officials were concerned about the fact that videoconferencing is not always available, or conditioned to in-person testimony in court, putting victims in a situation where they risk repeat victimisation, intimidation or retaliation. They consider this particularly worrying for child victims. The impossibility of recourse to recorded hearings also means that in-person testimony and statements may be repeated several times. **EU officials** see this as being closely connected to the issue of lengthy proceedings. The longer the criminal proceedings, the higher the risk of secondary and repeat victimisation and the costs of victim protection.

One **EU official** mentioned as a good practice that, in Finland, children witnessing violence, domestic violence in particular, are considered victims with protection rights.

National victim support organisations consider that protection orders are not sufficiently effective.

3.2.6. Cross-cutting issues

The cross-cutting issue most frequently identified was **training**. **Member State authorities** consider that the quantity and quality of training of practitioners working with victims has improved as a result of the Directive's more detailed rules and guidance and EU-level networks' encouragement of the sharing of practices. A slight majority of **national victim support organisations** are in favour of training, but pointed out how fragmented the situation is across the Member States, in terms of the content of training programmes. **Member State authorities** admitted that training attendance is still low. Several representatives suggested introducing operative rules on training, including requirements for compulsory training or more incentives to participate in training on the Directive – on condition that awareness is raised more than it is by the training already available.

National authorities tended to prefer non-legislative solutions such as guidance, and the sharing of teaching material and good practices through manuals and networks. On the content of training programmes, it was pointed out that they usually focus on victims' rights in general, overlooking the specific situations of particular types of victims. Interdisciplinary training is also perceived as a good way of improving coordination and avoiding authorities working in silos.

Most respondents from **national authorities** agreed that the EU has a role to play in multi-actor coordination across competent authorities and civil society at national level. **National victim support organisations** share the perception that **cooperation between the various competent authorities is lacking at national level**. Besides the sharing of best practices, national authorities praise the EU networks. They believe that the targeted workshops help to identify problems and enable experts on a given topic to impart their expertise widely in a way that saves costs and time. The spreading of the Barnahus model for child-friendly facilities was seen as a positive result of this way of working. **National authorities** welcome the exchange of good practices between Member States. The **role of the EU networks** could be strengthened to remedy to the insufficient quality of the individual needs assessments.

Respondents from national authorities agreed that the EU could also play a role in cooperation in cross-border cases.

Although the Directive introduced better coverage of victims' legal costs, greater awareness of victims of their individual rights, and better access to translation and interpretation, most respondents from national victim support organisations said that **victims' opportunities to participate in criminal proceedings remain insufficient**. One of the main challenges remains victims' little awareness of their rights, together with continued limited access to interpretation and translation, and the costs of proceedings. **Victim support organisations** also believe that effective participation is still hampered by **restrictive provisions on the role of victims in criminal proceedings**. They also claim that **national authorities** do not have sufficient financial and human resources to fully address the problem, in particular given they have to contend with excessive

administrative burden, high staff turnover and a lack of specialised staff. They also point out that the procedures are not standardised overall.

3.3. Results of the targeted consultations in relation to the efficiency criterion

Most of the authorities consulted did not have the data necessary to assess the costs and benefits of the Victims' Rights Directive. The costs of implementing the Directive also vary depending on the system in place at national level for victim rights. There are many organisations in the different Member States, funding different actors, that it is difficult to compare data and statistics across Member States.

EU institutions and agencies could not provide input on efficiency. Contributions from organisations at EU level were also limited. Both groups of stakeholders identified the shortcoming of the lack of data.

Victim support organisations at national level provided limited input. Some organisations reported that the Directive had resulted in an increase in financial resources. One representative said that the Directive's provisions had obliged their organisation to increase its resources, in particular to conduct individual needs assessments. The majority of **respondents from national organisations** said that the Directive had not made any cost savings possible, and that funding remains a major issue.

Some respondents from **national authorities** estimate that the benefits outweigh its costs. One of these respondents would agree with this, if victims were effectively compensated. One Member State claimed that the Directive had increased its competent authorities' administrative burden. In another Member State, the quality of support services decreased because of the cost of providing these services.

