

VSE GENERAL MEETING

4th December 2020, 10.00 – 12.00 Brussels time

Held: ONLINE

AGENDA

Supporting Documents to the General Meeting

1. Agenda
2. Minutes from the previous AGM meeting
3. Financial report
4. VSE Position paper on 116 006 Helplines
5. Data Protection Paper
6. VSE Strategy 2021-2025

1.	10.00-10.10	Opening and welcome President João Lázaro
2.	10.10-11.10	Report of activities 2020 <ul style="list-style-type: none">• Minutes from the previous AGM meeting• Financial report• Presentation of new members• Overview of VSE 2020 work – 3rd quarter update• VSE Position paper on 116 006 Helplines• Data protection Paper• VSE Strategy 2021-2025
3.	11.10-11.50	Overview of 2021 activities
4.	11.50-12.00	AOB and Closing Remarks Vice President Geraldine Hanna

Minutes of the Annual General Meeting

27 August 2020 (15.00 – 18.00)

Held Online

KEY		
João Lázaro	JL	President
Helgard van Hüllen	HVH	Vice President
Geraldine Hanna	GH	Treasurer
Levent Altan	LA	Executive Director
Aleksandra Ivankovic	AI	Deputy Director
Ruth Shrimpling	RS	Policy Officer
Léa Meindre-Chautrand	LMC	Policy Officer
Ines Nunes de Freitas	INdF	Project Officer
Marina Kazakova	MK	Communications Officer
Victor Jammers	VJ	Manager of Operations EUCVT
Keti Varoshlija-Botterman	KVB	Administrative Assistant
Jeannot Mersch	JM	President of FEVR
Silvia Taravan	ST	Rete Dafne
Petra Klein	PK	Weisser Ring Germany
Gábor Veisz	GV	Feher Gyuru Hungary

1. President's Welcome Speech

JL: Dear members, it is my pleasure to welcome you to our 2020 General Meeting. I would like to express gratitude to the whole team of VSE for their great work during the pandemic. Well done and thank you very much for your diligent work.

It has been a tough year, but we learned a lot. Right now, our victim support community is stronger than ever.

I would like to express our appreciation to all our members – frontline support workers! You are providing compassionate and collaborative care to victims. You are showing innovation and persistence to make sure frontline support doesn't stop. We are all working together, many of us remotely, to make sure that victims receive support. We are lending a hand and uplifting each other in new ways. We keep managing planned meetings and activities online, we run our projects without problems, we are busy with various awareness-raising efforts and advocacy work. For this and all more, I say thank you. We're grateful to our VSE family, for rising to the challenge in these unprecedented times.

This year was also a historic year for the European Commission and EU policy development overall. The Commission published two very important strategies: the gender equality strategy and the EU victims' rights strategy, plus a number of consultations. We welcome those developments and look forward to making those strategies a reality in practice in the years to come.

And now, as it has already become a tradition, I'd like to open the meeting by welcoming our new Head Office team members. Great to have all 4 of you joining our Head Office!

- Annelies Blondé – Project Assistant EU CVT
- Iris Lokerse – Policy Assistant
- Selma Rekik – Policy Assistant (intern)
- Solène Baudouin-Naneix – Volunteer

2. Minutes

LA: Moving on to the minutes of our General Meeting of 19 November 2019. I kindly ask you to look at them in the paperwork you have received and I will go through them page by page. Please interrupt me by raising a hand button if you would like to suggest a correction or to make a comment.

No comments/concerns. The minutes are approved.

3. Financial report

2019 Financial Report

- 1) Page 1 – Income: presentation of 2020 budget and comparison with 2019: income 2019 is € 665.481 which was a 5 % increase compared to 2018. OG made up 60 % of this income.
- 2) Page 2 – Expenditure: VSE expenditure is € 667.996 which is a 12 % increase on 2018.
- 3) Page 6 – Year End: we finished the year with a deficit of € 11.210. Following our audit this decrease has been adjusted to € 14.362. This adjustment is due from last year, which was already included in our financial report last year.

