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Protection of Victims' Rights under Directive 2012/29/Eu: An Analysis of Changes and Future Perspectives

ABSTRACT: *The protection of victims' rights is a cornerstone of modern legal systems, particularly in the European Union (EU), which strives to harmonise minimum standards across its Member States. This study analyses the framework established by Directive 2012/29/EU, highlighting its role in improving victim treatment, access to justice, and support. While the Directive has raised awareness and introduced individualised measures, its implementation faces challenges due to varying legal traditions and administrative capacities. The study also examines the ambitious 2023 amendments proposed by the European Commission, addressing matters such as secondary victimisation; cybercrime; and the need for inclusive, victim-focused support for vulnerable groups. Emphasising the use of modern technology to improve reporting and privacy protection, the proposals aim to adapt to a changing social and technological landscape. By reflecting on the progress and proposed reforms of the Directive, the current study underscores the importance of balancing harmonisation with respect for national legal systems, ensuring the EU remains a space where victims are supported, and their dignity is upheld.*

KEYWORDS: *victims, vulnerable groups, protection, support, harmonisation, sovereignty*

1. Introduction

The protection of victims' rights is one of the pillars of modern legal and social systems, and its importance is particularly evident within the European Union (hereinafter: the EU). The functioning of the single market and free movement of

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citizens contribute to fostering unity and solidarity at the EU level. Yet, this places a requirement on Member States to develop more integrated solutions in the field of human rights protection, including the rights of those affected by crime. However, in this context, it is particularly important to maintain an appropriate balance between integration and the sovereignty of Member States, especially in the area of criminal law and procedures, which reflect specific legal traditions, social structures, and value systems. Criminal law is considered a key element of national sovereignty, as it pertains to fundamental principles of justice, social norms, and the punishment of crimes within a state's borders. While the EU strives to harmonise minimum standards for the protection of victims' rights, it must respect these diverse approaches to avoid interfering in the internal affairs of Member States.¹

Secondary legislation of the EU, such as directives, is based on the principle of minimum harmonisation. This principle allows common standards to be established while enabling Member States to adapt their national legislation to local circumstances. This means that each state can implement more advanced solutions tailored to its needs, provided that the minimum requirements set out in the directive are met. Such an approach helps maintain a balance between the harmonisation of legislation and respect for the sovereignty of Member States. This balance is fundamental to preserving the original vision of the EU as a community of diverse nations and legal traditions.²

The adoption of Directive 2012/29/EU (hereinafter: the Victims' Rights Directive)³ established minimum standards for the rights, support, and protection of victims of crime, outlining the course of action that Member States should take to ensure a common baseline and enhance the effectiveness of support provided to victims. The legislation particularly emphasised the need for an individualised approach to victims, considering their specific needs, life circumstances, and potential risks. However, despite its ambitious objectives, the implementation of the Victims' Rights Directive has revealed numerous challenges faced by Member States. The diversity of legal systems, budgetary constraints, and evolving social and technological realities are just some of the factors that have hindered the full achievement of the directive's goals. Secondary victimisation has also remained a significant issue, where victims experience additional stress and trauma due to inappropriate treatment by law enforcement, the judiciary, or other institutions. These difficulties necessitate the

1 Wielec, 2017; Brack, Coman and Crespy, 2019, pp. 3–30; Ouwerkerk, 2015, pp. 11–31; Rozmus, Topa and Walczak, 2010, p. 14.

2 Thomson, Torenvlied and Arregui, 2007, pp. 685–709; Duina, 1997, pp. 155–179; Barry and Kane-matsu, 2016, pp. 89–96; Krause, 2006, p. 155; Horspool and Humphreys, 2012.

3 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.

continuous improvement of legislation to better address the needs of victims and adapt to the dynamically changing challenges of the modern era.⁴

The advancement of technology, globalisation, and increasing societal mobility present legislators with new challenges. In response to these developments, in 2023, the European Commission proposed amendments to the Victims' Rights Directive aimed at addressing existing shortcomings and adapting the legislation to contemporary realities.⁵ The introduction of integrated protection mechanisms, such as digital tools for reporting crimes or dedicated support hotlines, and specific protective measures for vulnerable groups such as children or persons with disabilities, are just some of the proposed actions aimed at strengthening the victim support system within the EU.⁶

The protection of crime victims is not merely a formal matter but also a testament to the EU's commitment to building a space of freedom, security, and justice where human rights are safeguarded and respected at the highest level. Strengthening the position of victims within the legal system is crucial for restoring their sense of dignity, security, and trust in public institutions. Integrated actions at the EU level aim to enable Member States to draw on best practices and experiences, which should lead to raising the standards of victim protection. At the same time, the need to reconcile universal principles with the diversity of legal and social systems in individual countries requires legislators to adopt a flexible approach that maintains a balance between harmonisation and local needs. In this context, a minimum harmonisation approach and further cross-border cooperation are essential for effectively combating crime and ensuring appropriate support for victims.⁷

The analysis of the initial assumptions and planned changes in the area of victim rights protection not only allows for an evaluation of the EU's achievements in this field but also provides insights into the challenges facing the community in the context of dynamic social, technological, and legal transformations. The proposed solutions have the potential to become a milestone in advancing the EU's fundamental values, such as solidarity, equality, and respect for human dignity, making this issue highly significant from both legal and social perspectives.

4 Buczman, 2013, pp. 235–250; Mazzucato, 2016, pp. 8–26; Kaczorkiewicz, 2021, pp. 285–297.

5 Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support, and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA - General approach.

6 Piskorski and Błaszczak, 2023; Halliday and Osinsky, 2006, pp. 447–470.

7 Jacqué, 2011, pp. 995–1023; D'Hollander, Marx and Wouters, 2014; Tardy, 2017; Hobbing, 2016, pp. 155–182.

2.

Fundamental Principles of EU Legislation on Victim Protection

The Victims' Rights Directive replaced the earlier Council Framework Decision 2001/220/JHA.⁸ The new provisions reflect the EU's ambition to create a coherent and comprehensive system of support and protection, encompassing diverse measures such as access to information, specialised psychological support, legal assistance, and protection mechanisms in cases of immediate danger to life or risk of serious harm. These objectives are rooted in the core values enshrined in the Treaty on the EU⁹ and the Charter of Fundamental Rights of the EU, which emphasise the importance of safeguarding human rights, dignity, and freedom.¹⁰

The legal basis for actions aimed at protecting the rights of crime victims is found in the Treaty on the Functioning of the EU, particularly in Article 82(2).¹¹ The provisions of the Directive are based on the principles of territoriality and jurisdictional connection, which define the framework for the application of law within the EU. In practice, this means that the legislation apply to crimes committed within the territory of the EU and criminal proceedings conducted within its borders. Exceptionally, protection may be extended to victims of crimes committed outside the EU if there is a connection to criminal proceedings taking place within the Union.

The personal scope of the Victims' Rights Directive is broad and includes both direct and indirect victims. The definition of a "victim" encompasses, first, 'a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence'. Second, it also includes 'family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death'.¹² In line with the EU's human-centred approach to the protection of victims' rights, a family member is also understood to include individuals living in a stable and lasting relationship with the victim, regardless of the nature of their relationship.¹³

In this context, the principle of personal universalism, characteristic of human rights protection, expands the scope of individuals whose rights should be safeguarded under the implementation of the directive. This means that the protection

8 2001/220/JHA: Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings.

9 Treaty on European Union.

10 Charter of Fundamental Rights of the European Union.

11 Treaty on the Functioning of the European Union.

12 Mazzucato, 2016, pp. 8–26.

13 Solursh, 1990, pp. 155–162.

outlined in its provisions goes beyond formalities, encompassing any person affected by a crime, regardless of their nationality, residence, or immigration status. The implementation of the directive by Member States is a fundamental element of its effectiveness, as it obliges states to achieve specific objectives while granting them flexibility in selecting the means to do so. Notably, in certain circumstances, the directive may have direct vertical effect. This allows individuals to invoke its provisions before national courts when its implementation is incomplete or flawed, as confirmed by the case law of the Court of Justice of the EU, for instance, in cases 148/78 Ratti¹⁴ and 41/74 van Duyn.¹⁵ This type of legal protection serves as a vital tool for victims, enabling them to assert their rights directly under EU law when national implementation fails to meet established requirements.

The implementation of the directive's provisions requires that every victim be treated in a non-discriminatory and individualised manner, considering their specific needs and life circumstances. Particular care should be given to children, whose rights must be safeguarded in a way that is appropriate to their age, level of maturity, and specific needs. This principle is rooted in both the Charter of Fundamental Rights of the EU and the United Nations Convention on the Rights of the Child,¹⁶ which emphasise the need to prioritise the best interests of the child. Similarly, persons with disabilities require special attention in the implementation of the directive's provisions. A key aspect of ensuring their rights is the removal of architectural, procedural, and informational barriers that may hinder their access to justice. Member States are obligated to guarantee full access to legal procedures, which includes providing communication support and specialised assistance when needed. The directive identifies categories of victims requiring particular attention in terms of tailored support mechanisms. The aim is to mitigate the impact of traumatic events as much as possible and provide a sense of security.¹⁷

The EU legislation, aiming to ensure a balance between the protection of victims' rights and the rights of offenders, considers both the necessity of preventing secondary victimisation and safeguarding the fundamental principles of criminal proceedings. The rights granted to victims must not infringe upon the guarantees afforded to individuals suspected or accused of committing a crime. The directive precisely defines the term "offender" as encompassing both individuals convicted of a crime and those suspected or accused but not yet found guilty. In this context, the provisions

14 Judgment of the Court of 5 April 1979, Criminal proceedings against Tullio Ratti, Case 148/78, Reference for a preliminary ruling: Pretura di Milano – Italy, Dangerous preparations.

15 Judgment of the Court of 4 December 1974, Yvonne van Duyn v Home Office, Case 41/74, Reference for a preliminary ruling: High Court of Justice, Chancery Division - United Kingdom, Public policy.

16 Convention on the Rights of the Child.

17 Fuller-Thomson and Brennenstuhl, 2012, pp. 1573–1574; Child et al., 2011, pp. 247–267.

fully respect the principle of the presumption of innocence, which is a cornerstone of modern criminal law and enshrined in the Charter of Fundamental Rights of the EU and the European Convention on Human Rights.¹⁸ Adherence to this principle reflects the integrity of criminal proceedings and ensures the equal treatment of all parties involved. An equally important aspect of maintaining balance between the parties to the proceedings is strengthening the protection of victims' rights without limiting the right to defence, which is guaranteed to every individual subject to criminal proceedings. Therefore, actions taken in support of victims must be implemented in a manner that is fully compatible with the procedural rights of the accused. Such an approach aims to address the needs of victims while upholding high standards of justice, ensuring fairness and integrity within the legal system.¹⁹

It is worth mentioning the phenomenon of secondary victimisation, which is particularly significant in the context of criminal proceedings, where victims may be exposed to contact with offenders or face additional emotional burdens arising from the ongoing proceedings. The directive provides several measures to counteract this issue, such as conducting individual assessments of victims' needs, limiting contact between the victim and the offender during proceedings, and ensuring adequate infrastructure in court buildings. All these measures are implemented with due respect for the principle of proportionality, so as not to infringe on the rights of the accused.²⁰

To ensure that victims of crime receive adequate information, support, and protection, and the opportunity to actively participate in criminal proceedings, the directive grants them a wide range of rights. These include access to information and support, the ability to participate in proceedings, and the provision of protection tailored to the individual needs of each victim. Particular emphasis is placed on an individualised approach, considering the specific characteristics of victims, as reflected in the directive's alignment with the Charter of Fundamental Rights of the EU and universal principles of human rights protection. Member States are required to establish a system that ensures victims of crime are treated with respect, professionalism, and empathy, regardless of their race, gender, age, religion, sexual orientation, residence status, or other characteristics. One of the obligations set out in the directive is the individual assessment of each victim's needs. This approach considers not only the nature of the crime but also the specific characteristics of the victim and the circumstances of the incident. The purpose of such an assessment,

18 European Convention on Human Rights.

19 Groenhuisen, 1996, pp. 163–176; O'Hear, 2006, p. 83; Ward, Gannon and Birgden, 2007, pp. 195–216.

20 Orth, 2002, pp. 313–325; Tamarit, Villacampa and Filella, 2010, p. 281; Tavares et al., 2023, pp. 2594–2615.

carried out in accordance with national procedures, is to determine the necessary protective measures.²¹

Victims identified as requiring special protection have the right to measures that significantly enhance their safety and comfort during criminal proceedings. Member States are obligated to ensure that the questioning of such victims takes place without undue delay following the reporting of the crime and that the number of interviews is limited to the necessary minimum. This approach aims to reduce the stress and trauma associated with having to repeatedly recount painful events. For victims with specific needs, as determined through an individual assessment, additional protective measures are provided. Their interviews should take place in specially designed or adapted rooms that ensure a sense of safety and minimise stress. Furthermore, interviews are conducted by trained professionals, allowing for a professional approach that considers the victims' emotional and psychological needs. To minimise further burden on the victims, it is recommended that all interviews be conducted by the same individuals, unless doing so conflicts with the requirements of justice. In cases involving victims of sexual or gender-based violence, there is an additional provision allowing the victims to choose the gender of the interviewer, addressing the specific needs of victims in such cases.²²

In the case of children, who are a particularly vulnerable group of victims, EU legislation have introduced additional measures aimed at ensuring their full protection during criminal proceedings. Interviews with children should be recorded in an audio-visual format, allowing them to be used later as evidence in court proceedings. This mechanism eliminates the need for children to provide testimony multiple times, significantly reducing the risk of secondary victimisation and the stress associated with participating in criminal proceedings. Specific rules regarding audio-visual recording procedures are determined by the national laws of each Member State. Furthermore, during both the investigative and judicial stages, when the victim is a child, their age, maturity, and individual needs must be taken into account. In cases where parental authorities cannot represent the child due to a conflict of interest or when the child has no guardians, Member States are required to appoint a special representative for the minor. This representative ensures that the child's interests are safeguarded and that their rights are properly protected. Additionally, if the child is entitled to legal counsel, they have the right to their own lawyer and legal representative, particularly in cases of a potential conflict of interest with their guardians. Moreover, in situations where the age of the victim cannot be determined but there

21 Dunbar, 2006, p. 323.

22 Milne and Bull, 2006, pp. 7–24; Holmberg, 2004, pp. 155–170; Jakobsen, 2021, pp. 1155–1170.

are reasonable grounds to believe that the person is a child, the directive provides for treating such a person as a child for the purpose of applying protective measures.²³

3.

Obligations of Member States Arising from EU Legislation

The EU legislation on the protection of crime victims aim to establish common minimum standards that Member States are obligated to implement within their legal systems. These standards do not apply directly but require transposition into national legal frameworks, allowing for the consideration of the specific legal, cultural, and social conditions of each country. While maintaining the freedom to choose the methods and means of implementation, Member States can develop solutions tailored to their local circumstances. However, the key requirement is that the implemented legislation ensure at least the same level of protection and support as provided by EU standards. This approach allows for the harmonious integration of shared EU values with respect for the sovereignty of Member States, particularly in areas as significant and sensitive as criminal law and procedure. Thus, each state can build its own system of victim protection that addresses local social needs while fulfilling pan-European commitments to human rights protection.²⁴

Member States are obligated to create legal frameworks that enable crime victims to fully exercise their rights in practice. This includes ensuring access to clear and understandable information, specialised psychological support, protection against secondary victimisation, and respect for the individual needs of victims at every stage of criminal proceedings. A key element in achieving these objectives is the implementation of systematic training programs for law enforcement officers, prosecutors, and the judiciary, aimed at guaranteeing a professional and empathetic approach in interactions with victims. These training programs must take into account the specific needs of victims and the context of the situations they are facing.²⁵

To fully implement EU standards for the protection of crime victims, the involvement of various entities is essential to create a cohesive support system. In this context, non-governmental organisations (NGOs) play a significant role, often complementing state efforts and serving as an indispensable link in providing assistance to victims. NGOs are the entities offering psychological, legal, and material support; running shelters for victims of violence; and organising support groups. However,

23 Back and Lips, 1998, pp. 1239–1252; Whitcomb, 1994; Lyon, 2014, pp. 73–89.

24 Kaiafa-Gbandi, 2001, p. 239; Perry, 2011, p. 71; Donnelly, 2014, pp. 225–238; Donat-Cattin, 2015, pp. 1682–1712.

25 Pastore, 2015, pp. 32–46; Květenská and Prokopová, 2019, pp. 10929–10934; Neff, Patterson and Johnson, 2012.

their activities, though highly valuable, are often dependent on financial stability, which in many cases remains insufficient or short-term. The lack of systemic support from states and limited access to public or EU funding can lead to organisational uncertainty, making it difficult for NGOs to perform their tasks at the required level. Collaboration between states and NGOs, especially those running specialised support centres, serves as a model of good practice. Despite their commitment and knowledge of local needs, the role of these organisations is often marginalised in the process of shaping public policy. Consequently, while fulfilling a crucial role in victim protection, NGOs are frequently forced to operate with limited resources and face bureaucratic barriers that hinder their access to funding and collaboration with state institutions. These realities highlight the need for partnerships between states and social organisations to be more structured and long-term in scope.²⁶

The implementation of directive provisions also requires Member States to monitor the effectiveness of the solutions introduced and report progress to the European Commission. In line with its obligations, the European Commission submits a report to the European Parliament and the Council on the implementation of the directives. These reports serve as the primary tool for monitoring the effectiveness of directive implementation by Member States. To prepare such a document, the Commission may request detailed information from Member States regarding the implementation of the directive at the national level. In practice, this means that while Member States are not required to report regularly, they are obligated to cooperate in the monitoring and evaluation process. This allows the Commission to assess the degree of alignment of national legislation with the directive's requirements and identify potential challenges and gaps in its implementation. The report also serves as a foundation for formulating recommendations and further legislative actions aimed at improving the protection of victims' rights across the EU.²⁷

Furthermore, the directive promotes cross-border cooperation and the exchange of experiences between Member States, enabling the development of more effective practices and the harmonisation of standards across the EU. One of the key challenges in implementing the directive is the protection of victims in cross-border situations. Crimes such as human trafficking, smuggling, cybercrime, or violence against migrants require close collaboration between authorities in different Member States. In such cases, unified protection standards are essential to ensure that victims have the same rights regardless of where the crime was committed or where they reside. An example of the realisation of these goals is the use of shared European mechanisms, such as the European Protection Order, which allows protective measures for victims to be transferred to another Member State. However, such cooperation and

26 Bräutigam and Segarra, 2007, pp. 149–181; Beigbeder, 2023.

27 Lantschner, 2020, pp. 444–471; Groenhuijsen, 2014, pp. 31–48.

unified standards rely on robust national frameworks, which, despite EU integration, must take into account local realities and social needs. Minimum harmonisation serves as the key foundation upon which Member States can develop their support systems while maintaining consistency at the EU level. Nevertheless, the implementation of the directive is not without challenges. In some Member States, budgetary constraints pose a significant barrier to the development of essential support services, such as assistance centres or information systems. Additionally, differences in the interpretation and application of provisions by individual Member States can result in inconsistencies in the enforcement of victims' rights. A particular issue remains the shortage of trained specialists capable of effectively responding to the needs of victims, highlighting the necessity for investment in education and the professional development of personnel in this area.²⁸

4.

Analysis of Proposed Amendments in the Area of Crime Victims' Rights Protection

On 12 July 2023, the European Commission submitted a proposal to the Council and the European Parliament for a directive amending Directive 2012/29/EU. This amendment aims to update the minimum standards for the rights, support, and protection of victims of crime and replace the Council Framework Decision 2001/220/JHA. This initiative arises from the need to address shortcomings identified during the practical implementation of the current legislation. Problems such as victims' difficulties in accessing psychological support, information, or physical protection have highlighted the necessity of clarifying provisions and introducing additional measures.

The legislative basis for the proposed amendments is Article 82(2)(c) of the Treaty on the Functioning of the EU, which allows the European Parliament and the Council to establish minimum standards concerning the rights of victims of crime. The proposal, which received an opinion from the European Economic and Social Committee on 13 December 2023, is a response to extensive consultations and reports on the implementation of the existing legislation. It also addresses new challenges such as cybercrime and cross-border offenses and underscores the need to introduce more effective mechanisms to prevent secondary victimisation.²⁹

One of the key objectives of the new legislation is to ensure easy and swift access to information about the rights available to victims and the forms of assistance offered.

28 Yang, 2023, p. 72.

29 Summers et al., 2014.

Victims will be able to choose whether they prefer to receive this information in person or through modern technologies, aiming to tailor the communication process to individual preferences and circumstances. Under this approach, Member States will be required to implement information and communication tools that enable the reporting of crimes, access to information about victims' rights, and contact with relevant authorities and support services. Electronic communication channels will complement traditional methods while ensuring that victims still have the option of personal contact should they prefer.³⁰

Another aspect of the changes is the introduction of a harmonised helpline with the number "116 006" available throughout the EU. This helpline is intended to provide emotional support to victims, inform them about their rights, and refer them to appropriate services. The helpline will be operated in the official languages of the respective Member State and, where possible, in additional languages commonly spoken in the country. The aim is to enhance the accessibility of support for crime victims, regardless of their origin or life circumstances.³¹

Attention has also been drawn to the necessity of providing emotional support to victims present in court buildings, where the stress associated with the judicial process can intensify. It has been proposed that such support be offered by trained volunteers, court staff, or other designated individuals. The presence of these dedicated individuals can help victims feel safer and reduce the tension caused by court procedures, enabling them to participate more fully in the proceedings.³²

Additionally, the amendments provide for the development of targeted psychological support for victims identified as having special needs. Such victims may include not only victims of sexual, gender-based, and domestic violence but also victims of human trafficking or organised crime; individuals with disabilities; or victims of exploitation, hate crimes, terrorism, or crimes under the jurisdiction of the International Criminal Court. Member States will be required to develop networks of specialised support services that not only provide psychological assistance but also tailor it to the individual needs and circumstances of the victims.³³

Equally important is the strengthening of personal data protection for victims. Victims will have the right to raise concerns about the disclosure of their personal information, such as their home address or contact details, which could potentially reach the offender. Relevant authorities will be obligated to assess the risk and decide not to disclose this information if there is a danger of intimidation, retaliation, or other forms of violence. These measures are aimed at protecting victims from

30 Altan and Baudoin-Naneix, 2024; Wood et al., 2022, pp. 9–20.

31 Hamer Vidmar and Bajto, 2018, p. 61.

32 Wilson, McWhinnie, Picheca, Prinzo and Cortoni, 2007, pp. 1–15.

33 Walby, Apitzsch, Armstrong, Balderston, Follis, Francis and Tunte, 2016; Hillman, 2021.

further harm and creating a safer environment for their participation in criminal proceedings.³⁴

The new measures also encompass the group most vulnerable to long-term effects of trauma and secondary victimisation – children. Particular attention has been paid to situations where a child is in conflict with a person holding parental authority. Under the proposed changes, actions taken on behalf of a child, such as reporting a crime, undergoing medical examinations, or referral to support services, will not require the consent of the person with parental authority if such consent could compromise the child's best interests. This measure is primarily aimed at protecting children in situations where the perpetrator of violence or neglect is a close family member. It seeks to provide children with a genuine opportunity to receive support without additional formal barriers.³⁵

Similar principles are reflected in the provisions concerning the protection of crime victims who are third-country nationals. The new legislation aims to eliminate fears associated with negative consequences of reporting crimes that may arise due to the victim's residency status. The proposed changes ensure that all actions related to protection, such as access to support services, reporting crimes, or participation in criminal proceedings, will be carried out in a non-discriminatory manner, regardless of citizenship or residency rights. A particularly important aspect of these provisions is the guarantee that victims residing in the EU unlawfully will not be at risk of deportation as a result of taking legal action against the perpetrator. These provisions also include the possibility of issuing special residence permits or other forms of protection, especially in cases involving victims of human trafficking or domestic violence. Member States will be required to ensure that no administrative formalities related to residency status prevent victims from receiving adequate care and support. Consequently, both children and other particularly vulnerable groups will be provided with comprehensive protection throughout the EU.³⁶

To enhance crime detection and improve overall public safety, the proposed changes to the directive focus on streamlining mechanisms for reporting crimes and ensuring greater accessibility to support services for victims and witnesses. While the directive does not explicitly mandate that information campaigns be organised, it emphasises the need to create safe conditions for reporting crimes and raise public awareness about the issue of criminality.

In this context, Member States could consider implementing educational and informational campaigns as an additional measure to support these objectives. Such campaigns could promote crime reporting and increase public awareness of citizens'

34 Malsch, 2021, p. 161; Ballauri, 2021, pp. 315–329.

35 Satink, Schuyt and Sombroek, 2023, pp. 17–55.

36 Briddick, 2020, pp. 1013–1034; Simic, 2004.

roles in combating criminal activity. They should address the needs of diverse social groups, including both victims and potential witnesses, and utilise a wide range of traditional and digital media platforms, such as television, newspapers, online portals, and social media, to reach the broadest possible audience. These campaigns could also help overcome psychological barriers, such as fear or shame, which often prevent victims from reporting crimes. By addressing these barriers, the campaigns would support the overarching goals of the directive and contribute to fostering a more supportive and proactive environment for addressing crime.³⁷

In parallel, a recommendation has been made to introduce mechanisms that make the process of reporting crimes more accessible and secure, particularly for victims in challenging situations. The proposed amendments to the directive emphasise the need to ensure the possibility of reporting crimes through easily accessible information and communication technologies. These tools should, where possible, also allow for the submission of evidence in electronic form, while respecting national procedural laws.³⁸

The collection and regular publication of data are among the key elements of creating an effective system for protecting the rights of crime victims in the EU. The introduction of a requirement for Member States to collect and transmit harmonised data to the European Commission every three years aims to provide a solid foundation for shaping policies and strategies. Such data, available at the central level, will enable assessments of the effectiveness of national procedures and the support provided to victims. In this process, the Fundamental Rights Agency plays an essential role, supporting both the European Commission and Member States in creating, analysing, and disseminating statistics that demonstrate how victims exercise their rights. It is worth emphasising that the directive in question, as a horizontal legal instrument, aligns with other EU acts that regulate the rights and needs of specific groups of victims in greater detail, such as victims of human trafficking, domestic violence, or terrorism, ensuring coherence and complementarity of actions at the EU level.³⁹

5.

Summary and Future Perspectives

The existing legislation, particularly Directive 2012/29/EU, have played a significant role in improving the situation of crime victims across the EU. The establishment of minimum standards for protection, support, and access to information has enabled

37 McGuire, Evans and Kane, 2021, pp. 417–433; Choi, Lee and Chun, 2014.

38 Butler and Fitzgerald, 2002, pp. 1–29; Oręziak, 2020, pp. 187–196.

39 Byrne and Entzinger, 2019.

the harmonisation of victim treatment principles in all Member States, contributing to an increased sense of justice and security for victims. The directive has positively influenced the perception of victims' rights as an integral part of the justice system, emphasising their individual needs and diverse life circumstances. The implemented provisions have allowed victims to benefit from more transparent procedures, improved access to psychological assistance, and specialised support.

The proposed amendments to the directive aim to strengthen the rights of victims in the face of contemporary challenges. The dynamic development of technology and related phenomena, such as cybercrime and online violence, necessitate the adaptation of legislation to new realities. Similarly, increasing societal mobility, cross-border crime, and changing demographic structures require more harmonised solutions that consider the diverse life circumstances of victims. The introduction of these changes to Directive 2012/29/EU, despite their potential benefits, may encounter several challenges stemming from the diversity of legal systems and organisational and financial constraints in individual Member States. A primary challenge relates to budgetary limitations, which may hinder the development of appropriate support structures for victims, such as psychological assistance centres, shelters, or helplines. Implementing modern communication technologies and tools for reporting crimes also requires significant financial investments, which could pose a barrier, particularly for countries with more limited budgetary resources.

An additional challenge is the cultural and legal diversity across Member States – each country has its own legal, social, and organisational traditions, which can lead to differences in the interpretation and implementation of new provisions. For instance, countries with a more developed victim support system may be able to implement changes more quickly and effectively, whereas states with less established infrastructure will require more time and resources to meet the required standards. Another issue Member States may face is insufficient staffing, particularly in the context of training specialists such as support centre workers, police officers, or prosecutors. The introduction of new legislative measures necessitates the development of training sessions and workshops to prepare personnel to work in accordance with the new standards, which can be both time-consuming and costly.

The protection of the rights of crime victims is not only a legal obligation but also a moral commitment of the EU to ensure justice, support, and dignity for every person affected by crime. To meet future challenges, it is essential to continue refining the legal framework and strengthening cooperation at both the EU and national levels. Only through collective action and the engagement of all relevant stakeholders can an environment be created where every victim has genuine access to assistance, protection, and justice.

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