3.4. Results of the targeted consultations in relation to the coherence criterion

National stakeholders, meaning both competent authorities and civil society actors, assessed the Directive's coherence very favourably, be it in terms of internal coherence and external coherence with national legal systems for victims' rights and other EU legislation. EU-level organisations praised the comprehensive and internally coherent text of the Directive, which also complements other EU legislation in a coherent manner.

Over half of the **representatives from EU institutions and agencies** did not identify any specific issue related to internal coherence. A representative from an EU agency explained that the definition of victim in recital 9 appears to contradict the definition of victims in the operative part of the Directive in Article 2. Nonetheless, one national respondent and one stakeholder from an EU institution agreed that the interpretation of the Directive at national level is not always accurate, with the national stakeholder specifically mentioning ongoing infringement proceedings. For **victim support organisations**, incoherencies between the Directive and national legislation are the result of the incorrect transposition of the provisions on access to support services and the provision of information.

On external coherence, there was a consensus among **EU officials and victim support organisations** who were asked about the Directive's compatibility with other EU legal instruments and policies. EU stakeholders generally consider that the Directive interplays well with the Counter-Terrorism Directive, the Child Sexual Abuse Directive. However, one EU stakeholder suggested that there is room for improvement regarding cross-border victims. Another EU respondent said more should be done to effectively remove online child sexual abuse material to fight repeat victimisation and trauma, and to protect children's privacy. Finally, one EU respondent suggested that the general information on victims' rights that the Directive requires be provided could be available on EU websites and platforms such as Your Europe, the European e-Justice Portal and SOLVIT (solutions to problems with your EU rights service). One representative from a **victim support organisation** pointed out that civil society organisations and authorities have to comply with both the GDPR and the Directive. This includes ensuring appropriate legal basis in case of referral of victims for sharing of personal data with different services, and ensuring that victims are informed of their data protection rights.

A minority of **national representatives and an EU-level organisation** called for better coherence with the Anti-Trafficking Directive (2011/36/EU), in particular on residence permits. Some national stakeholders and an EU official suggested more cross-referencing between the different pieces of EU legislation, to give practitioners greater legal clarity. A few respondents from **EU-level organisations** called for enhancing synergies with the Commission's work on the digitalisation of judicial cooperation. Finally, a small number of respondents called for closer alignment of the categories of vulnerable victims with that of the EU Public Health Strategy.

3.5. Results of the targeted consultations in relation to the EU added value criterion

A large majority of **national authorities and victim support organisations** acknowledged the situation of victims in the EU had improved since the entry into force of the Directive. Similarly, **EU officials and NGOs** at EU level praised the establishment of common standards for all victims across the EU. The Directive's horizontal and comprehensive nature is seen by **EU officials** as its main added value, on which EU sectorial legislation can build. One respondent from **academia** drew particular attention to the binding nature of the Directive's requirements, which have a greater impact than non-binding instruments at the level of the Council of Europe for instance. This academic believes that the individual needs assessment is an important part of the process. EU networks and organisations, and EU institutions and agencies, highlighted the Directive's role in prompting further investment in the area of victims' rights at national level.

However, there were diverging views among **competent authorities and victim support organisations** about whether their Member States could have achieved the same objectives at national level on their own. Many **Member States** admitted it is difficult to determine whether the changes can be directly linked to the implementation of the Directive. They stressed that there were rules and standards in place before the Directive, and that changes in national legislation could be largely attributed to purely national circumstances, rather than to the effect of EU impetus. More than half of **victim support**

organisations believe, however, that EU's action played a decisive role in making things happen. Nevertheless, **several Member States and half of victim support organisations** who believe that national circumstances were the deciding factor nevertheless recognised that binding EU legislation has enabled quicker implementation. For one **respondent from an EU organisation**, the Directive's added value lies in the possibility for the Commission of launching infringement proceedings in case of non-compliance. Other **national authorities** noted that the Directive had led to a major improvement in their existing national frameworks.