The resulting impact on our reserves is: Reserves at end of December 2019: € 195.610, which is equivalent to 5-6 months running cost.

Following 3 years of surplus due to big projects such as the World Bank, VSE planned to utilise reserves to cover part of our contribution to projects. This position is unsustainable in the long term so we must enact plans to ensure the generation of unrestricted income in the years ahead. Levent will speak about these proposals later in the meeting.

2019 Audit Report and annual accounts

I am pleased to report that we received a clean and unqualified audit report from our auditors, Crowe, Callen, Pienne & Co. They report a balance sheet total at the end of 2019 of € 1.010.762 and a loss of € 14.362. They have provided reasonable assurance that as a whole the accounts are free from material misstatements whether due to fraud or error.

2020 – Mid-year Finance Position

- 1) Page 1 – Income: Total income is € 882.008, an increase of 33 % income compared to 2019 – largely due to the EU Centre of Expertise contract.
- 2) Page 2 – Expenditure: VSE expenditure is anticipated to increase by 6 % compared to 2019. In monetary terms this equates to € 789.955 in 2020 compared with € 667.996 in 2019.
- 3) Page 3 – Underspend: We anticipate that we will only spend 77 % of the total 202 budget. The underspend is primarily due to the cancellation of face-to-face events and travel for VSE staff. Money that would have been spent on organising the annual conference and covering travel and subsistence will not be spent for those purposes. The underspend from ongoing action grants could be moved to be spent in the following year until the end of the grant. We would expect to use almost all the budgets from our projects assuming restrictions are not in place in 2021.
- 4) Page 4 – End of year situation (anticipated): VSE intend to spend 95 % of the grant as per normal practice, which will mean using the current underspend in the OG of € 125.000 on alternative deliverables. This will result in VSE predicting a € 26.828 deficit, assuming no additional unrestricted income. We do have some outstanding project applications which may reduce the deficit slightly.

It is the intention to use the underspend in the OG due to Covid as an opportunity to invest in the future and increase our income generating capabilities.

KVB: We are moving on to voting for the approval of the financial report and annual accounts. According to VSE's constitution, each full member shall have one sole vote. Associate and supporter members shall have no vote. Today, 15 full members out of 17 are represented, which means a quorum is met.

In order for the financial report and the annual accounts to be approved, they must receive a majority of votes from those present and eligible to vote today. The majority today is 8.

The financial report and annual accounts are approved.

4. VSE Activity Report 2019

MK: Victim Support Europe has delivered another strong year of performance in 2019 to strengthen our position as a leader in the victim support community of the EU. We achieved significant milestones, getting to 59 member organisations from around the world, helping over 2 million victims of crime a year. Our 29th consecutive year of positive performance growth! We also achieved numerous accolades as a great place to work. We would like to thank our board, our management team and our members in 30 countries for making victim support better each and every day.

As expected, 2019 was an election year for the EU and turned out to be a very busy year for VSE and our members. The elections were a major occasion to bring the EU closer to its citizens and to support victims and victims' rights advocates' political involvement. Under the motto "Making victims' rights a reality", VSE members from around the EU met with candidates, organised discussions, publicised opinions to call on the European Parliament candidates to build a Europe of equal protection, victim-centred justice and comprehensive support for all victims of crime, in alignment with our manifesto.

VSE's head office supported members in drafting letters to MEP candidates and spread the messages of the VSE manifesto among key players at the national level. The manifesto was translated in many EU languages and was published on VSE's and members' communication platforms.

The mobilisation of the victim support community did not stop after the elections. Having analysed the results, VSE's policy team started establishing contacts with the newly elected Members of the European Parliament.

We are glad that our EP elections campaign succeeded in mobilising our members at the national level. We are also proud of the outcome of our lobby work: our members' main priorities – equality and non-discrimination, support and justice for all – are now on the agenda of the new Commission.

Thematic priorities for the year

Our thematic priorities for the year 2019 were cybercrime, terrorism, hate crime, enforcement of rights, and influencing the next 5 years: new Commission and Parliament.

Our work for victims

In 2019 we spent some time on improving the information provided to victims and how we connect them to national support organisations.

Interactive map

We launched an interactive map of victim services on VSE's website. It has the potential to help victims find the right services near them.

Victim referrals

We developed an online form for members to refer cross-border victims; prepared for the launch of the referral system in 2020.

Our work with members

This year we aimed to improve the way we communicate and engage with members, and strengthen our programme of events for members.

Events

Annual conference: Victim Recovery – A Road of Many Routes – Strasbourg 12-13 June (AGM 14 June).

Staff exchange

A chance for staff from our member organisations to learn about the work of another member (members visit each other).

National meetings

We endorsed meetings with national stakeholders in Croatia, Italy and Greece.

Regional meetings

We sponsored the second South East Europe regional meeting for support organisations.

Workshops

Distance support, 116 006 helpline, data protection, supporting victims of online crime, training modules.

Communications and campaigns

Our communications work increased this year. We ran three campaigns:

- *22 February Campaign: Making rights a reality*
- *21 July Campaign: Crime is crime. Even online – Hate speech awareness raising campaign with collaboration of approximately 80 partners.*
- *21 August Campaign: International day for victims of terrorism*

Our activities in 2019

Our accomplishments in 2019 included, but were not limited to:

- Developing knowledge, relationships, and partnerships
- Enhancing quality of victim support services
- Advancing upgrades in laws and policies
- Raising awareness of victims' issues
- Conducting projects
- Supporting coordination and delivery of cross-border services (supporting victims of terrorism)

To wrap it up, we gained 5 new members in 2019: a total of 59 members from 30 countries. Number of victims supported by VSE members in 2019: 2.080.525.

We will publish our annual report 2019 on all our social media websites and on our intranet. Thank you very much. I would like to give the floor to Ruth, who is going to present our new members.

Presentation of new members

RS: Thank you Marina. I'll do a brief overview of our membership so far this year. With the current pandemic and its effect on the financial situation of many service providers, 2020 has seen a slightly slower uptake on membership in comparison with this same time last year. Nevertheless, we already have welcomed 1 new associate member, and have another 7 applications currently underway. Concerning the 7 applicant members, there are 5 victim support organisations, 1 academic institution and 1 European network. These applicant members are from the Czech Republic, Belgium, Lithuania, Albania and Iran. We will keep you up-to-date on their progress and hopefully be welcoming them in our membership soon.

Now it is my pleasure to welcome our new member, the European Federation of Road Traffic Victims. This brings our total membership to 60 organisations across 30 countries, compared with 42 members in 2015. We look forward to working together with FEVR to advance the rights of victims of road traffic crimes in the EU and beyond. I'd like to give the floor now to their president, Jeannot Mersch.

JM: Thank you Ruth. We are very happy to be the 60th member. Of course I would have liked to come to Berlin this year, but unfortunately we cannot do it because of Covid. It's great to be with you now in this virtual meeting. Those who don't know me, I am a bereaved father and we lost a daughter 27 years ago who was killed by a driver on her way to school. I am the president of FEVR since 2010. We met several times with VSE and we think we have a stronger voice for victims, in this case of road traffic crime, and our aims are to be the voice of road traffic victims in Europe and we want to work to protect the interests of these victims. We also want to reduce the number of these victims, and we are working to reduce the dangers on the roads. We only have full members who are victims, most are volunteers like myself, but we also have associate members and friends to enlarge our membership. Our members are from different national victim associations. Of course there is a lack of justice for many victims of crime, so we also want to share our knowledge and our experiences. All victims of crime need SIR: Support, Information, and Respect. We are looking forward to working more closely with VSE. Since 25 years we've had the World Day of Remembrance for Road Traffic Victims. It is very important to road traffic victims to show that the numbers are still too high, but also to ask for more prevention. You can find more information on our webpage: www.fevr.org. Together we will all be stronger. Thank you.

5. Brief update on VSE work 2020

Growth and change

I wanted to spend some time talking about the growth of VSE and how we're changing and have been changing over the last 8 months in 2020. We've continued to grow both in terms of the number of people in the office but also the way in which we are delivering our work. We have a new office, which is amazing. We also have many more people – we now have 16 people working for VSE in different capacities. We have VSE employees, contractors, interns, and volunteers. That's allowing us to do a lot of things in different ways. We're delivering the core work as always, but we're doing more and more projects where we're really getting into specific areas where we're trying to develop more detailed products. We're also able to establish different specialisms: Léa is our advocacy officer now on top of her other policy work, we have a membership officer, we have whole different and improved approach, we have proof readers, project officers, communications officers, we also have an IT and security contractor. Obviously there are more administrative burdens as we are growing.

We're also able to focus on specific types of crime. We have different areas that we've prioritised, such as terrorism, gender-based violence, cybercrime, and hate crime. We don't necessarily have a strong background in those areas, so different colleagues are specialising in those areas and developing their knowledge and expertise. We now have in place a permanent volunteering and internship program, which has been extremely successful. We've been able to do all of this in a very remote manner. We're operating across Europe, but as a team. Not only are we doing more, we're more efficient in the way we deliver work, as our average daily costs have reduced with around 35 % compared to 2017.

The way we deliver is also through our members, and I think we're starting to get better at collaborating with all of you and making the most of all of your extensive expertise and experience. We greatly appreciate your availability to your input into our work, that really gives a lot more credibility and quality to our work. This is how we're able to do more and be more efficient. As we go forward, we're trying to develop more in-depth, detailed knowledge in the different areas. We also want to make sure that we're working and communicating with all of you in a much more relevant and clear manner, so that we're delivering more value for you, supporting the work that you do.

We also want to improve our advocacy. We've had significant success this year, but we want to be much more proactive in the way we do this. We want to make sure that as we grow, we are sufficiently able to connect both EU priorities, European priorities, and international priorities. We are getting better in our communications with victims.

COVID

COVID has had a huge impact on all of us; it has shown us that we are resilient, together. Working together has enabled us to perform and deliver everything we need to. We have tried to support all of you to the extent that we can; we have produced the resource kits, thanks to Natal we carried out a web exchange, and we continue to be ready to support you in your work. A lot can be achieved very well online; we are expanding our work online. Unfortunately, this year we had to cancel our Berlin conference, but we will hold an annual conference this year in November. It will be online and it's focused on new technologies. We do intend to hold next year's conference in Berlin in partnership with Weisser Ring.

We are now in the process of launching a tender for an online training platform. Our intention is to be able to deliver extensive training programs online. We hope to make this tool useable and available to members over time. We believe that this will become a significant income source and we're looking at different ways in which we can commercialise our work and start offering our services to large enterprises. Thank you to Charly and APAV who did huge amounts of work to deliver the intranet. Now we're able to give much more information, but also implement those functions we were trying to do before. The referral system is operating successfully. We're looking into how we can expand the system to allow for referrals with trusted non-members. We'll also be launching a new website in the next couple of months. There's a whole range of activities that we haven't been able to deliver face-to-face for members. We want to deliver these this year and looking into ways to do that.

We intend to keep growing, we've got some of those financial issues to resolve and the training mechanisms will be one way of resolving that. We're increasing our connections globally and getting new opportunities. I'm going to stop there, let's watch Inês' video on projects.

INdF: Presents herself as VSE's project officer. VSE has 5 ongoing projects and 1 tender. The first one is the Crest project, it's a project on terrorism. The project deadline is 2022, but our main deliverable is due in August 2021. We also have Previct, and due to Covid-19 we are going to prepare an amendment for this project. We also have the Maltese training project. It was delayed due to Covid-19, but we are going to deliver our training online in September. Counteract, on preventing and combatting online radicalisation, had an amendment for 4 extra months. For InHere, we already delivered our main deliverables, even though the project ran for another year. Finally, our very own EU Centre of Expertise for Victims of Terrorism. This is it for our ongoing

projects, however, we have 3 submitted projects where we are waiting for a reply or already received a positive reply. I'm talking about the FYDO project, it's a great pleasure to announce that VSE is leading this project on facility dogs. We believe that if all goes well, we may be signing the grant agreement later this year. We are partners in the Infovictims project, the leading partner is APAV. Lastly, Protect, an Erasmus+ project in which we are partners, and we are still waiting for news. At this moment, we are partners in a new 2020 project, it will be submitted today. I would also like to let you know about other projects on the internet. We have a new section, it's called 'open calls', and we are going to be looking regularly for new open calls and tenders to share with our members. We are going to keep this folder updated.

AI: I would like to focus on 3 issues. Firstly, our planning for 2020-2021 for standards and accreditation. In 2017 we adopted the approach for standards and accreditation for full members. We have been working to have as many of our members as possible accredited. On our intranet you can see all 9 of VSE's standards, each standard has a link to a guidance document. There is also a link to a self-assessment.

Not only are we GDPR compliant, we also make sure that victims' privacy is fully protected. This year we are preparing a paper which will provide guidance to our members in terms of the protection of victims' data through victim support systems. We want to avoid instances of secondary victimisation as much as possible. We have already presented the paper to the executive board, and the management team has been supporting us in finalising the paper, which we hope to have finalised in the next few weeks.

I will also give a brief insight into another piece of our work, the 116006 position paper. This is a position paper, which means that we will put it on a vote during our next general meeting in November 2020. This will be a document that will set out some of the basic criteria in setting up a 116006 helpline. This is our shared position as VSE to the outside world. Léa has mostly been in charge of drafting the paper; she already compiled a first draft. We had a working group of volunteers from the organisations supporting us in this endeavour. We will share the draft paper with our members for comments and contributions.

RS: VSE has 3 internal strategies underway: one on compensation, one on hate crime, and one on cybercrime. These strategies are a way for VSE to be able to focus our future work in these 3 topics and it gives us guidance on where any future action needs to lie. Starting with **cybercrime**, we see that every real world crime has an online counterpart. However, law enforcement remain 1 step behind the technologies, which advance faster than legislation. For victims, this means that in many cases the police are powerless, which means that they are often left without the same level of protection as victims of physical crimes. In our cybercrime strategy, VSE seeks to explore the best possibilities in advocacy, research, and campaigning, in order to promote the protection, support, and access to justice for these particular victims of online crime.

VSE's strategy on **hate crime** seeks to address the lack of protection and support for this growing victim group. Hate crime is increasing globally, fueled by an increase in right-wing politics, economic regression, and an increase in online hate forums, which perpetuate a culture of intolerance and violence. We have begun with a research assignment, looking into needs of hate crime victims, gaps in legislation, and the options to create European partnerships working on this topic. We recently joined the EStAR network, a project operated by ODIHR and the OSCE, which creates a network of experts working on the theme of hate crime.

As far as our **compensation** strategy is concerned, we're looking to build upon the work that we did in 2018 and last year, including our policy paper 'A journey from crime to compensation'. We want to deliver real actions for victims of crime seeking compensation.

VJ: VSE developed its terrorism response network. If someone becomes a victim of a terrorist attack in Europe, their contact details can be easily transferred from the member state where the attack happened, to a VSE member in the country of residence. Europe has to become a better place for victims of terrorism. That's why VSE leads a project with 5 partners, for the development of the EU Centre of Expertise for Victims of Terrorism (EUCVT). We are writing the EU handbook on victims of terrorism, which will address the circles of impact after a terrorist attack, the needs of victims and their rights, registration of victims, the risks of secondary victimisation, and the role of remembrance. The handbook is aimed at policy experts and will be available by the end of September. Training is an important task of the EUCVT too; we aim at training national staff in the first months of 2021. In each member state a group of about 20 participants will be trained, coming from governments, first responders and victim support organisations. For each member state, we will develop a national handbook, based on the needs of member states themselves.

In addition to this, we are developing 2 lists of experts. One list is on psycho-trauma experts in each of the member states, who will be available to advise governments and victim support organisations and to support victims. The second list is a general list of experts in each member state, from compensation authorities, police, victim support organisations, etc. These experts will have at least 3 years of experience in supporting victims of terrorism or are currently part of the crisis infrastructure in their member state. Please contact us at eucvt@victimsupporteurope.eu if you have ideas or questions.

RS: 2019-2020 marked progress and changes in all aspects of membership: attracting new members, membership application process, member engagement, and membership management system. A campaign aimed at attracting new members is in the pipeline. Previously, the membership application process was dealt with through our old intranet system, which was riddled with problems. We created a manual application process, which allowed us to regain control over applications and improve the whole system, and we are aiming to eventually integrate this process into a more efficient online version. We created a form with mostly click functionalities, and shortened the questions. We are looking to maintain our personal touch as we move the application process to an online system.

We also want to improve our communication with existing members, and continue this personal connection. We have created an engagement strategy, which consists of each member organisation being allocated a staff lead from the VSE team, who will be the personal contact for that organisation. All these features have been designed to be integrated into our upcoming membership management system, which is currently in the creation process through our external web designer and developer. It's been developed to automate certain tasks, and to send reminders to the VSE membership team.

Up until now, I've been responsible for all things member-related within VSE. It is now time for me to take on a new responsibility. During my maternity leave, Iris will be responsible for all things membership-wise, her email address is: i.lokerse@victimsupporteurope.eu.

LA presents VSE's advocacy developments. VSE has been connecting and collaborating with international institutions and trying to influence international legislation. We have more

connections with the UN Counter-Terrorism Centre, who also deal with victims of terrorism. We have been supporting them in experts meeting to develop reports. We were also invited to speak at their Remembrance Day 's event.

Now the UN Office on Drugs and Crimes, who have started working on model provisions on victims of terrorism, which are basically drafts of how national governments can legislate in this area. We have also been invited to be part of an expert group there.

VSE is now increasingly involved with the Council of Europe as well. The Council of Europe is looking at whether they should amend or create new recommendations on victim support. A Committee has been set up to review the 2016 recommendations, and LA has been invited to be part of the discussions. This might result in new recommendations coming out of the Council of Europe, covering all victims of crime. This would be an interesting development for our members working outside of the EU, and who are relying on international legislation for their national advocacy work.

LA then explains that VSE is also progressing in partnerships with influencers, such as the police. They are starting to notice VSE and we are looking at ways to influence the way the police work with victims. We will be doing a joint presentation with two other organizations in October 2020, about the ways in which the police need to have a more victim-centric approach.

LMC presents on VSE's involvement in consultations. VSE participated in 12 EU consultations in 2020 on different topics, such as gender equality strategy, artificial intelligence, child sexual abuse. Most importantly, VSE's input in the Victims' Rights Strategy was important, which was based on the findings of the VOIARE project. Many of our ideas developed in our contributions have been retained by the Commission, such as the creation of the database of EU project funding results and the inclusion of a broader range of groups considered as vulnerable victims.

7. Planning for 2021

AI reminds that VSE is in 5 projects in plus of the operating grant. We try to organize our work in an effective manner – and we want to do things that make sense in the broader picture and in a strategic way. We are preparing our work plan for 2021, which will be submitted to the European Commission within our Operating Grant – which is our biggest source of income and the biggest part of the work that we deliver. We have been consulting with the management team in preparing the work plan. The biggest elements are in policy and advocacy, as well as communications and campaigns:

- VSE will work together with the European Commission on pushing them towards the implementation of the Victims' Rights Strategy;
- VSE will work on series of policy and advocacy activities, including a policy paper which will probably focus on the evaluation of the Victims' Directive and look into some of the provisions that VSE members feel are the most important to be looked into more detail;
- Campaign: the European Commission will have a big campaign as part of their Victims' Rights Strategy and VSE will be working alongside with them;

- Campaigns in 6 EU member states which will be about providing information to victims the best way, by having a very focused and scientific approach;
- Launch our facility dogs projects (FYDO) in 4 EU member states: Italy, Ireland, France and Belgium. VSE will be working with dog training organizations to train facility dogs. This will be connected to a social media and wider media campaign, and try to expand the service in other EU countries;
- APAV's Info Victims III project: this will require VSE members' involvement as well. This will also focus on how to deliver information to victims in the best way. VSE will be responsible in the policy element, and looking into the information that victims need.
- Online training platform development: this will hopefully become a signature feature of VSE in the next few years.

AI adds that VSE will also consult members in the planning of 2021 and make sure that VSE's activities and focus respond to members' needs and reality.

MK speaks about the 2021 Awareness campaign

As mentioned before, we will witness the first ever EU campaign on victims' rights. Based on that, we have decided to launch our own campaign in order to supplement theirs, and to make a step further, be more creative, more victims-oriented, to do more efforts in terms of localization of the campaign (because the Commission is always targeting the EU in general but not national contexts). VSE's campaign will be targeting local and national contexts. We are envisioning a series of short animation films – a budget was allocated from the 2020 unspent budget. We have a Belgian animator on board. With this idea, we will give a voice to victims and keep their privacy through animations and based on their story-telling. We are planning to create these mini films also using contents from the PREVICT, CREST and COUNTERACT projects.

MK informs that VSE is about to launch an open call for communications officers of all members to start a working group for this campaign in September/October 2020 in order to have a plan in December, and then start the campaign in Spring 2021.

8. Presentation of VSE strategic planning 2021-2025

GH introduces the work on the 2021-2025 strategy. The process started with the VSE team drafting areas of priorities based on their assessment of the current environment. A discussion with the Executive Board was held to receive feedback and there, a decision was made to establish a working group of members. This working group counts:

- Geri Hanna, WG leader (Victim Support Ireland)
- Fredrik Melkvist (BOJ Sweden)
- Silvia Taravan (Rete Dafne Italy)
- Donna Price (IRVA Ireland)
- Ann Moulds (Action against stalking, Ireland)
- Lucia Formenti (EMDR)

GH explains that the working group has had 2 meetings to date, focusing on the initial proposal of the VSE team looking at areas that should be in the strategy, the format and the outcomes we are trying to achieve. The working group is planning to share the key topics considered to be part of the strategy and take feedback from the full members in the next weeks through a survey. VSE's

strength lays in its membership's expertise and the board encourages you to respond to the survey. It is very important to have members shape VSE's direction, so that VSE also complements the needs of members.

AI explains that so far VSE has been trying to be as inclusive as possible, and that it has been of enormous importance to have the involvement of members. The original idea was to stay focused on the 8 strategic goals of the current strategy (2017-2020), which were:

1. Ensuring compliance with existing laws and policies
2. Raise awareness on victims' rights issues in our work
3. Achieve improvements in accessibility and quality of support services
4. Coordinate and facilitate coherent service delivery
5. Strengthen VSE's collective capability
6. Invest in VSE's infrastructure
7. Achieve financial resilience

AI explains that in the past years VSE was trying to thematise its work. The next logical step was to work around the five needs of victims as much as possible in addition to some basic thematic issues (victims of terrorism, gender-based violence, hate crime). This would still make sense for the next few years.

AI reminds that training will be an important element of our work as well as data collection. At the same time the important changes: less focus on organizational development, ensure sufficient focus on wider European actions. Because most money sources have come from EU, but we want to look wider than the EU and rather Europe in general, given the wide geographical distribution of our members.

Draft 6 strategic objectives that are prioritized for the next five years:

1. Promote implementation, strengthening and mainstreaming of victims' rights: Full implementation of Directive, and we want victims' rights to be taken into consideration at all levels;
2. Ensure victims are recognized, treated with respect and protected from secondary victimization/ recognition of all victims of all crimes. Because there's a huge problem of under reporting in certain groups of victims;
3. Promotion of resilience and recovery: through training, raising awareness etc. and we want to mainstream elements of victim support in all fields of society;
4. Facilitate full access to support for victims within national framework – should be at the core of our strategy. We want to recognize different types of support and different ways of delivering support. We want to understand each aspect of this framework better.
5. Work towards victim-centred justice systems and compensation schemes;
6. To grow and strengthen VSE to be better heard etc.

AI stresses the importance of members' responses to the survey.

Planning for adoption:

- