




Victim Support
Europe

**THE VOICE
OF VICTIMS
IN EUROPE**

Cross-border Victimisation

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Victim Support Europe

Content

1. Cross-border victimisation – definition
2. The Issue of Cross-border victimisation
3. VSE study on Cross-border victimisation
4. Workshop Cross-border support and collaboration



Cross-border victims

- What is cross-border victimisation?

Any person (also non-EU people) who have been a victim of crime that happened in a European country other than their of residence (EU or non-EU, whether the status is legal or not).



The issue of Cross-border victimisation

- Cross-border victims in Europe
- Cross-border victimisation and the EU Directive
- Cross-border victims and VSE
- Cross-border victimisation and parallels with other victim support issues



Cross-border victims in the EU

- o Data are rare
- o Every year **75 million people** fall victim to crime across the European Union.
- o **Tourists** - more vulnerable to become a victim of crime
- o **13.6 million** EU citizens are living in a different EU member state.
- o **2 million victims per year**



Cross-border victimisation and the EU Directive

Preamble (10)

*This Directive does not address the conditions of the residence of victims of crime in the territory of the Member States. Member States should take the necessary measures to ensure that **the rights set out in this Directive are not made conditional on the victim's residence status in their territory or on the victim's citizenship or nationality.** Reporting a crime and participating in criminal proceedings do not create any rights regarding the residence status of the victim.*



Cross-border victimisation and the EU Directive

Article 17 Rights of victims resident in another Member State

1. Member States shall ensure that **their competent authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed**, particularly with regard to the organisation of the proceedings. For this purpose, the authorities of the Member State where the criminal offence was committed shall, in particular, be in a position:

(a) to **take a statement** from the victim immediately after the complaint with regard to the criminal offence is made to the competent authority;

(b) to have recourse to the extent possible to the **provisions on video conferencing and telephone conference calls** laid down in the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 (1) for the purpose of hearing victims who are resident abroad.

2. Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may **make a complaint to the competent authorities of the Member State of residence**, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.

3. Member States shall ensure that **the competent authority to which the victim makes a complaint transmits it without delay to the competent authority of the Member State in which the criminal offence was committed**, if the competence to institute the proceedings has not been exercised by the Member State in which the complaint was made.



VSE Study on Cross-border Victimization

- o **Literature review** resulting in a strong contemporary overview of the existing literature and reporting on cross-border victimisation.
- o **Key Informant interviews** with Victim Support Organisations to provide a more in-depth analysis of challenges and good practices experienced supporting cross-border crime victims.

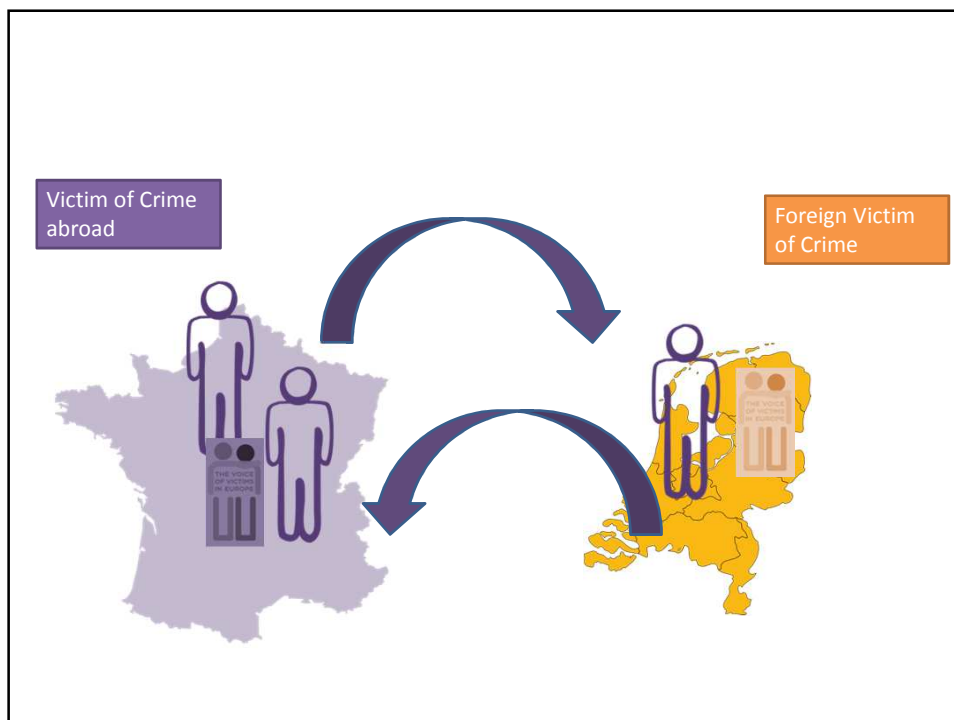
The subsequent phases of the study are the following

- o **Survey** on cross-border victimisation with different stakeholders namely VSE members and other EU and national organizations assisting victims (both VSE members and non-members) as well as government actors (policy officials, practitioners such as police, prosecutors, embassy officials) from the EU. A pilot study will be carried out.
- o **Roundtable or Focus group** through which the participants will be invited to reflect on potential solutions and good practices resulting in a list of prioritized solutions to problems with cross-border victims linked to concrete actions.
- o **Case Studies** in-depth, and detailed examination of situations of cross-border victimisation.

VSE Study on Cross-border Victimization

Types of Cross-border Victimization

1. Foreign Victims of crime
2. Victims of Crime Abroad
3. Victims of Crime tried in EU





Victim Support Europe Cross-border victims

- CHARACTERISTICS
 - They often don't speak same **language**
 - They don't have **social support**
 - They don't know how to **access support services**
 - They don't know their **rights**
 - They don't have much **time**
 - There are **cultural** differences
 - They face a lot of **practical** difficulties



Victim Support Europe Cross-Border Victims

- **Emotional** Language, cultural, less support in the country where victimised, insecurity, social stressors
- **Financial** Loss of money, no financial means
- **Judicial** Different rights, unclear, translation, participation, statute as a victim, distance/translation/... participation in proceedings
- **Compensation** Other rules for compensation, procedures in compensation
- **Practical** Loss of document, loss of property
- **Protection** Transferability of protection measures
- **Information** Language



Victim Support to Foreign Victims

- o Characteristics (language, culture,...) make it more difficult to provide information
- o Characteristics (language, culture,...) make it more difficult to provide support
- o Time makes that support needs to be provided quicker
- o Distance makes it harder for the victim and supporter – ways to provide
- o Participation in the criminal proceedings



Victim Support to Victims of crime abroad

- o Information about the legal framework is missing
- o Follow up with other services is difficult
- o Rights as a victim might not be the same e.g. compensation or victim support
- o Legal support in participating in the criminal proceedings



Challenges in cross-border collaboration

1. Contacts in other Member States
2. Protocols and follow up
3. How cross-border victims reach VS organisations
4. Compensation



Contacts in other Member States

- o Identification
- o Some member states don't have victim support
- o Who is your contact abroad?
- o Guarantees
- o Informal referral based on personal contacts



Protocols and follow-up

- o Lack of protocol to refer a cross-border victim to another victim support organisation
- o Lack of protocol on follow-up
- o Expectations on protocols and follow up



How cross-border victims reach VS organisations

- o Only a very small part of cross-border victims reach VS organisations
- o Different ways to reaching cross-border victims



Compensation

- o *The right to a decision on compensation from the offender and the relevant applicable procedure should also apply to victims resident in a Member State other than the Member State where the criminal offence was committed.*
- o In practice, although financial compensation is a big need of cross-border victims, compensation is rarely provided because e.g. procedures, national regulation on compensation



1. Contacts in other Member States
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WORKSHOP ON CROSS-BORDER VICTIMISATION VSE



Workshop

- AIM: *Working towards concrete solutions for Cross-border collaboration*
- 4 groups
- 4 issues
 1. Contacts in other Member States
 2. Protocols and follow up
 3. How cross-border victims reach VS organisations
 4. Compensation



Workshop

- 10 minutes:
 - PART 1: *What are sub-problems to this problem?*
- 20 minutes:
 - PART 2: *What are potential solutions to each of those problems?*