A great majority of competent authorities are in favour of further EU action, be it legislative or non-binding, although more than half of them admitted that the need for more detailed legal requirements for and guidance on training is not evident at this stage. On the contrary, there was a consensus among **EU-level organisations** that either further harmonisation or more guidance is necessary, because of the significant differences remaining as regards the extent of victims' rights in the various national frameworks.

Some areas where there is room for improvement were identified by competent authorities as areas where there is potential to increase EU added value, such as tackling the problem of inconsistent training across the EU and ensuring victims' rights in cross-border situations. Cooperation through the European Network of Victims' Rights and the RE-JUST project¹⁷⁸ were mentioned by national authorities as aspects with potential to increase EU added value. On the other hand, EU-level organisations specifically mentioned measures to ensure non-discrimination.

4. Results of the public consultation

4.1 Results of the public consultation in relation to the relevance criterion

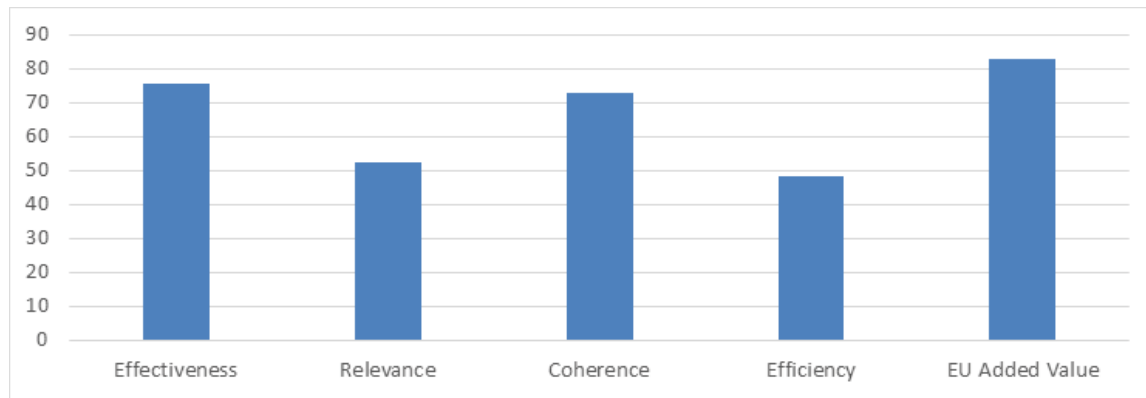
It emerged from the consultation that the Directive's provisions are relevant to achieving its objectives. No specific provision was identified as outdated or inadequate.

For most respondents, the Directive's provisions remain relevant given the increased role of new technologies in European society and in everyday life, in particular their usefulness for enabling the participation of victims in criminal proceedings. However, several respondents warned that the specificities of certain categories of victims are not sufficiently taken into account, namely victims of sexual abuse, child victims, victims with disabilities, victims suffering from trauma, victims of abuse(s) of power, victims in a situation of illegality (undocumented migrants and sex workers for example), victims of cybercrime and foreign victims¹⁷⁹.

¹⁷⁸ The EU-funded project "Towards a more responsive victim-centred approach of the criminal justice system" (RE-JUST) aimed to identify strategies and action plans to improve victims' access to justice.

¹⁷⁹ ICF (2021), Study to support the evaluation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, final report, p. 150.

Average number of responses by evaluation criteria



4.2 Results of the public consultation in relation to the effectiveness criterion

On support and protection in general, most respondents failed to see any progress had been made, since the Directive's entry into force, in relation to the attitude of competent authorities towards crime victims. According to the Directive, the victims must be treated in a respectful, sensitive, professional and non-discriminatory way. Almost half of the respondents were concerned that the specific needs of certain categories of victims, such as victims with disabilities, victims of hate crime, victims of sexual abuse, victims of organised crime, victims of human trafficking and victims with a migrant background, are not sufficiently taken into account. Their particular situation or particular vulnerability prevents them from fully relying on the rights provided by the Directive. Views diverge regarding child victims. Almost half of the respondents acknowledged that progress had been made on protecting and respecting the interests of child victims. Other respondents did not think there had been any improvement on this matter.

Most respondents disagree (22 respondents or 23% disagree, and 19 respondents or 20% strongly disagree) that the way competent authorities treat victims has improved in the last 5 years, in terms of authorities' adopting a respectful, sensitive, professional and non-discriminatory approach. On the other hand, a minority of respondents (34 respondents or 35%) agree that the way competent authorities treat victims has improved in the past 5 years.

Effectiveness was also assessed against more specific provisions of the Directive, such as the right to information. For most respondents, the right to understand and to be understood, as well as the provision of information at first contact with the authorities, is not guaranteed in practice. A few respondents suggested this may be due to a lack of specific training of the authorities on how to deal with vulnerabilities, the use of complex legal language and the unavailability of appropriate interpretation and translation services. 61 respondents (73%) are in favour of strengthening access to information.

The majority of stakeholders replied that access to general victim support services has improved since the entry into force of the Directive. However, respondents again pointed out the weakness of existing referral mechanisms within authorities with whom victims first come into contact, to direct them to the support services they need. On more

specialised support services, such as shelters, most respondents said that access is not fully efficient. A small number of respondents were more precise, saying that this is due to insufficient geographical coverage of specialist services (rural areas), that these services are not always accessible to all victims and that in some areas they simply do not exist.

The consultation also asked about the effectiveness of the right to protection: 35.46% of respondents consider that the possibility to avoid contact with the offender and privacy are not guaranteed for all victims throughout criminal proceedings. The same percentage of respondents believed that the individual assessment of victims' needs does not result in the adoption of tailored protection measures. A few respondents reported having been subjected to long and repeated interrogations perceived as 'inhumane', 'embarrassing' and 'aggressive'. They added that the interviews were not systematically conducted by trained authorities. The situation is different in relation to the protection of children, since 35 respondents consider that special protection measures are effectively granted, while 74% (58) of respondents are in favour of strengthening victims' physical protection.

Finally, the consultation asked about the provisions on access to justice in order to assess them against the effectiveness criterion. While 20 respondents said that victims cannot effectively rely on their right to be heard during criminal proceedings, most believe that this right is respected. The Directive says that victims can request the revision of a decision not to prosecute. More than half of respondents consider this right effective, while some disagree and 15 do not know. Most respondents said that in practice, victims cannot rely on free legal aid, with 16 respondents disagreeing. Some respondents indicated that this situation can be the result of limited information about the availability of free legal aid, the small contingency fees that do not constitute enough of an incentive for lawyers to provide legal aid to victims, and victims' lack of financial resources to afford initial legal fees. 55 respondents (71%) are in favour of strengthening access to justice for victims and 69% (54) of respondents are in favour of strengthening access to compensation.

4.3 Results of the public consultation in relation to the efficiency criterion

Over half of the respondents believe that the Directive's benefits, namely enhanced support and protection of victims of crime, outweigh the costs of implementing it. The costs of implementation are to be assessed in the light of the reduction of secondary costs related to healthcare and welfare. Most respondents consider that these costs are proportionate to the Directive's benefits. Several respondents said that too few resources are allocated to the application of the Directive.

4.4 Results of the public consultation in relation to the coherence criterion

Twenty-six respondents said that the Victims' Rights Directive is generally internally coherent, while 23 said that it is fully coherent.

Over half of the respondents agree on overall external coherence and complementarity of the Directive with national legislation on victims' rights.

However, most respondents did not consider themselves sufficiently informed to assess the coherence and complementarity of the Directive with other EU sectorial legislation such as the Compensation Directive, the Anti-Trafficking Directive, the Child Sexual Abuse Directive, the Directive on the European Protection Order in criminal matters, the Regulation on mutual recognition of protection measures in civil matters, the Directive on Combating Terrorism and the Combating Fraud Directive.

4.5 Results of the public consultation in relation to the EU added value criterion

Many respondents said that the Directive had significant EU added value compared with the situation before its adoption. Nevertheless, most respondents also believed that amending it or introducing new legal requirements would have a positive impact on victims' rights. In this vein, some respondents indicated that they expect a more precise and more binding language. Some others highlighted the importance of strengthening certain rights.

