Roadmap for enhancing multidisciplinary cooperation in terms of identification, referral, assistance and protection for victims of crime

CEPOV

Funded by
the European Union

2024

AUTHORS

Paul Pop, Associate Professor, Faculty of Law, University of Bucharest, Romania

Silvia Antoaneta Berbec, Lawyer Bucharest Bar, President Association Pro Refugiu, Romania

Gabriela Denisa Ionescu, Psychologist, Association Pro Refugiu, Romania

Smaranda Witec, Lecturer, Faculty of Sociology and Social Work, University of Bucharest

Patrizio Gonnella, Professor of Philosophy and Sociology of Law, Università Roma Tre, Italy

Federica Borlizzi, Phd in Sociology of Law, Università Roma Tre, Italy

Fabi Fugazza, Lawyer, Academic and Co-Executive Director at the Coalition for Civil Liberties and Rights

Ruth Nordström, Legal expert for Scandinavian Human Rights Lawyers

Rebecca Ahlstrand, Legal expert for Scandinavian Human Rights Lawyers

Natalia Chakroun, Legal expert at Solwodi Deutschland e.V.

Anne Derksen, Communication expert, Head of the international programs department at SOLWODI Deutschland e.V.

Hasmik Manukyan, Project Manager at SOLWODI Deutschland e.V.

This publication has been funded by the European Union. Views and opinions expressed are however those of the authors only and do not necessarily reflect those of the European Union. Neither the European Union nor the granting authority [European Commission-Justice Programme] can be held responsible for them.

CONTENT

PREAMBLE

The publication was written within the project Addressing the gap in multidisciplinary cooperation to enhance the protection of victims' rights, 101148912 — CEPOV — JUST-2023-JACC-EJUSTICE, coordinated by Association Pro Refugiu (Romania) in partnership with the Faculty of Law of the University of Bucharest (Romania), Italian Coalition for Civil Liberties and Rights, Roma Tre University (Italy), Scandinavian Human Rights Lawyers (Sweden), Solwodi (Germany).

The purpose of this roadmap is to provide guidance on the procedures to be followed by organisations and institutions that have responsibilities in the identification, referral and assistance to victims of crime, as well as those that have specific competencies during the trial procedures. To best help victims of crime, a victim centric approach is crucial, not only are victims better off and recover more quickly, but justice systems also benefit, particularly through an improved participation of the victim throughout the procedures. The EU Victims Rights Directive[1] establishes minimum standards on the rights, support and protection of victims of crime and ensures that persons who have fallen victims to crime are recognised and treated with respect. They must also receive proper protection, support and access to justice. However, in practice, there are still obstacles in the implementation of mechanisms for the identification, referral and assistance of victims of crime, due to the lack of well-designed policies and procedures, insufficient cooperation between stakeholders, absence of professional education on victims' needs and the availability of tailored assistance services for various categories of victims. In each country, it is important to exist comprehensive victim support services targeting victims of crimes, alongside specialist services tailored to victims of specific crime types. As victims are heterogeneous in terms of their needs and reactions to crime, it is relevant to exist all-crime services available that can provide support to victims with "generic needs" and these services to collaborate further with those that ensure tailored support based on specific crimes. In many countries, there are various institutions and organisations, and it can be extremely challenging for professionals that come into contact with victims and for the victims themselves to identify the most appropriate stakeholder(s) that should provide support. Having all-crime knowledgeable support services and a well-established network with clear competencies also to redirect victims to specialist services saves individuals from losing precious time to search for the most appropriate services themselves.

[1] 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, https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029

CHAPTER 1

THE MECHANISM FOR THE IDENTIFICATON, REFERRAL AND ASSISTANCE OF VICTIMS OF CRIME

This chapter is intended to provide practical guidelines on why and how to design mechanisms for the identification, referral and assistance of victims of crime, by taking in consideration key actors and the specific competencies and roles. The purpose of such mechanisms is to ensure that the basic rights of victims are respected.

Definition of the Mechanism

The EU has established comprehensive fundamental rights standards to support and protect victims of crime. In the European Union (EU), mechanisms for victim identification, referral, and assistance are supported by overarching legislation that establishes minimum standards for all victims. The Victims' Rights Directive[2] establishes minimum standards on the rights, support and protection of victims of crime and ensures that persons who have fallen victim to crime are recognized and treated with respect. They must also receive proper protection, support and access to justice, ensuring equal access to services across all Member States. The directive highlights the importance of mechanisms that are inclusive and protective of all individuals affected by crime, without singling out specific victim groups.

The **Victims' Rights Directive** facilitates victims' access to justice by obliging the Member States to provide information on the proceedings and support and protect victims in line with their individual needs. Victims have, for instance, the right to be heard during criminal proceedings and to provide evidence, the right to access legal aid when they participate in criminal proceedings as parties and the right to a decision on compensation from the offender. To further strengthen the victims' rights[3], the Commission adopted a proposal to amend the Victims' Rights Directive[4], aiming to provide better information,

[2] 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, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029

[3] In 2022, the Commission adopted the evaluation of the Victims' Rights Directive. It shows that over the past ten years, the directive has contributed to improving the lives of victims. However, there are situations where not all victims can fully rely on their rights due to a lack of precision in the drafting of some of the rights in the Directive. Shortcomings were identified in relation to the five main rights. Furthermore, in some Member States, progress has remained slow in the provision of support services, the reporting of crime and ensuring that all victims can benefit from protection measures and have effective judicial remedies at disposal to challenge the measures to protect them from secondary and repeat victimisation. FRA (2023*), Underpinning victims' rights: support services, reporting and protection* https://fra.europa.eu/en/publication/2023/victims-rights

[4] *Report from the Commission to the European Parliament, The Council, the European Economic and Social Committee and The Committee of The Regions*: Effective legal protection and access to justice/ 2023 Annual report on the application of the EU Charter of Fundamental Rights, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023DC0786

support, and protection to victims through, for instance, access to e-justice, and to enable them to participate more effectively in criminal proceedings.

A mechanism for the identification, referral, and assistance of victims of crime is a coordinated system aimed at ensuring that victims are recognized, connected to appropriate services, and provided with comprehensive support. Such mechanisms are designed to be inclusive and to serve all victims, regardless of the nature of the crime, background, or vulnerability. These systems must function without discrimination and be adaptable to the diverse needs of victims.

Even though the EU Victims' Rights Directive is a significant tool for ensuring the protection of victims' rights, there is still a need for improvement especially when other laws are prioritized. One example of such a case are the developments related to irregular migration and migration restrictions across EU member states. These changes have introduced new challenges for victims of human trafficking and other crimes.

The EU's current migration policy puts immigration control before the rights and needs of people. It is therefore all the more important to strengthen the rights of victims of crime and human trafficking and to protect them from discrimination by reforming the Victims' Rights Directive. However, a paradox emerges when victim rights are juxtaposed with the EU's migration policy: immigration control is prioritized over a person's rights and needs. Being undocumented, or having an insecure residence status, makes people susceptible to mistreatment, abuse and severe forms of exploitation, including human trafficking and forced labour. When the migration status intersects with other forms of discrimination, including gender, ethnic or social origin, sexual orientation or gender identity and disability, abuse is exacerbated. The abuse may also result from actions from public authorities (e.g. police, border guards, staff in immigration detention centers).

Actors Involved in the Mechanism

The mechanism for the identification, referral, and assistance of victims relies on a collaborative network of stakeholders. Each actor involved plays a distinct role, contributing to the overall process that ensures victims receive timely and appropriate care.

1. Stakeholders Identifying Victims of Crime:

These are the first points of contact for victims, responsible for recognizing signs of victimization and initiating the referral process:

- **Law Enforcement Authorities**: Police and other law enforcement agencies are often the first responders to criminal incidents. Their role involves identifying victims during crime investigations or emergencies and ensuring their immediate safety. They also document the crime and provide necessary referrals for support services.

Across the EU, police are the primary points of contact for victims of crime. The police have specialized victim protection units that assess the needs of victims immediately after an incident. Moreover, in most member state countries the police are trained to identify vulnerable victims, such as children or victims of domestic violence, and refer them to specialized services.

Generally, the police are the victim's first contact after a crime and for most people, this will be the first time they have heard about victim support services and the range of

support available. The police have a key role in referring victims to the relevant support service. The referral should be carried out in a respectful manner, taking into account any possible effects the crime has had on the victim, while providing information on the existence, accessibility and necessity for victim support services.[5]

- **Healthcare Professionals**: Medical personnel, such as doctors and nurses, frequently encounter victims of physical or psychological trauma. They are trained to identify victims who may require additional assistance beyond medical care and can refer them to specialized services.

Doctors, nurses, and paramedics in EU countries often play a critical role in identifying victims of crime. Healthcare workers are mandated by law enforcement agencies to report cases where they suspect abuse, especially involving minors or domestic violence. Most Member States provide healthcare professionals with special training to recognize signs of human trafficking or violence, and report suspected cases to authorities.

- **Social Services**: Social workers and welfare agencies interact with individuals in vulnerable situations and may identify victims of crime through their routine services. They are trained to recognize signs of abuse, neglect, or exploitation and refer victims to the appropriate support networks.

These stakeholders are crucial for identifying victims of crime, especially those in marginalized communities. Social workers and welfare agencies, as part of these services, are often the first point of contact for individuals in vulnerable situations. Through their training, they are skilled in identifying signs of victimization, even in cases where individuals may not self-identify as victims. By building rapport and establishing trust, social services provide a safe space for victims to seek help. They offer tailored support by connecting victims to appropriate resources, ensuring access to emotional, legal, and practical assistance. Through coordinated efforts, these services not only address immediate needs but also support victims' long-term recovery and reintegration, acting as a bridge between victims and the broader network of care and protection across theEU.

- **Community Organizations and NGOs**: Non-governmental organizations (NGOs) and community-based organizations often play a vital role in identifying victims, especially those who may be hesitant to approach formal institutions like the police. These entities work closely with local communities and are often trusted by victims, making them key actors in the identification process.

These organizations play a crucial role in reaching victims who might otherwise remain unrecognized by traditional systems, often bridging gaps in support and facilitating access to specialized resources across the EU.

These non-governmental organizations across EU member states are instrumental in supporting crime victims, often leveraging extensive networks to deliver assistance for victims of a wide range of crimes. With their network in multiple European countries, these organizations extend their reach to effectively support vulnerable migrant communities, helping to identify victims and provide tailored support services.

[5] Manual of Effective and Secure Referrals of Victims, Publication by VICToRIIA, February 2020, available at: https://victim-support.eu/wp-content/uploads/2021/02/Manual-final-for-print.pdf

Through active engagement with local communities, these organizations build trust and identify victims of various crimes, including labor and sexual exploitation, human trafficking, and gender-based violence. They offer essential services such as legal advice, shelter, child welfare services, healthcare, etc. These organizations seek to provide psychosocial support and connect victims of trauma with necessary resources, often identifying individuals hesitant to contact police due to precarious legal status.

- **Judicial Authorities:** Judges and prosecutors involved in criminal cases may identify victims through testimonies or case details, particularly during court proceedings.

Prosecutors and judges in the EU are increasingly involved in identifying victims during criminal proceedings. The judicial authorities work with specialized victim support staff to identify vulnerable individuals, like minors or victims of sexual violence, who may require additional support during the trial process.

In many member states specialized divisions in courts work closely with social workers to identify and support vulnerable victims, such as children, during testimonies. Judges may refer victims for protection measures or counseling. Moreover, judges are required to assess victim needs in criminal proceedings, especially in cases of domestic violence. They coordinate with victim support organizations to ensure victims have legal aid and psychological support. In some EU member states courts have special protocols for gender-based violence cases. Judges collaborate with multidisciplinary teams to identify victims' needs, such as restraining orders and emergency shelter referrals.

2. Referring Entities:

Referring entities are those responsible for directing victims to appropriate support services once they have been identified:

- **Law Enforcement**: Beyond their identification role, police agencies also refer victims to social services, legal aid, or specialized support organizations to ensure their comprehensive needs are addressed.

- **Healthcare Institutions**: Hospitals and clinics refer victims of crime to psychological services, legal assistance, or community organizations, particularly in cases of severe trauma or abuse.

- **Social Services and Welfare Agencies**: Social workers facilitate the referral of victims to various services, including legal, housing, and emotional support, depending on the victim's specific needs.

- **Embassies and Consulates**: In cases where crimes are committed against individuals abroad, embassies and consulates refer their nationals to legal, medical, or psychological support in the host country.

3. Receiving Entities:

Receiving entities are those responsible for providing direct support and services to victims once referred. Referral mechanisms for victims of crime in the EU are critical for ensuring victims receive comprehensive support tailored to their needs. Victims require

timely access to services that can help them with their immediate and long-term needs, from physical safety to emotional support. In the EU, referral mechanisms often involve multiple steps, including identification, protection, referral, and assistance. However, the availability and quality of these services vary across Member States, especially between **generic** and **specialized support services**.

- **Generic Victim Support Services**: These services offer assistance to all victims of crime, regardless of the specific nature of the crime. Generic services are crucial as they provide a broad range of support, including emotional, legal, and financial assistance. In some EU Member States, national victim support organizations provide a unified point of contact for victims, helping them navigate various forms of assistance. However, in countries where such services are lacking, victims may face challenges accessing help.

Key Competencies of Generic Victim Support Services

- **Emotional and Psychological Support**: Generic support services provide initial psychological support, helping victims' process trauma and cope with their experiences. These services often employ trained counselors who are equipped to offer basic therapeutic support.
- **Information and Guidance**: These services inform victims about their rights, such as their right to participate in criminal proceedings and access compensation or restorative justice services. They provide practical information on navigating the justice system.
- **Referral to Specialized Services**: Generic services identify victims who may require more specialized care and facilitate their referral to relevant organizations. This is especially vital in Member States where there are limited specialized services available.

- **Specialized Support Services**: These services are tailored to meet the specific needs of certain categories of victims, such as those affected by severe crimes like trafficking, sexual violence, or domestic abuse. Specialized services offer targeted assistance, including trauma counseling, legal advocacy, and shelter services. These organizations often have expertise in dealing with complex cases and work in close collaboration with other stakeholders.

Key Competencies of Specialized Support Services

- **Trauma-Informed Therapy and Counseling**: Specialists in services for trafficking or sexual violence often have trauma-informed training, allowing them to address the deep psychological impact of these crimes.
- **Legal and Advocacy Support**: Specialist services are well-versed in the specific legal frameworks surrounding particular crimes, such as human trafficking or domestic violence. They guide victims through complex legal processes and advocate on their behalf.
- **Comprehensive Case Management**: These services often offer long-term, holistic case management, including help with housing, education, and

employment, which is essential for the full recovery of victims of serious crimes like trafficking.

Specialized Support Organizations in EU Member States

These specialized organizations provide victim-centered support that addresses not only immediate needs but also long-term recovery, reintegration, and empowerment.

Specialized support organizations play a critical role in providing tailored, victim-centred services to individuals affected by trafficking, exploitation, and gender-based violence. These organizations go beyond general assistance by offering in-depth expertise and personalized care to help survivors recover, reintegrate into society, and regain autonomy. Their focus is not only on addressing immediate needs but also on ensuring long-term recovery, empowerment, and systemic change

While generic support services offer accessibility and a broad base of support, specialized support services provide in-depth expertise necessary for handling complex cases. A coordinated approach, where both types of services are available and effectively networked, ensures that victims can access comprehensive care suited to their unique circumstances. In Member States where one or both service types are underdeveloped, victims are at a significant disadvantage, often leading to secondary victimization or unaddressed long-term needs.

Core Functions and Services of Specialized Support Organizations

- **Victim-Centered Care**

  Specialized support organizations prioritize the needs of the victim, ensuring that their services are trauma-informed and responsive to the specific circumstances of each individual. These organizations recognize that victims of trafficking, exploitation, and violence often face complex, layered challenges that require specialized interventions.

- **Crisis Intervention and Shelter**

  One of the most immediate services these organizations provide is crisis intervention, which includes safe shelter for victims. This offers protection from their exploiters or abusers and allows them to begin the healing process in a secure environment. Shelters are often equipped with 24-hour support and are designed to be a safe haven for those fleeing dangerous situations.

- **Psychosocial Support and Counseling**

Victims of human trafficking and gender-based violence often experience severe psychological trauma. Specialized organizations offer counselling and mental health support to help victims process their experiences and rebuild their emotional well-being. This support is typically provided by trained professionals, including psychologists and social workers, who specialize in trauma and abuse recovery.

- **Legal Assistance and Advocacy**

Many survivors of trafficking and exploitation face legal challenges, such as navigating asylum procedures, accessing justice for crimes committed against them, or seeking legal redress for their experiences. Specialized organizations offer legal counselling, help with court processes, and advocate for victims' rights both at the national and international levels. Advocacy may also include efforts to improve laws and policies regarding trafficking, exploitation, and gender-based violence.

➢ **Social Reintegration and Empowerment**

In addition to addressing immediate safety and health needs, specialized organizations work with survivors to facilitate their reintegration into society. This can involve a wide range of services, such as vocational training, employment support, educational programs, and life skills training. By empowering survivors with practical skills and support, these organizations help them regain autonomy and independence, which is key to ensuring long-term recovery and preventing re-victimization.

➢ **Raising Awareness and Prevention**

Many specialized support organizations engage in advocacy and public awareness campaigns to address the root causes of trafficking and gender-based violence. These initiatives aim to inform the public, policymakers, and other stakeholders about the realities of these issues, advocate for stronger legal frameworks, and encourage preventative measures. In addition to direct victim support, these organizations seek to address systemic issues, reduce stigma, and prevent future victimization.

➢ **Networking and Collaboration**

Specialized organizations often collaborate with other stakeholders, such as law enforcement, healthcare providers, and social services, to ensure that survivors receive a comprehensive support package. Coordinating efforts with governmental and non-governmental actors strengthens the response to human trafficking and gender-based violence, ensuring that no survivor is left without the resources they need for recovery and empowerment.

By focusing on tailored, survivor-centered care, these organizations help victims not only with immediate safety but with long-term reintegration into society. Their comprehensive approach includes not just direct services, but also efforts to influence policy and advocacy for systemic change, ensuring a more protective environment for vulnerable individuals.

4. Entities Providing Legal, Social, and Health Support:

These entities ensure that the victim's comprehensive needs are met:

- **Legal Aid Services**: Victims often require legal support to navigate criminal justice proceedings, understand their rights, and seek compensation. Legal aid services provide free or low-cost assistance to ensure that victims are not disadvantaged by financial barriers.

- **Healthcare Services**: Medical professionals are crucial in providing immediate care for victims of physical violence or psychological trauma. Beyond initial treatment, healthcare services also offer long-term care, including therapy and rehabilitation.

- **Social and Welfare Services**: Social workers help victims with broader social needs such as housing, employment support, and reintegration into society. Welfare agencies play a significant role in ensuring that victims can regain their stability and independence.

Principles for a Referral System

For a referral system to be effective in assisting victims of crime, several key principles must be observed:

- **Victim-Centered Approach**: All actions within the referral system should prioritize the well-being and safety of the victim. A victim-centered approach ensures that services are tailored to individual needs, offering respect, privacy, and empowerment throughout the process. Victims should be given a voice in determining the support they receive.

- **Trust and Collaboration**: Building trust between victims and service providers is essential. This trust is fostered through transparent communication and consistent support. Collaboration between different stakeholders—such as law enforcement, health services, and NGOs—is necessary to provide seamless and coordinated care.

- **Formalized Agreements and Protocols**: Establishing formal agreements between agencies ensures clear roles and responsibilities, reducing delays and confusion in the referral process. These agreements help streamline collaboration and guarantee that victims do not fall through the cracks of the system.

- **Inclusivity and Non-Discrimination**: Referral systems must be inclusive, ensuring that all victims, regardless of gender, nationality, ethnicity, or crime type, have equal access to support. Services should be designed to be accessible to everyone, including those with disabilities or language barriers.

- **Safety and Confidentiality**: Protecting the safety and privacy of victims is paramount. Referral systems must ensure that information is shared responsibly, respecting victims' confidentiality and avoiding any further harm or risk to their safety.

Importance of Evaluating the Referral System

Regular evaluation of the referral system is essential to ensure that it remains effective, responsive, and victim-centered. Continuous monitoring helps identify gaps, inefficiencies, and areas for improvement.

Since 2010, the Commission's annual reports on the EU Charter of Fundamental Rights have aimed to monitor progress, enhance transparency, and foster a fundamental rights culture within the EU. The 2023 Report, adhering to the thematic approach initiated in 2021, focuses on effective legal protection and access to justice, a priority outlined in the European Commission's 2020 Strategy to strengthen the application of the Charter of Fundamental Rights in the EU[6].

[6] 2023 Report on Application of the Charter of Fundamental Rights in the EU **,** *15 January 2024* // Published in printed Issue 4/2023 by *Dr. Anna Pingen*, available at: https://eucrim.eu/news/2023-report-on-application-of-the-charter-of-fundamental-rights-in-the-eu/

What to Evaluate:

- **Efficiency of Identification and Referral Processes**: It is important to assess how quickly and accurately victims are identified and referred to support services. Delays in these processes can severely impact victims' recovery and access to justice.

- **Quality of Support Services**: Evaluating the quality of services provided—such as legal aid, health care, and emotional support—helps ensure that victims are receiving the help they need. Victim feedback is an essential part of this evaluation, as their experiences provide critical insights into the effectiveness of the services.

- **Interagency Collaboration**: The referral system's success relies heavily on cooperation between different actors. Evaluations should assess how well agencies are working together, identifying any communication barriers or gaps in service provision.

How to Evaluate:

- **Quantitative Data**: This includes collecting data on the number of victims identified, referred, and assisted, as well as timeframes for each stage of the process. Data on service usage and outcomes are also crucial in assessing the system's overall efficiency.

- **Qualitative Data**: Feedback from victims, service providers, and stakeholders is essential for understanding how the system operates in practice. Qualitative assessments help identify areas where the system can be made more victim-friendly and responsive.

Who Should Evaluate and When:

Evaluation should be carried out by an independent body to ensure objectivity and accountability. This body can include government agencies, independent auditors, or non-governmental organizations specializing in victim services. Evaluations should be conducted regularly—at least once a year—so that improvements can be implemented in a timely manner.

In the European Union, the evaluation of victim protection systems, including those for identifying and referring victims of trafficking or other crimes, is carried out through a range of mechanisms designed to ensure that these systems function effectively, transparently, and in a victim-centred way. These evaluation mechanisms typically involve independent bodies, both governmental and non-governmental, which monitor, assess, and report on the implementation of laws and policies that affect victims. Their role is essential in ensuring accountability, identifying gaps or inefficiencies, and suggesting improvements to national and EU-wide efforts.

Evaluation Mechanisms and Bodies

Evaluation of victim referral systems is carried out by specialized bodies that typically perform independent assessments and generate data-driven reports. These bodies are tasked with monitoring the compliance of EU member states with both national and international legal standards, as well as with EU directives aimed at protecting victims' rights.

1. **Independent Monitoring**: The evaluation process is conducted by independent bodies that operate separately from the governments they evaluate. These bodies are typically composed of experts in relevant fields, such as law, victim support services, human rights, and public health. Their independence ensures that evaluations are objective, unbiased, and based on factual data.

2. **Data Collection and Reporting**: Evaluation involves both qualitative and quantitative data collection. Quantitative data includes the number of victims identified and referred, the timeliness of referrals, and the availability of services. Qualitative data is gathered through feedback from victims, service providers, and other stakeholders. This data helps to assess not only the efficiency of the system but also its responsiveness to the needs of victims.

3. **Monitoring Compliance with Legal Standards**: One of the main roles of evaluation bodies is to assess how effectively member states implement international conventions and EU directives aimed at protecting victims. These bodies monitor the legal frameworks and operational procedures that are in place, ensuring that they are in line with fundamental rights and international human rights standards.

4. **Interagency Coordination**: Another focus of the evaluation is the cooperation between various agencies involved in victim support. These can include law enforcement, social services, healthcare providers, and legal aid organizations. Effective interagency collaboration is key to providing comprehensive support to victims, and evaluation bodies assess how well these agencies work together, looking for any communication breakdowns or gaps in service provision.

5. **Recommendations for Improvement**: After assessing the referral system and the quality of victim support services, evaluation bodies issue reports that include findings and recommendations for improvement. These recommendations may cover changes to legal frameworks, improvements in interagency cooperation, or the expansion of services available to victims. The goal is to provide actionable insights that lead to better protection for victims and more efficient systems of support.

6. **Regular and Comprehensive Evaluations**: To ensure continuous improvement, evaluations are conducted regularly, typically on an annual basis. This allows for ongoing monitoring of progress and the timely identification of emerging issues. Regular evaluations also help to track the implementation of previous recommendations, ensuring that necessary changes are being made.

7. **Collaboration with Stakeholders**: Evaluation bodies often collaborate with non-governmental organizations (NGOs), civil society groups, and other stakeholders. These entities can provide valuable insights based on their work with victims and their understanding of the practical challenges that exist within the system. This collaboration ensures that evaluations are grounded in real-world experiences and that victims' voices are heard.

Role of Evaluation Bodies

The main role of evaluation bodies in the EU member states is to ensure the effectiveness, transparency, and responsiveness of victim support systems. They help to ensure that victim identification and referral processes are functioning as intended, that

victims are receiving appropriate support, and that interagency collaboration is working effectively. They also play an important role in holding states accountable for their obligations under EU law and international human rights frameworks.

These bodies help ensure that the EU and its member states maintain high standards for victim protection, continuously improving services and legal frameworks to better meet the needs of those affected by crime. Regular evaluations foster a culture of accountability and transparency, essential for maintaining the trust of victims and the public in the justice system.

In sum, these independent evaluation bodies play a crucial role in strengthening the protection and support systems for victims, ensuring that they are victim-centered, efficient, and aligned with international human rights standards. Their work contributes significantly to the EU's broader goals of ensuring justice, accountability, and the protection of fundamental rights for all individuals.

In conclusion, a well-functioning mechanism for the identification, referral, and assistance of victims of crime is essential for ensuring that victims across the EU receive the support and protection they need. Regular evaluation and adherence to key principles ensure that these systems remain effective, inclusive and victim-centered.

CHAPTER 2

PREPARING TO WORK WITH VICTIMS OF CRIME, UNDERSTANDING THE MEANING OF "VULNERABILITY", TRAUMA-INFORMED AND GENDER-SENSITIVE COMMUNICATION

This chapter explores the various dimensions of psychological trauma and vulnerability in the context of victims of crimes, examining how professionals can navigate these challenges while providing effective and compassionate care by focusing on the key principles that underpin successful collaboration and victim-centered approach.

Psychological trauma and vulnerability - definition of terms

Psychological trauma and vulnerability are fundamental concepts in understanding human behavior, emotional responses, and the effects of various life experiences. Though these terms are often used in similar contexts, they describe distinct aspects of the human experience.

Psychological trauma refers to the emotional, cognitive, and physiological responses that result from an event or series of events that are overwhelming, distressing, or harmful. The trauma may arise from situations such as physical, emotional, or sexual abuse, exposure to violence, natural disasters, accidents, or significant life disruptions. It is an experience that leaves a lasting impact on an individual's mental and emotional health.

Trauma is not limited to singular, dramatic events; it can also accumulate over time in the form of chronic stress, ongoing emotional abuse and/or violence, or neglect. The effects of trauma vary from person to person, depending on factors such as the severity of the event, the individual's coping mechanisms, their prior history of trauma, and the support system available to them.

The emotional responses to trauma may include feelings of helplessness, fear, anger, and sadness, as well as symptoms like anxiety, depression, flashbacks, and difficulty forming healthy relationships. Traumatic experiences can have a profound impact on an individual's sense of self, worldview, and ability to function in daily life.

Vulnerability, in contrast, is the degree to which a person is susceptible to harm, whether emotional, physical, or social. In a psychological context, vulnerability refers to an individual's increased risk of experiencing psychological distress when faced with stressors, adversity, or traumatic events. Vulnerability is not merely about being exposed to danger or harm; it also involves the internal characteristics that may increase a person's sensitivity to psychological injury (eg. genetic predispositions, personality traits, or past experiences) and external factors (eg. poverty, social isolation, discrimination, or lack of access to support systems).

Vulnerability is not always negative, it can also be a source of growth and connection. However, in the context of trauma, vulnerability is often associated with the

exposure to harm. Vulnerable individuals may find it more difficult to cope with stress and adversity, making them more likely to experience lasting psychological effects when they are confronted with a traumatic event.

An individual's vulnerability can influence how they respond to traumatic experiences, and the aftermath of trauma can increase one's vulnerability to future harm, thus vulnerability can act as both a predisposing factor and a consequence of trauma.

Vulnerability, in the context of professional work with victims of crimes

In the context of professional work with crime victims, vulnerability is not merely about physical or emotional fragility; it is also about the relational dynamics between victims and the professionals who serve them.

Vulnerability can be understood in multiple ways: emotional, psychological, physical, social, and legal. Crime victims often experience acute emotional vulnerability as they struggle with the trauma of the incident itself, which may be compounded by feelings of powerlessness, shame, or guilt. This emotional fragility may manifest in a range of ways, from heightened anxiety and depression to post-traumatic stress disorder (PTSD), all of which increase the individual's susceptibility to further harm.

Social vulnerability also plays a key role. Victims of crime may experience marginalization, discrimination, or isolation due to the nature of the crime they endured—be it sexual assault, domestic violence, hate crimes, human trafficking etc. These social dimensions of vulnerability can significantly complicate the victim's ability to seek help or access appropriate resources.

Additionally, the legal system can present another layer of vulnerability for crime victims. The processes of reporting crimes, providing testimony, and navigating legal proceedings can be daunting and re-traumatizing. Victims may feel unheard or misunderstood, which deepens their vulnerability in an already perceived hostile environment.

One of the key challenges in addressing vulnerability in crime victims is recognizing the intersectionality of identity. A victim's experience of vulnerability is not uniform, and factors such as race, gender, sexual orientation, disability, and socio-economic status can deeply influence how they experience crime and the support they receive. For example, a person with disability or a member of the LGBTQ+ community may face additional layers of discrimination or marginalization within both the criminal justice system and in society at large. Professionals must be attuned to these intersecting vulnerabilities and provide culturally competent care that respects the individual's unique needs and identity.

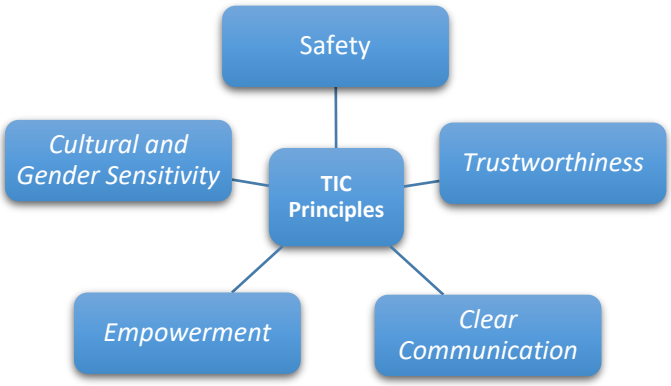
A deep understanding of vulnerability is essential to providing effective care and support. Trauma-informed care, empowerment, advocacy, and cultural competency are fundamental to addressing vulnerability in ways that promote healing and justice. However, professionals must also attend to their own well-being, ensuring that their ability to help others is not compromised by the emotional demands of their work.

Trauma informed care and multi-disciplinary approach

Trauma-Informed Care (TIC) is an essential framework for assisting individuals who have experienced crime and victimization. This approach recognizes the deep and lasting impact trauma can have on a person's mental, emotional, and physical health, and strives to create an environment of support, empowerment, and healing. In the context of victims of crime assistance, implementing TIC is not just beneficial but vital in ensuring that victims receive compassionate, respectful, and effective care.

In many cases, the emotional and psychological wounds caused by victimization can be as damaging as physical injuries. Therefore, when working with victims of crime, it is crucial to consider their trauma history to avoid re-victimisation by placing them in situations where they feel powerless, unheard, or unsafe and to pay attention to the power imbalances inherent in many victim-professional interactions, as victims often feel alienated or distrustful of authority figures.

TIC model is grounded in several key principles: safety, trustworthiness and transparency, clear and compassionate communication, collaboration and empowerment, cultural, historical, and gender sensitivity.



(1) Safety: Ensuring that individuals feel physically and emotionally safe. *(2) Trustworthiness and Transparency*: Building trust by being transparent in all interactions and decision-making processes. *(3) Clear and Compassionate Communication*: Clear communication is key to helping victims understand the process and feel that they are being heard and respected. *(4) Collaboration and Empowerment*: Ensuring that victims have a voice in their care, empowering them to make decisions and feel in control. *(5) Cultural, Historical, and Gender Sensitivity*: Acknowledging the diverse ways in which trauma can affect individuals, particularly in the context of their cultural and social identities.

Effective work with victims of crime can be achieved through the building of trust and cooperation within a multi-disciplinary framework. For victims to open up and disclose sensitive information, they must feel assured that the professionals involved will act in their best interests, maintaining confidentiality and showing respect for their experiences.

A multi-disciplinary team (MDT) consists of professionals from various fields who come together to address the needs of victims in a comprehensive and coordinated way. This could include law enforcement officers, social workers, medical personnel, psychologists, lawyers, and even educators. Each professional brings their expertise to the table, contributing to a broader understanding of the victim's needs and how best to support them. When professionals collaborate, they can share knowledge, identify gaps in care, and ensure that the victim's needs are being met comprehensively. Additionally, the

MDT model helps to prevent re-victimisation by ensuring that the victim does not have to repeatedly recount their traumatic experiences to different professionals. The coordination between team members ensures that the victim receives the appropriate interventions at the right time and in a way that aligns with their personal and cultural needs.

Understanding the impact of trauma and avoiding re-victimisation during judicial proceedings

Trauma resulting from victimization can profoundly affect an individual's ability to participate in judicial procedures, often hindering their capacity to engage meaningfully in the legal process, from recounting events to making decisions about their case. Whether the trauma stems from physical assault, sexual violence, or other forms of crime, its effects are far-reaching and can severely disrupt the psychological and emotional well-being of victims.

Understanding how trauma impacts victims' interactions with the judicial system and preventing re-victimisation by professionals is critical to ensuring that victims are not further harmed while navigating the system. Common effects of trauma that can hinder victims' involvement in the legal process include:

Psychological distress and emotional difficulty: Victims of crime, particularly those who have experienced repeated or severe trauma, often face heightened levels of anxiety, depression, and post-traumatic stress disorder (PTSD). These conditions can result in difficulties with memory recall, increased sensitivity to reminders of the traumatic event, and overwhelming feelings of fear or helplessness. For instance, recounting a traumatic event during a trial or in front of a police officer may trigger intense emotional reactions, such as flashbacks or panic attacks, which may make it difficult for the victim to provide testimony or even attend proceedings.

Impaired Cognitive Functioning: Trauma can disrupt a victim's cognitive abilities, particularly in terms of memory and concentration. This may result in fragmented or inconsistent recollections of events, which could be seen by legal professionals as unreliable testimony. Furthermore, victims may struggle with decision-making, which can make the process of reporting a crime, filing a lawsuit, or cooperating with authorities overwhelming.

Others barriers may be: fear of retaliation or further harm (victims may fear retaliation from the perpetrator or further harm if they participate in the judicial process), distrust of the legal system (some victims, particularly those from marginalized communities or backgrounds with negative experiences with the justice system, may harbor deep distrust of legal institutions), fear of re-victimization and the avoidance of remembering the traumatic event.

Revictimisation in judicial proceedings refers to the process in which a victim of a crime is subjected to further harm or distress during legal proceedings, often by reliving their trauma or being treated in ways that undermine their dignity.

In order to reduce the risk of re-victimization, it is advisable for professionals to interact with victims of crime in accordance with TIC principles, while paying attention to 4 key issues (the 4 R's) which seeks to understand the full impact of trauma and fosters an environment of safety, trust, and respect:

Realize	Recognize	Respond	Resist
•Recognize the widespread impact of trauma on individuals. Understand that trauma can influence people's, behavior, emotions, and functioning.	•Be able to identify signs of trauma in individuals, whether they are subtle or more overt, such as hypervigilance, dissociation, anxiety, or avoidance.	•Use TIC practices when interacting with individuals. This involves providing safe, supportive, and non-judgmental care.	•Avoid actions, words, or environments that could inadvertently trigger or exacerbate the trauma.

Effective professional communication and conduct with victims in assistance, investigation, and court procedures

Effective communication and conduct are essential when interacting with victims in assistance, investigation, and court procedures and professionals, including law enforcement, social workers, and legal professionals, must approach victims with empathy, sensitivity, and respect. Effective professional communication and conduct are essential for promoting empathy, respect, and transparency, all of which are crucial to ensuring that victims feel heard, supported, and safe during a potentially traumatizing process. This document aims to provide guidelines for effective communication and conduct practices focusing on both the initial assistance phase and the subsequent investigation, prosecution and court procedures.

Key principles of effective communication with victims

Effective communication with victims of crimes or other traumatic incidents involves a blend of empathy, active listening, and clarity. Professionals, including lawyers, social workers, police officers, prosecutors, and judges, must understand that victims are often in vulnerable states, making it critical to communicate in ways that minimize additional distress. Below are key principles:

1. Empathy and sensitivity: victims may be dealing with trauma, fear, confusion, and grief. Empathy from professionals helps create an environment where victims feel respected and understood. Simple expressions of understanding and validation can ease the victim's emotional burden, making it easier for them to participate in investigations and court proceedings.
2. Active listening: victims need to feel that their experiences are taken seriously. Active listening techniques—such as reflecting, clarifying, and summarizing—demonstrate genuine interest and understanding, encouraging victims to share their stories fully without feeling rushed or dismissed.
3. Clear, jargon-free language: legal and procedural language can be overwhelming for victims. Professionals should avoid legal jargon and opt for simple, straightforward language that helps victims understand each step of the process. Clear explanations about what is happening, what is expected of them, and what the next steps are in the process can alleviate some of the victim’s anxiety.

4. Transparency and honesty: honesty about what victims can expect—without making promises that cannot be fulfilled—is critical. Professionals should provide realistic timelines, outline potential outcomes, and manage expectations to build trust. Transparency can help mitigate feelings of helplessness and empower victims to make informed decisions about their involvement.

5. Confidentiality and privacy: respect for a victim's confidentiality is essential. Professionals must communicate clearly about how and why certain information may be shared with other agencies or within the legal process. Assurance of confidentiality can be particularly crucial for victims of sensitive crimes, such as sexual violence, who may fear stigmatization.

Professional conduct in assistance and support services

Support services for victims are often provided by social workers, psychologists, and crisis support teams. These professionals play a frontline role in the victim's recovery and reintegration process. Effective conduct in assistance services includes:

1. **Adherence to ethical guidelines:** social workers and psychologists must adhere to strict ethical guidelines, maintaining professional boundaries and avoiding personal biases. This ensures that victims receive non-judgmental and unbiased support.

2. **Cultural sensitivity:** a country is home to diverse ethnic, cultural, and religious groups, including Roma communities and various immigrant populations. Professionals must be culturally aware and sensitive to potential differences in communication styles, beliefs, and behaviors to provide respectful and effective assistance.

3. **Trauma-informed care approach:** understanding trauma's impact on the victim's psychological state is essential. Trauma-informed care emphasizes safety, trustworthiness, and empowerment, which are central to helping victims feel secure in seeking assistance and openly discussing their experiences.

4. **Documentation and reporting:** proper documentation of victim interactions is essential to ensure that accurate information is available to other professionals involved in the investigation or court proceedings. However, records must be kept in a way that respects the victim's privacy and follows legal and ethical guidelines for data protection.

Effective communication and conduct during investigation, prosecution, and court procedures

a. Informed consent:

- ✓ Obtain informed consent before conducting any interviews or examinations;
- ✓ Explain the purpose and potential consequences of participation.

b. Minimizing trauma:

- ✓ create a safe and supportive environment for interviews and testimonies;
- ✓ use trauma-informed interviewing techniques;
- ✓ avoid unnecessary re-traumatization.

c. Respectful questioning:

- ✓ ask open-ended questions and avoid leading questions;

- ✓ be patient and understanding;
- ✓ respect the victim's pace and emotional state.

d. Clear and concise explanations:

- ✓ explain legal procedures in simple language;
- ✓ keep the victim informed about the progress of the case;
- ✓ answer questions honestly and openly.

e. Support and advocacy:

- ✓ provide emotional support and practical assistance;
- ✓ advocate for the victim's rights and needs;
- ✓ connect victims with appropriate support services.

Conclusions

Effective communication and conduct by professionals interacting with victims are central to fostering trust, ensuring procedural fairness, and supporting victims' recovery and participation in justice processes. By prioritizing empathy, transparency, trauma-informed care, and clear communication, professionals across assistance, investigation, and court services can significantly improve the victim experience.

CHAPTER 3

PROTECT VICTIMS PERSONAL DATA

In this chapter are underlined key issues related to the fact that stakeholders that are supporting victims throughout judicial procedures and beyond them, need to ensure that victims' data are collected and stored in a safe manner in accordance with the framework of EU data protection rules.

The processing of data of victims of crimes can occur in two circumstances-either the processing is done by state authorities (investigative authorities, judiciary, and enforcement authorities) in the context of an investigation or criminal trial or by lawyers/NGOs defending them. Two instruments shall be applicable under these circumstances: GDPR[7] and LED Directive[8]

GDPR will apply when the processing is conducted by lawyers/NGOs defending the rights of victims, while the LED Directive will apply to the processing of data by authorities.

The main feature of GDPR protection focuses on the **individual's right to control their own personal information and the legal basis for the obligations** of the entity controlling and processing that data.

In terms of legal grounds of processing, some NGOs may have a practice of establishing a contract to define the type and scope of services, which are provided to the victim. Some professionals, such as psychologists or lawyers, use a contract as standard practice. Such a contract can serve as a basis for data processing, if the data is collected and used towards the execution of the contract.

If a victim calls and asks for a support worker to accompany them to a trial, it is reasonable to require their name and details about the trial (the time, date, specific location), to know where

and when to send the support worker. In this regard, a legal ground for processing must exist.

A legal obligation to provide a certain service may be a basis for data collection and processing if the data itself is essential to that obligation. For example, in the implementation of court orders, supporting vulnerable victims, such as children, or when support organisations implement a legal requirement. To claim legal obligation, the organisation must establish that it has a specific duty to a specific victim.

[7] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) [2016] OJ L 119/1.

[8] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, p. 89–131.

Some elements of victim support from NGOs might be considered as acting to protect victims' **vital interests**, in cases where the lives, or health, of the victims or others are at stake. For example, taking the contact details of a highly traumatised victim to follow up on their wellbeing, even if support had been refused immediately after the event.

Victim support organisations/NGOs may rely on **legitimate interest** if there is a clear benefit to a data subject (victim) and to the organisation resulting from the data processing. The legitimate interest basis is the most flexible of the legal bases provided by the GDPR. It may be useful to rely on legitimate interest when it is difficult to obtain consent from data subjects and where the impact of data processing on victims' privacy and data protection rights is minimal.

Legitimate interest is not a blanket legal basis for every instance of data processing – GDPR insists that the individual circumstances must be taken into consideration. However, each time personal data is collected, NGOs will have to carry out a detailed data processing impact assessment.

To apply legitimate interest, a three-step test is recommended:

- Purpose – is there a legitimate interest behind the data processing? Arguably, the organisation has a legitimate interest to support victims of crimes based on the Victims' Rights Directive[9] and applicable domestic legislation[10].

- Necessity – is the data processing necessary for the purpose. As it is usually required to understand who the victim is and what they have gone through to be able to support them appropriately, the processing is necessary

- Balance – is legitimate interest overridden by the individual's interests, rights, and freedoms? This would rarely be the case, as the data processing is in the individual's interests and is being conducted in order to ensure the rights and freedoms of victims are implemented.
- However, the purpose of the data processing must be clearly explained, and necessity must be demonstrated.

If an NGO is entrusted with a task to be performed in **the public interest** or because it is an official requirement with a clear basis in law and would implicate processing data of victims or other persons, it may use this as a legal basis for lawful data processing[5]. In this case, the data controller (victim support organisation) must demonstrate that the task is in the public interest.

[9] Legislative package on the victims of crime | European Data Protection Supervisor; 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 [2012] OJ L 315.

[10] Accordingly, art. 21 of Directive 2012/29/EU requires Member States to ensure that competent authorities may take during the criminal proceedings appropriate measures to protect the privacy, including personal characteristics of the victim taken into account in the individual assessment provided for under Article 22, and images of victims and of their family members.

Regardless of the legal basis an NGO or a law firm uses, it must comply with the duty to provide information about data processing under the GDPR. This means that there is an obligation to inform the victim about: the legal basis for data processing, the period for which personal data will be stored, the right to request information about their data and its processing by the NGO/law firm, who it will be shared with and the right to demand rectification of incorrect data entries. This information can be given in a several ways. Usually, it will be most effective to combine different methods: in conversation during the intake process, in written form by giving the victim a leaflet, and by providing a transparent online privacy and data protection policy. Additionally, victims should be informed about those subjects who will potentially receive their personal data. Whenever possible, this information must be detailed – precisely indicating those entities that will receive the data.

Victims also have the right to demand removal, erasure, of their data, which is stored and processed by the NGO/law firm, the so-called right to be forgotten (Article 17). This right is not absolute and is applicable only under a limited number of circumstances such as: the personal data is no longer valid for the purpose for which it was collected; data was collected based on consent, which has now been withdrawn; data was processed on the basis of legitimate interest, which is being disputed; data was processed unlawfully; or erasure is required by law

It may be especially difficult for NGOs/law firms to determine how long victims' data should be stored. While GDPR does not set a time-limit, personal data must be stored for the shortest time possible. The retention period should be used to consider the reasons why an NGO needs to process the personal data as well as what legal obligations apply to storing the data for a fixed period of time and this proves to be quite a difficult task.

For example, victims may return for additional support even years after their first contact or may benefit from follow-up after situations likely to cause re-traumatisation- in the case of an NGO they might want to seek years after the crime has been committed, psychological advice or in the case of a law firm, they could decide after same time to sue the state for not adopting an adequate legislative framework of protection.

It may also be necessary to gather and process sensitive data of victims of crimes, such as ethnicity or sexual orientation. In each case, the victims need to be informed that their data is being collected and to ensure the respect of their data protection rights.

The same principles (detailed above) for EU cross-border referrals apply as in the case of domestic referrals. For example if there is at stake a transnational case of human trafficking and there is a need to transfer data from one country to another (*e.g.* The victim was trafficked in country X, but she is searching legal advice or support from an NGO in country Y), the victim is entitled to the same rights and also the legal framework and the grounds for transfer from the GDPR should be respected and applied, especially if it is a third country.

The protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the

safeguarding against and the prevention of threats to public security and the free movement of such data, is the subject of a specific Union legal act does not fall within the ambit of the GDPR as previously stated, but it does fall witthin the scope of Directive (EU) 2016/680 of the European Parliament and of the Council[11].

Directive (EU) 2016/680, the data protection law enforcement directive (LED), ensures as such the protection of personal data of individuals involved in criminal proceedings, be it as witnesses, **victims** or suspects. So it does apply to the victims of crimes.

The directive requires that the data collected by law enforcement authorities are:

- processed **lawfully and fairly**;
- collected for **specified, explicit and legitimate purposes** and processed only in a manner compatible with these purposes;
- **adequate, relevant and not excessive** in relation to the purpose for which they are processed;
- **accurate and updated** where necessary;
- kept in a form which allows identification of the individual for no longer than is necessary for the purpose of the processing;
- **appropriately secured**, including protection against unauthorized or unlawful processing, using appropriate technical or organisational measures[12].

It seems obvious that investigations by police and judicial authorities are generally focused on the suspects of crime and finding evidence and not oriented towards the data protection of victims. When a victim's data are assessed as necessary for detecting and investigating crimes, these data will also be processed and used in the further proceeding and it is of outmost important to ensure the above requirements during all the phases.

The directive requires that law enforcement authorities make a clear distinction between the data of different categories of persons, including:

- those for whom there are **serious grounds** to believe they have committed or are about to commit a criminal offence;
- those who have been **convicted of a criminal offence**;
- **victims of criminal offences** or those whom it is reasonably believed could be victims of criminal offences;
- those who are **parties to a criminal offence**, including potential witnesses.

As such, special attention is granted to the victims of crimes. Victims have as such the right to have certain information made available – and in some cases provided – to them by the competent law enforcement authorities, including:

- the **name and contact details of the competent authority** which decides the purpose and means of the data processing;
- the purposes for processing their data;

[11] https://gdprhub.eu/Article_10_GDPR
[12] https://www.dataprotection.ie/en/organisations/resources-organisations/law-enforcement-directive

- the right to **launch a complaint** with a supervisory authority and the contact details of the authority;
- the existence of the right to request **access to and correction or deletion of their personal data**, as well as the right to restrict **processing of their personal data**.

They also have the right to obtain confirmation from competent authorities as to whether their personal data are being processed, and to access such data and information relating to their processing.

National authorities must take **technical and organisational measures** to ensure a level of security for personal data that is **appropriate to the risk**. Where data processing is automated, a number of measures must be put in place, including:

- denying unauthorized persons **access to equipment** used for processing;
- preventing the unauthorized reading, copying, changing or removal of **data media**;
- preventing the **unauthorized input of personal data** and the unauthorized viewing, changing or deleting of **stored personal data**.

Privacy and confidentiality are core to the work of victim support organisations and NGOs. As such, achieving both the data protection standards and victim support represents an outstanding balancing act. It is critical that NGO's, law firms and other stakeholders working with victims understand their data protection duties and put in place the correct mechanisms, procedures and training in order to ensure their obligations and protect victims of crimes.

At the heart of a failure to provide an effective, supportive and humane justice system that works for and not against victims is the failure to invest in comprehensive and coordinated data recording within the criminal justice system. Without enough and accurate data on victims of crime, our criminal justice agencies cannot fully identify victims, who they are and what their needs are; they cannot provide them with the right support and information; they cannot share information about them with other agencies to avoid repetition and lastly policymakers cannot adequately identify weakness in the system and provide effective solutions. In addition, without the processing of the personal data of victims, fighting crime cannot be done effectively, which in turn would prevent victims from receiving the necessary protection and assistance However, the data provided should always be processed with care and by abiding the principles and guarantees provided by the two instruments, the GDPR and LED Directive.

CHAPTER 4

RECORD DISSAGREGATED DATA ABOUT VICTIMS OF CRIME

The Importance of Collecting Disaggregated Data

Every year, an estimated 15% of Europeans or 75 million people in the European Union fall victim to crime.[13] Within this area of concern that affects a significant portion of the population, consistently collecting disaggregated data on victims of crime, in all major jurisdictions, is critical. It is also an imperative demanded by all the international human rights treaties, which oblige states to prohibit discrimination in all its forms - something that cannot be done without disaggregated data to find where discrimination may lie.[14]

Disaggregated data provides many advantages in striving to ensure the policy is best set up to confront challenges in addressing crime and striving to provide the best support possible for victims of crime. Disaggregated data better enables victims of crime to access all the rights afforded to them, as enshrined in the EU Victims' Rights Directive (**VRD**),[15] as it allows us to understand diverse needs across different victim demographics, and more specific data can provide the foundation upon which to build strategies that are more tailored to the diverse needs within the broader group. Targeted, fit-for-purpose interventions can ensure the achievement of better outcomes for victims with different needs, with the same resources. The availability of more specific data also assists civil society and interested stakeholders in having engaging statistics at hand when creating and executing targeted awareness campaigns for specific sub-issues within crime that they are passionate about.

Disaggregated data can also assist stakeholders in assessing the effectiveness of current legislation, policy initiatives, and interventions by relevant stakeholders, and better understand certain phenomena such as GBV, or hate crimes.

Lastly, having disaggregated data assists in improving access to, and effectiveness of, support and ensures that resources are used equitably within victim support services. This approach is supported by recent academic research and policy evaluations. These perspectives will be detailed further below. Lastly, with more data, there is more visibility

[13] EU Commission, "Victims' rights in the EU", https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/victims-rights-eu_en.

[14] University of Essex, "Disaggregated Data and Human Rights: Law, Policy and Practice Human Rights Centre Clinic"https://www1.essex.ac.uk/hrc/careers/clinic/documents/disaggregated-data-and-human-rights-law-policy-and-practice.pdf.

[15] Journal of the European Union, "Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA", https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0029.

about whether Member States of the EU are complying with their obligations, both regarding human rights generally but also specifically regarding victims' rights and the Victims' Rights Directive.

Disaggregated data and meeting diverse needs within the broader group

Various authorities highlight that different demographics experience crime in differing ways, with differing direct and indirect impacts. Access to justice can also vary wildly within a broader group of many demographics. By way of example, support that is accessible to the rich may not be as accessible to the poor. Victims experiencing a flurry of other vulnerabilities and disadvantages will need support that others may not, and different demographics may need support delivered in varying ways to guarantee the same amount of effectiveness.

For example, research supports that there are complex dimensions to the experience of victims, depending on demographic differences including gender, age, ethnicity, sexuality, and those who belong to many of these groups at once. The same research confirmed that women, children, and people living with disabilities tend to encounter very specific obstacles in accessing support and that the above-mentioned minority groups are also more likely to experience secondary victimisation.[16] Disaggregated data helps stakeholders, including policymakers, to identify such barriers, and also applicable intersectionality, which can enable the creation and effectiveness of policy solutions by ensuring policy-relevant data which can reveal system vulnerabilities or drivers of crime,[17] amongst other trends.

Improving access to, and effectiveness of, support, and ensuring resources are used equitably

There is ample research to suggest that, to be effective, support services offered to all victims of crime must be trauma-informed, and culturally and demographically tailored to those receiving them. Disaggregated data helps policymakers identify where gaps in support services exist and direct their resources to where they will be most effectively and efficiently utilised. Submissions of the European Union Agency for Fundamental Rights (FRA) to the call for inputs by the International Independent Expert Mechanism to Advance Racial Justice and Equality in 2023, for example, elaborated specific challenges for ethnic minorities and migrants in accessing and trusting in support services, aside from issues of distrust in authorities,[18] which underscores the need for specialised outreach to this group,

[16] S. Walklate, "Handbook of Victims and Victimology", 2017.

[17] UNODC, "Disaggregation variables: Strengthening administrative records",

https://www.unescwa.org/sites/default/files/event/materials/Module4.pdf.

[18] Fra, "European Union Agency for Fundamental Rights (FRA) submission to the call for inputs by the international independent expert mechanism to advance racial justice and equality in the context of law enforcement of OHCHR", https://www.ohchr.org/sites/default/files/documents/issues/racism/iiemlawenforcement/cfi-hrc-57/subm-justice-accountability-redress-regi-mech-eu-fundam-fra-fra.pdf.

for example. By collecting disaggregated data, service providers can ensure that resources such as language support or specialised assistance are available to particularly marginalised groups.

Assisting in the implementation of Member States' obligations, and their compliance with the VRD

The VRD purports to establish a 'minimum standard on the rights, support and protection of victims of crime' and 'ensures that persons who have fallen victim to crime are recognised and treated with respect'.[19] The VRD also emphasises that victims must receive proper protection, support and access to justice. What is clear is that in practice, as is also recognised by the European Commission, there are myriad obstacles in concretely ensuring these standards are met in practice; in a tangible way, as words in a directive cannot assist victims in and of themselves. Often there are failures in the implementation of mechanisms for the identification, referral and assistance of victims of crime, often fueled by a 'lack of well-designed policies and procedures, insufficient cooperation between stakeholders, absence of professional education on victims' needs and the availability of tailored assistance services for various categories of victims'[20].

Concerning all of these identified challenges, disaggregated data can certainly aid in ameliorating all of them. As regards a 'lack of well-designed policies and procedures', and lack of 'availability of tailored assistance services for various categories of victims', certainly with access to more specific data that can be readily disaggregated, policymakers can be in a position to better design those policies and procedures, and better fund tailored assistance services where needed, and those in civil society will have more and better scope to be able to advocate for the groups whose interests they represent.

Concerning 'insufficient cooperation between stakeholders' and an 'absence of professional education on victims' needs - more and better data can assist communities to get the best mix of people in the room to discuss policy and indeed ensure that problem areas are better identified to be able to educate professionals and advocates better on specific areas needing intervention and will help galvanise stakeholders toward a shared aim.

Undoubtedly, regular data collection would also assist in monitoring if EU member states are meeting the requirements of the VRD. For example, the European Institute for Gender Equality (EIGE) revealed that there are European member states that still lack specific services for high-risk groups such as women facing domestic and family violence, against what is advised in the VRD.[21] Where these services exist, the collection of

[19] EU Commission, "Victims' rights in the EU", https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/victims-rights-eu_en.

[20] EU Commission, "Victims' rights in the EU", https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/victims-rights-eu_en.

[21] European Institute for Gender Equality, "Developing EU-wide terminology and indicators for data collection on violence against women", https://eige.europa.eu/gender-based-violence/data-collection/developing-eu-wide-terminology-and-indicators-data-collection-violence-against-women?language_content_entity=en.

disaggregated data can also then help stakeholders to evaluate the effectiveness of those services the policies in place, and their impact on crime trends in a jurisdiction. Without disaggregation, it will be challenging to assess which interventions are effective for each group.

A Model for Data Collection and Disaggregation

A model for data collection and disaggregation in Europe in line with principles like those outlined in the EU's Victims' Rights Directive and related human rights frameworks, should involve several key components, including identifying a minimum set of data to collect, identifying and activating touchpoints with victims that can be capable of collecting the data, disaggregation of the data, ensuring that there is effective governance around, and treatment of the data, reporting on the data, and harmonisation, as far as possible, with similar frameworks in the EU to more easily enable cross-border cooperation.

1. Creation of a standardised set of dimensions of disaggregation

The first step is to implement a standardised set of dimensions of disaggregation to be measured, that is shared, practicable to collect, aligned with international norms and standards and is fit-for-purpose as measured through stakeholder consultation, across the EU member states. The OECD highlights this as a best practice in achieving policy coherence across sectors and regions.[22] By increasing available data on crime, and ensuring that data is treated carefully and within privacy and confidentiality parameters, trends can be identified and access to justice can be increased.

At the very minimum this set of dimensions should include identifying different types of crime, and include demographic data (gender, age, ethnicity, religion, disability and other demographic indicators), as well as the presence of known aggravating factors, data about the criminal process (investigation and prosecution phases) and data about how rights are implemented and to what extent victims are receiving and able to act on their rights.

Undoubtedly, to protect victim identities, data should be anonymised and bodies like the International Classification of Crimes for Statistical Purposes (ICCS) and other relevant stakeholders may be able to assist in their development. Such information can be stored either as metadata (e.g., "the number of homicide perpetrators also includes accomplices to the crime" or as disaggregating variables, depending on the needs of the system). When collecting data about victims of crime across various categories of offences, institutions and organisations need to ensure that the indicators give enough information to be able to reflect trends and motivators of crime, as well as reflect the depth of harm, the systemic impact, and that data is capable of being able to inform any need for tailored support for victims.

[22] OECD, “Oecd Legal instruments”, https://legalinstruments.oecd.org/en/about.

1.1. For all categories

As the variation of national crime classifications limits the comparability of crime statistics between European countries, it may be that the adoption of the International Classification of Crime for Statistical Purposes (ICCS), developed by the United Nations Office on Drugs and Crime (UNODC) and first published in 2015[23] is considered, or in some way mirrored or established as a baseline. The ICCS was the first common framework to group all kinds of criminal offences into categories that are useful for producing crime statistics all over the world. Some key principles to consider for the categories/dimensions would be exhaustiveness, or ensuring that the categories/dimensions cover all criminal offences, mutual exclusivity, or ensuring that an offence belongs only to one class, and statistical feasibility, being that it should be possible to collect data and create statistics about the dimension.

The categories of crimes could include:

1. Acts leading to death or intending to cause death
2. Acts leading to harm or intending to cause harm to the person
3. Injurious acts of a sexual nature
4. Acts against property involving violence or threat against a person
5. Acts against property only
6. Acts involving controlled psycho-active substances or other drugs
7. Acts involving fraud, deception or corruption
8. Acts against public order, authority and provisions of the State Acts against public safety and state security
9. Acts against the natural environment
10. Other criminal acts not elsewhere classified

One that one could consider adding within a national set would be trafficking, which could include smuggling, as this is a significant area of concern in the EU, but under the above categories may be relegated to other criminal acts not elsewhere classified, preventing trends about this concerning issue being adequately identified and addressed within national contexts.

1.2. Standard disaggregations

Broadly speaking, the disaggregations that should be implemented could be those identified below within the ICCS, as well as the number of victims (in months or years) for each of the above categories.

[23] Eurostat, "EU guidelines for the International Classification of Crime for Statistical Purposes — ICCS"; 2017, https://ec.europa.eu/eurostat/documents/3859598/8305054/KS-GQ-17-010-EN-N.pdf/feefb266-becc-441c-8283-3f9f74b29156.

EVENT DISAGGREGATIONS	VICTIM DISAGGREGATIONS
At - Attempted/ Completed	SV - Sex of victim
We - Type of weapon used	AV - Age of victim
SIC - Situational context	STV - Age status victim (minor/adult)
Geo - Geographic location	VIP - Victim-perpetrator relationship
DaT - Date and time	Cit - Citizenship
Lo - Type of location	LS - Legal status of victim (natural/legal person)
Mot - Motive	Int - Intoxication status of victim
Cy - Cybercrime related	ES - Economic sector of business victim
Rep - Reported by	
PERPETRATOR DISAGGREGATIONS	**DATA DESCRIPTIONS/ INCLUSIONS**
SP - Sex of perpetrator	Th - Threats Included
AP - Age of perpetrator	AA - Aiding/abetting included
STP - Age status of perpetrator (minor/adult)	Ac - Accessory/ accomplice Included
VIP - Victim-perpetrator relationship	CP - Conspiracy/planning/ preparation included
Cit – Citizenship	In - Incitement to commit crime Included
LS - Legal status of perpetrator	
Int - Intoxication status of perpetrator	
EASt - Economic activity status of perpetrator	
Rec - Recidivist status of perpetrator	

Source: International Classification of Crime for Statistical Purposes (ICCS) – Version 1.0

1.3. Additional disaggregations to consider for use broadly

Additional disaggregation categories can be considered, even if just for use and analysis within a member state for its policy and reflection. These specific disaggregations can assist in identifying trends involving hate crimes, and trends related to discrimination or unconscious bias, can assist in identifying obstacles in reporting, and can assist in capturing investigation and/or prosecution outcomes.

- Duration between time of offence and time of report (in months or years)
- Victim Gender
- Victim Sexuality
- Victim Disability
- Victim Race
- Victim Religion
- Victim Language
- Perpetrator Language
- Perpetrator Gender
- Outcome of investigation
- Phase of prosecution (if the offence is being prosecuted)

While the dimension as to the relationship between victim and perpetrator is noted in the above graphic within the set identified within the ICCS standard set, further disaggregations as to the relationship are possible and these can assist in identifying trends and barriers specifically in the area of crimes committed against intimate partners (and

typically women).[24] These categories could be used in day-to-day police operations and generate statistical data from operational police data recording and data management systems. The ICCS proposes a statistical framework of 17 relationship categories, of which six could be aggregated into a category for intimate partners. UNODC (2015) outlines the six lowest-level intimate partner categories proposed by the ICCS: (i) current spouse; (ii) current cohabiting partner; (iii) current non-cohabiting partner; (iv) former spouse; (v) former cohabiting partner; (vi) former non-cohabiting partner.

2. Key disaggregations to consider within crime categories

The use of qualitative and quantitative indicators regarding victims of crime enables institutions and organisations to enhance both crime prevention efforts and victim support services. Specifically: (i) **quantitative indicators** allow for the monitoring of trends, resource planning, and the evaluation of the effectiveness of prevention and support policies; (ii) **qualitative indicators** provide insights into victims' experiences and assist in designing more sensitive and targeted interventions that address the needs of diverse demographic groups. Below, we will examine the relevant indicators for each main category of crimes affecting victims, explaining their significance in the data collection process.

2.1. Crimes against life

Crimes against life include acts that cause or intend to cause death, such as homicide, femicide, or attempted murder. The qualitative and quantitative indicators collected for this category are essential for identifying trends, determining risk factors, improving prevention strategies, and ensuring adequate support for victims and their families.

- **Quantitative Indicators.** These data points provide an objective measure of the scope and characteristics of the phenomenon: (i) number of homicides and attempted homicides; (ii) number of femicides; (iii) number of infanticides;
- **Qualitative Indicators.** These data points provide deeper insights into the context and experiences of victims, offering valuable information to improve support and prevention efforts: (i) relationship between the victim and the perpetrator; (ii) context of the crime; (iii) victims' and families' experiences; (iv) barriers to reporting; (v) feedback on support services; (vi) demographic profile of victims; (vii) motivations and dynamics of the perpetrator.

2.2. Crimes against bodily integrity of health

Crimes against bodily integrity and health include acts that cause physical harm or undermine the physical and mental well-being of victims. Collecting qualitative and quantitative indicators in this category is essential to assess the extent of harm, design targeted prevention policies, and provide support to victims.

[24] European Institutte for Gender Equality, "EIGE's indicators on intimate partner violence, rape and femicide: Recommendations to improve data quality, availability and comparability", https://eige.europa.eu/publications-resources/publications/eiges-indicators-intimate-partner-violence-rape-and-femicide-recommendations-improve-data-quality-availability-and?language_content_entity=en.

- **Quantitative Indicators.** These indicators provide measurable insights into the incidence and severity of such crimes: (i) number of reported incidents; (ii) number and severity of physical injuries; (iii) number of victims by age and gender; (iv) duration of physical or medical impact; (v) number of incidents by context; (vi) economic cost of harm;
- **Qualitative Indicators.** These indicators provide deeper insights into the context of the crimes and their impact on victims: (i) psychological impact; (ii) relationship between the victim and the perpetrator; (iii) barriers to reporting; (v) feedback on support services; (vi) details about the crime context.

2.3. Injurious act of a sexual nature

Gender-based violence requires nuanced data to shape interventions that address systemic causes and promote safety and justice for victims. Highlighting the dismal prosecution success rates of sexual crimes and their profound psychological effects underscores the need for specialised victim support, such as trauma counselling. For this purpose, gender-based violence requires a structured data collection process to understand the phenomenon, support victims, and promote effective interventions.

- **Quantitative Indicators.** These indicators provide measurable insights into the extent and characteristics of gender-based violence: (i) types of sexual offences; (ii) number of gender-based violence cases; (iii) number of victims by gender, age, and ethnicity; (iv) number of recorded crimes; (v) number of convictions; (vi) average duration of investigations and legal proceedings;
- **Qualitative Indicators.** These indicators provide deeper insights into the context and experiences of victims, crucial for sensitive and appropriate interventions: (i) psychological and emotional impact; (ii) relationship between the victim and the perpetrator; (iii) barriers to reporting; (iv) feedback on authorities' response; (v) experience with support services; (vi) socio-cultural context; (vii) experiences of secondary victimisation.

2.4. Crimes against property

Crimes against property, such as theft, robbery, and property damage, have significant financial, psychological, and social consequences. Collecting both quantitative and qualitative data is essential to understand the nature and extent of these crimes, improve prevention strategies, and ensure appropriate support for victims.

- **Quantitative Indicators.** These indicators provide an objective measure of the frequency and characteristics of property crimes: (i) number of reported crimes; (ii) type of crime (e.g. burglary, robbery, vandalism, fraud); (iii) monetary value of stolen or damaged property; (iv) number of crimes involving violence;
- **Qualitative Indicators.** These indicators provide deeper insights into the context of crimes and their impact on victims: (i) victim demographics; (ii) victims' experience with law enforcement; (iii) barriers to reporting; (iv) crime context; (v) socioeconomic impact; (vi) feedback on support measures.

2.5. Human Trafficking and Crimes against Humanity

Crimes such as human trafficking and crimes against humanity require robust data collection frameworks to assess their scope, understand their impact, and design effective interventions.

- **Quantitative Indicators.** These indicators measure the prevalence, characteristics, and outcomes of these crimes: (i) number of reported trafficking incidents; (ii) number of identified victims; (iii) form of exploitation (e.g. sexual exploitation, forced labour, organ trafficking); (iv) number of cross-border vs. domestic cases; (v) number of prosecutions and convictions
- **Qualitative Indicators.** These indicators explore the context, impact, and systemic drivers of these crimes: (i) victim experiences and testimonials; (ii) motivations and methods of traffickers; (iii) barriers to reporting; (iv) effectiveness of victim support services; (v) perception of law enforcement and authorities; (vi) cultural or societal drivers.

2.3. Effective Counting

To ensure the comparability of data during the production process, countries have to apply proper rules for the counting of offences and persons. The rules recommended by Eurostat for counting the offences are:

- all the offences in a crime event should be counted
- multiple offences of the same type should be counted as more than one
- offences committed by more than one person should be counted as one offence.

The rules for counting 'totals' for persons are:

- persons suspected/prosecuted/convicted/held for multiple (series of) offences of the same type should be counted as one person
- persons suspected/prosecuted/convicted/held more than once (on separate occasions) in one year should be counted as one person
- when providing the number of persons in an offence, it is recommended that each person is counted separately for each offence and crime occurrence.
- As countries record information primarily for their administrative purposes, the data and methods they use may vary. For these reasons, the basic data and how it is collected are different in each country. However, compliance with ICCS definitions and counting rules can be found in the relevant metadata for each country.[25]

2.4. Guidelines for trauma-informed and culturally-sensitive collection

There should be guidelines about trauma-informed and culturally-sensitive modes of collection and standardised methods of collection as far as possible, to facilitate comparison and meaningful analysis, and these guidelines should integrate relevant parts

[25] https://ec.europa.eu/eurostat/web/crime/methodology

of standards from the EU Victims' Rights Directive in national data collection to ensure compatibility with EU-level reporting.

These guidelines should also include instructions and methods for appropriately and sensitively informing victims about the purpose of data collection, as studies show that they will then be more likely to provide accurate and complete information. Voluntary data collection fosters a sense of control and safety, which is especially important for trauma survivors.[26]

2.5. Primary Points of Collection

The practical elements of data collection then need to be addressed, with those who consistently have touchpoints with victims given the tools to collect data including appropriate technology, funding and guidance. This group would include police officers, prosecutors, courts, prisons, NGOs and other public and private assistance providers. This is because data collection at initial contact improves data quality and can guide immediate support. The recording of additional characteristics of crimes, victims and offenders should be done at the level of primary data entry for each observation.

In manual data entry systems, separate tables must be kept for crime data for each disaggregation before they are aggregated. In computerised systems, it is easier to analyse the data by all combinations of disaggregating variables.

In computerised data capture, storage, transfer and compilation systems, it is possible to record a large number of disaggregations for each unit record. It is important that, where possible, the recording systems are embedded into existing recording processes that are designed to trigger consideration of recording and create the least possible bureaucratic demands on operational staff.[27]

There should then be a mechanism in place for the collation of this data from all relevant sources, through a national office or initiative, which can ensure the various inputs are presented in a more readable and accessible format for eventual perusal by relevant stakeholders. This could be, for example, through a National Database for Victims of Crime with secure access protocols, wherein there would be consolidation of victim-related data, making it easier for different agencies to access and update records as needed. Such a database could be set up to have the systems of other groups directly feed updated data into it at regular intervals (say, monthly or quarterly), or could be done through a common data collection platform made only for this purpose. A system of "tags" can be implemented by national crime recording institutions in different ways. Ideally, fully integrated variables at a unit level would allow for a full analysis of any offence, perpetrator or victim by any relevant combination of disaggregating variables required.

[26] Hudson, A, Robinson, A, ojp.gov. (2024). Different yet Complementary: Two Approaches to Supporting Victims of Sexual Violence in the UK | Office of Justice Programs. [online] Available at: https://www.ojp.gov/ncjrs/virtual-library/abstracts/different-yet-complementary-two-approaches-supporting-victims [Accessed 7 Nov. 2024].

[27] Council of Europe (COE), "Disaggregated data collection on hate crime, hate speech and discrimination in the Republic of Moldova: recommendations and situational analysis, https://rm.coe.int/final-data-collection-md-en/16809f7473.

For efficiency reasons, if the national recording system already uses some kind of electronic database, implementation of the ICCS could include linking the extra data to the ICCS "tags". Recording and sending of these data might entail legal or practical issues that must be resolved. Such an initiative would need to be supported by regular training of personnel across agencies on accurate and consistent data collection and the use of the relevant tools, as well as GDPR obligations, and by regular audits of the data inserted to help identify discrepancies and inconsistencies across agencies, making it easier to improve data quality and comparability over time.

Civil society organisations that record and monitor hate crimes based on clear, transparent and robust methodologies should be treated as equal partners to the police, prosecution service and judiciary in efforts to understand and address crime (for example through working groups). In addition to the benefit of accessing civil society data (in accordance with relevant protections for victim data and confidentiality) this cooperation can increase the quality and depth of relationships, which, in turn, can increase the chance that victims will remain engaged in the criminal justice process and develop confidence in the authorities.[28] It is also necessary to work closely with relevant civil society organisations to review, develop and adopt specific awareness-raising and victim-outreach strategies that also address evidenced barriers to reporting including poor police responses and lengthy delays in investigations. However, this approach requires resources and the commitment to develop the capacity of civil society organisations that are currently not able to conduct monitoring and victim support to a sufficiently high standard.

Recording and data collection systems should:

- be victim-focused;
- be part of a system that includes high-quality training, investigation and prosecution guidelines, and an inclusive legal and policy framework supported by sustainable funding;[29]
- seek international alignment: be aligned with international norms and standards. At the practical level, this ensures that the resulting data is more easily submitted to regular requests from intergovernmental organisations (see ODIHR annual hate crime reporting requirements for example), or Eurostat crime data collection implemented jointly with the United Nations Surveys on Crime Trends and the Operations of Criminal Justice implemented by the UN Office on Drug and Crime (UNDOC).
- be transparent: produce accurate data that is easily accessible to the public; and
- be implemented in the context of a strong commitment to cooperation across criminal justice agencies, relevant government ministries, relevant civil society organisations and academics with relevant expertise.

[28] Council of Europe (COE), "Disaggregated data collection on hate crime, hate speech and discrimination in the Republic of Moldova: recommendations and situational analysis, https://rm.coe.int/final-data-collection-md-en/16809f7473.

[29] Council of Europe (COE), "Disaggregated data collection on hate crime, hate speech and discrimination in the Republic of Moldova: recommendations and situational analysis, https://rm.coe.int/final-data-collection-md-en/16809f7473.

2.6. GDPR Compliance

Particularly noting that the context of this resource is the EU there must be thought given during the initial set up of data collection systems, **to the secure and EU General Data Protection Regulation (GDPR) compliant collection and storage of data** to ensure that victims' privacy and dignity is respected and comply with the (GDPR). There is evidence that without proper data security, the risks of re-traumatisation and privacy invasion can be high, and victims can be discouraged from seeking help[30].

2.7. Reporting and transparency

Disaggregated data should be, at regular intervals, analysed and made easily available to interested stakeholders to allow for the identification and confrontation of emerging issues that that data will expose. Transparent reporting can help promote accountability and help policymakers adjust resource allocations based on identified needs.

2.8. Quality assurance

Data should undergo routine validation through a range of checks to ensure its reliability and accuracy. These checks should include verifying that detailed breakdowns align with overall totals, comparing data trends against figures from previous years to identify any anomalies, and cross-referencing information across different sources—such as data on offences, victims, suspects, prosecutions, and convictions[31]—to confirm consistency. Such practices help maintain data integrity and support informed decision-making.

In conclusion, disaggregated data collection, when implemented thoughtfully and securely, is a cornerstone for advancing the EU Victims' Rights Directive's goal of equitable support for all victims. By revealing disparities and guiding targeted support, disaggregated data contributes significantly to a more responsive and just system across the EU.

[30] Victim Support Europe, "Victim support and data protection", https://victim-support.eu/wp-content/uploads/2021/02/VSE-Data-Protection-paper.pdf.

[31] Eurostat, "Crime and Criminal Justice Quality", https://ec.europa.eu/eurostat/web/crime/quality.

CHAPTER 5

DATA SHARING AGREEMENTS

This chapter provides a template of multilateral data sharing agreement and in the same time underlines the objectives and type of institutions, organisations that can be involved. A successful response in protecting victims' rights, requires collaboration and cooperation of many stakeholders and scopes of response(s) vary greatly. It is essential to formalize cooperation within agreements for the establishment of properly support systems for victims of crime.

The Objective(s) of the agreement

The following objectives can provide the foundation for effective, ethical, and legal data sharing that benefits all parties involved and ensures the protection of individuals.

1. **Enhance collaboration and communication**: Foster closer cooperation between institutions and organizations involved, ensuring data exchange for better decision-making, coordinated actions and primarily provide effective administration of justice and access to justice for the victims.
2. **Ensure the protection and well-being of individuals**: Facilitate the identification and assistance of individuals (e.g., victims, vulnerable groups) in a manner that respects their rights, privacy, and dignity.
3. **Promote efficiency in service delivery**: Enable the transfer of data to the efficient provision of services and support across different entities, avoiding duplication and ensuring continuity in assistance.
4. **Support judicial and legal processes**: Ensure that all relevant data is securely shared to aid in legal procedures, from investigation to prosecution, while maintaining the confidentiality and integrity of sensitive information.
5. **Comply with legal and regulatory frameworks**: Ensure that data sharing is conducted in full compliance with applicable national and international laws, including data protection regulations, to avoid breaches and liabilities.
6. **Standardize data management practices**: Establish common procedures and standards for collecting, processing, storing, and sharing data to ensure consistency and accuracy across all participating entities.
7. **Build trust and accountability among parties**: Create a framework of trust and accountability, where all parties are responsible for handling data in a secure, ethical, and lawful manner, with clear consequences for non-compliance.

Purpose of data sharing

The purpose of data sharing is to facilitate effective and coordinated actions between the participating institutions and organisations. The shared data will serve multiple key purposes, including:

1. **Identification of individuals**: Allowing for the accurate and timely identification of persons in need of services, protection, or intervention by relevant entities.
2. **Coordination of assistance**: Enabling the referral of individuals between institutions, ensuring that they receive the necessary support (e.g., legal, medical, financial) without delays or duplication of effort.
3. **Continuity and transfer of services**: Ensuring that assistance, support, or protection provided by one entity can be transferred to another when required, maintaining service continuity for the individuals concerned.
4. **Legal and judicial processes**: Supporting legal investigations, court cases, or administrative proceedings through the secure exchange of relevant data, including evidence, witness statements, and legal documentation.
5. **Operational efficiency**: Enhancing the operational efficiency of all Parties by sharing relevant information needed to provide comprehensive and integrated services to the individuals in question.
6. **Compliance with legal obligations**: Facilitating adherence to national and international laws, including data protection regulations, and ensuring that the rights and privacy of individuals are respected throughout all processes.

Institutions and organisations that can be involved in the data sharing agreement

Governmental Agencies

1. **Law Enforcement Agencies** (e.g., police, investigative units): Responsible for victim identification, criminal investigations, and legal proceedings.
2. **Judicial Bodies**: Involved in judicial processes and legal documentation related to the cases in question.
3. **Social Services and Welfare Departments**: Providing social support, victim assistance, and protection.
4. **Health Departments**: Handling medical data, including psychological assessments and treatment details, for individuals requiring medical intervention.
5. **Immigration Authorities**: For cases involving cross-border victims or individuals needing residency, asylum, or repatriation services.

Non-Governmental Organisations

1. **Human Rights Organizations**: Working on issues related to victim protection, legal advocacy, and support services.
2. **Victim Support Organizations**: Providing direct assistance (e.g., shelters, legal aid, and psychosocial support) to individuals in need.

3. **Legal Aid Organizations**: Offering legal representation, advisory services, and support throughout judicial proceedings.
4. **International NGOs**: Handling transnational or cross-border data sharing, particularly for international victims, refugees, or human trafficking cases.
5. **United Nations Agencies** (e.g., UNHCR and UNICEF): Working on refugee resettlement, human rights, and protection for vulnerable individuals.
6. **International Criminal Justice Organizations** (e.g., INTERPOL, Europol): Facilitating cross-border criminal investigations, human trafficking cases, or international judicial cooperation.

Healthcare Providers

1. **Hospitals and Clinics**: Sharing medical records and providing care to individuals in need of physical or psychological health services.
2. **Mental Health Services**: Involved in the mental health assessment, treatment, and rehabilitation of victims or individuals affected by trauma.

Type of data items

Identification of Victim

The following involves gathering basic and essential information to identify and verify the individual.

1. **Personal Identifiers**: Full name, date of birth, gender, nationality, and identification documents (e.g., passport, national ID).
2. **Biometric Data**: Fingerprints, photographs, or other biometric records to verify identity.
3. **Contact Information**: Address, phone number, and email, if applicable.
4. **Location Information**: Current or last known location, geographic coordinates, or safe house location (if applicable).
5. **Medical and Psychological Status**: Health conditions, injuries, or psychological assessments relevant to their identification and immediate needs.
6. **Circumstantial Information**: Details of the individual's discovery, initial rescue, or encounter with authorities or agencies (e.g., date, location, situation).
7. **Demographic Information**: Ethnicity, language, cultural background (to assist with culturally appropriate responses).

Referral for Assistance

Once identified, the individual may be referred to various services, and the following data items are shared to ensure support:

1. **Service Needs Assessments**: A formal assessment of the individual's needs (e.g., medical care, shelter, psychological support, legal assistance).
2. **Consent Forms**: Documentation of the individual's informed consent to receive services and share their data with relevant entities.

3. **Case History**: Basic background on the individual's situation, including the nature of harm or exploitation they've suffered.
4. **Medical Records**: Health status, diagnoses, treatments received or required, vaccination records, and ongoing medication.
5. **Risk and Vulnerability Assessments**: Details of any immediate threats or risks (e.g., safety concerns, security needs) that the individual might face.
6. **Social and Economic Background**: Information about their family, dependents, or financial situation, if relevant to service provision.

Transfer of Assistance Support from One Entity to Another

When an individual is transferred between service providers or organizations, the following data will facilitate continuity in assistance:

1. **Case Management Records**: Notes from previous service providers, case progress, and history of interventions.
2. **Assistance Provided**: Specifics about the services already delivered (e.g., housing, financial aid, medical treatment) and any ongoing support.
3. **Care Plans and Follow-Up**: Documentation of ongoing or future plans, including appointments, therapies, and next steps in service provision.
4. **Referral Letters**: Official documents or letters recommending further services or action required for the individual by the receiving entity.
5. **Emergency Contacts**: Contact details for any responsible parties or case workers involved in the previous assistance phase.

Transfer of Data Needed for Judicial Procedures

For individuals involved in legal or judicial processes, certain data will be shared with law enforcement, legal teams, or courts:

1. **Witness Statements or Testimony**: Written or recorded statements provided by the individual, witnesses, or relevant parties.
2. **Evidence Documentation**: Physical or digital evidence related to the case, such as photos, videos, or forensic reports.
3. **Court Documents and Filings**: Legal documents filed in court (e.g., charges, complaints, verdicts).
4. **Criminal Records and History**: Any prior involvement in legal cases, if relevant to the current judicial process.
5. **Legal Representation Information**: Details of the individual's lawyer or legal representatives.
6. **Protection Orders or Legal Safeguards**: Documents detailing court-ordered protections (e.g., restraining orders, witness protection programs).
7. **Confidential Legal Communications**: Securely shared communications between legal representatives and the judicial body that must remain confidential.

Other Relevant Data Types

Across all phases, additional information may be shared to support the individual's needs and protect their rights, such as:

1. **Cultural and Language Preferences**: Data on language barriers, interpreter needs, or specific cultural considerations.
2. **Education and Skills**: Information about the individual's educational background or skill set, especially relevant for reintegration and long-term support.
3. **Identification of Perpetrators**: Data related to suspects or individuals linked to crimes, relevant in cases of trafficking, abuse, or exploitation.
4. **Travel Documents and Migration History**: In cases of refugees or displaced persons, relevant travel history, visas, or refugee status records may be necessary.

Security and Data Protection Measures

For all the data shared in the above phases, strict adherence to data protection laws, secure transfer protocols (e.g., encrypted communication), and privacy standards must be maintained. Each piece of data shared should be limited to what is necessary for the stated purpose, and access should only be granted to authorised personnel.

Description on how the information will be processed

Data Processing Guidelines

To ensure that the information shared under a **Multilateral Data Sharing Agreement** is handled securely, ethically, and in compliance with applicable data protection laws, the following guidelines describe how the data will be processed, who will be responsible, and the means through which it will be processed.

Data Controllers and Data Processors

Each participating organization will play one of two key roles in the processing of shared data:

Data Controller: The organization that determines the purposes and means of processing personal data. The Data Controller will ensure that data is collected, processed, and transferred in compliance with all relevant legal obligations.

Responsibilities of Data Controllers:

1. Determine the purpose of data sharing (e.g., victim identification, referral for assistance).
2. Ensure that data collected is lawful, necessary, and relevant to the specific phase of engagement.
3. Establish data-sharing policies and procedures in accordance with applicable laws and this agreement.

4. Ensure data subjects are informed about how their data is being collected, shared, and used, including gaining informed consent when necessary.

Data Processor: The organization or entity that processes data on behalf of the Data Controller. Data Processors are required to follow the instructions of the Data Controller and cannot determine how the data is used.

Responsibilities of Data Processors:

1. Process data securely and only as directed by the Data Controller.
2. Implement technical and organizational measures to ensure data security (e.g., encryption, secure transmission channels).
3. Ensure that only authorized personnel have access to the data, and that data is handled confidentially.
4. Report any data breaches or incidents to the Data Controller without delay.

Means of Data Processing

Data shared under this agreement will be processed using secure, regulated methods to protect the integrity, confidentiality, and availability of the information.

1. Data Storage: Data will be stored securely using encrypted databases or cloud storage solutions that comply with relevant data protection standards (e.g., ISO/IEC 27001, EU General Data Protection Regulation 2016/679 (GDPR)).
2. Data Retention: Personal data will only be retained for as long as necessary to fulfil the purposes outlined in this agreement. After the relevant purpose has been fulfilled (e.g., once the victim's case is closed or the judicial process is complete), the data will be securely deleted or anonymized.

Anonymization and Pseudonymization

In cases where the full identity of an individual is not required for specific processes (e.g., research or data analytics), data will be anonymized or pseudonymized to protect the identity of individuals.

Informed Consent and Data Subject Rights

1. Informed Consent: The Data Controller must ensure that individuals (data subjects) provide informed consent for the collection and sharing of their personal data, unless legal exceptions apply (e.g., mandatory reporting requirements). Consent must be clearly documented and communicated to the individual in an understandable manner, including details on who will access their data, for what purpose, and for how long.
2. Data Subject Rights: Individuals have the right to
    a. Access: Request access to their personal data shared between entities.

b. Rectification: Request corrections to inaccurate or incomplete data.
c. Erasure: Request the deletion of their data if it is no longer necessary for the purposes for which it was collected (except where legal obligations require data retention).
d. Restriction: Request that their data be restricted from further processing under specific conditions.
e. Objection: Object to the processing of their data for certain purposes, such as direct marketing or non-essential activities.

Incident Reporting and Data Breaches

1. **Data Breach Notification**: In the event of a data breach, the Data Processor must notify the Data Controller immediately. The Data Controller will then assess the risk to the rights and freedoms of affected individuals and notify the relevant data protection authorities within [48 hours], if necessary.
2. **Incident Response Plan**: All parties to the agreement must have an incident response plan in place to handle data breaches and other security incidents. This plan should include containment measures, investigation procedures, and communication protocols.

Legal consequences if the agreement is not respected

Failure to adhere to the terms of this **Multilateral Data Sharing Agreement** will result in serious legal and contractual consequences. These consequences aim to protect the rights of data subjects, ensure accountability, and promote compliance with data protection laws. Below are the potential legal consequences if the agreement is not respected:

Breach of Data Protection Laws

Non-compliance with this agreement could result in breaches of national and international data protection regulations, such as the **General Data Protection Regulation (GDPR)**, or other relevant frameworks. Potential consequences include:

1. **Fines and Penalties**: Regulatory authorities may impose severe fines and penalties on organizations that fail to comply with data protection laws. For example, under the GDPR, fines can reach up to €20 million or 4% of the organization's global annual turnover, whichever is higher.
2. **Criminal Liability**: In cases where the breach involves criminal conduct (e.g., willful neglect, unauthorized disclosure of sensitive information), individuals responsible may face criminal charges, which could include imprisonment or other legal sanctions depending on the jurisdiction.

Suggestions on how the agreement can be reviewed and how amendments can be implemented

The **Multilateral Data Sharing Agreement** will be subject to regular reviews and may be amended to ensure that it remains relevant, effective, and compliant with

evolving legal requirements, technological advancements, and operational needs. The following outlines the review process and the procedure for introducing amendments:

Review Frequency

The agreement will be reviewed periodically to assess its effectiveness and ensure ongoing compliance with relevant laws and best practices. The review frequency is as follows:

1. **Annual Review**: The agreement will be reviewed at least once every 12 months by all participating entities.
2. **Trigger-Based Review**: In addition to the annual review, the agreement will be reviewed when specific triggers arise, such as:

    a. **Changes in Legal or Regulatory Requirements**: If new data protection laws or regulations come into force, a review will be initiated to ensure compliance.
    b. **Technological Changes**: If significant technological developments occur (e.g., new data processing or security technologies), a review will assess whether the agreement needs updates to address these changes.
    c. **Operational Changes**: If a new institution joins the agreement, or if there are changes in the roles or responsibilities of the current participants, a review will be conducted to update relevant clauses.
    d. **Security Incidents or Breaches**: In the event of a major data breach or security incident, an immediate review will be initiated to address any weaknesses and prevent future occurrences.

Review Process

The review process will involve the following steps to ensure a collaborative and transparent approach:

1. **Formation of a Review Committee**: A review committee will be formed, comprising representatives from all participating entities (e.g., data protection officers, legal advisors, IT security personnel). This committee will lead the review process.
2. **Feedback Collection**: Input will be solicited from all participating institutions and organizations. Each party will provide feedback on the current effectiveness of the agreement, any challenges faced, and areas for improvement.
3. **Risk Assessment**: The review committee will conduct a comprehensive risk assessment to identify any new risks related to data sharing (e.g., cybersecurity threats, compliance risks, or legal risks).
4. **Compliance Audit**: The review may include an audit of data-sharing practices to ensure compliance with the terms of the agreement and any applicable laws or regulations.
5. **Report Preparation**: The review committee will prepare a report summarizing findings, recommendations, and proposed amendments.
6. **Stakeholder Approval**: The review report, including any recommended amendments, will be shared with all stakeholders for discussion and approval. Each

participating entity must approve the proposed changes in accordance with its internal decision-making processes.

Termination or Withdrawal

If an entity wishes to withdraw from the agreement or terminate its participation:

1. **Notice of Withdrawal**: A withdrawing entity must provide written notice [60 days] in advance to all other participants, specifying the reason for withdrawal.
2. **Data Handling on Withdrawal**: Upon withdrawal, the departing entity must ensure the secure return, deletion, or anonymization of all shared data in its possession, in compliance with the agreement's data retention and security provisions.
3. **Termination of the Agreement**: The agreement may only be terminated by mutual consent of all parties. In the event of termination, all parties must ensure the secure disposal or return of shared data and comply with any relevant legal obligations concerning data protection.

Version Control

To ensure clarity, each version of the agreement and any subsequent amendments will be numbered and dated, with a clear indication of the changes made from the previous version. The most recent version will be the only valid and enforceable document at any given time.

By following these review and amendment procedures, the agreement will remain flexible and adaptable to changes, while ensuring that data-sharing practices continue to meet the needs of all parties and comply with legal standards.

Multilateral Data Sharing Agreement Template

1. Introduction

This Multilateral Data Sharing Agreement (the "Agreement") is entered into by and between the following institutions and organizations:

Institution 1 (Full legal name, address)

Institution 2 (Full legal name, address)

Organization 1 (Full legal name, address)

Organization 2 (Full legal name, address)

The Parties agree to share data in accordance with the terms outlined below to fulfil the stated objectives and purposes, ensuring proper handling, security, and confidentiality of the data.

2. Objectives of the Agreement

The primary objective of this Agreement is to establish a collaborative framework between the Parties for the secure, efficient, and lawful sharing of data. Specific objectives include:

Improving coordination and cooperation between institutions and organizations in [sector/field, e.g., victim identification, legal support].

Ensuring the appropriate flow of information between the parties to facilitate effective service provision, judicial processes, and assistance transfer.

Ensuring compliance with applicable data protection and privacy laws.

3. Purpose of Data Sharing

The data shared under this Agreement will serve the following purposes:

i. Identification of victims: To provide accurate and timely information to support the identification of victims and appropriate referrals.

ii. Referral for assistance: To facilitate the referral process between the relevant entities involved in providing assistance or support.

iii. Transfer of assistance support: To enable the smooth transfer of support between institutions, ensuring that no gaps in service provision occur.

iv. Judicial procedures: To assist in the gathering, transfer, and verification of information necessary for judicial proceedings or legal investigations.

4. Institutions and Organizations Involved

The following institutions and organizations are Parties to this Agreement:

Institution 1: (Description of role and type of data handled)

Institution 2: (Description of role and type of data handled)

Organization 1: (Description of role and type of data handled)

Organization 2: (Description of role and type of data handled)

5. Types of Data to Be Shared

The relevant data to be shared between the Parties includes, but is not limited to, the following:

5.1. Identification of Victims

Personal identifiers (e.g., name, date of birth, nationality)

Contact information

Medical records or psychological assessments (where applicable)

5.2. Referral for Assistance

Service needs assessments

Case management records

Support services provided (e.g., housing, legal assistance)

5.3. Transfer of Assistance Support

Case transfer documents

Financial or material assistance provided

Service continuity data

5.4. Data for Judicial Procedures

Case reports

Testimony and witness statements

Evidence documentation

6. Data Processing Responsibilities

Each Party to this Agreement agrees to process the data in accordance with the following guidelines:

i. Data Controller: The entity responsible for determining the purpose and means of processing the shared data.

ii. Data Processor: The entity responsible for processing the data on behalf of the Data Controller.

Data must be handled securely using [secure communication systems, encryption, etc.] and access limited to authorized personnel only.

Each Party must ensure that all data shared is accurate, up-to-date, and necessary for the stated purposes.

7. Legal Consequences of Non-Compliance

Failure to comply with the terms of this Agreement may result in:

i. Termination of this Agreement for the offending Party.

ii. Legal action under applicable national or international data protection laws.

iii. Compensation for damages or losses incurred as a result of data breaches or unlawful data sharing.

8. Review and Amendments

This Agreement will be reviewed [annually, biennially, etc.] to ensure its continued relevance and compliance with applicable laws. Any amendments must be proposed in writing and agreed upon by all Parties.

Review Process: The designated representatives of each Party will meet [frequency] to assess the Agreement.

Amendment Procedure: Any Party may propose amendments. Such amendments must be documented and signed by authorized representatives of all Parties before they come into effect.

9. Signatures of the Parties

By signing below, the Parties agree to the terms and conditions of this Multilateral Data Sharing Agreement.

Institution 1

Authorized Signature: _____ Date: _____

Institution 2

Authorized Signature: _____ Date: _____

Organization 1

Authorized Signature: _____ Date: _____

Organization 2

Authorized Signature: _____ Date: _____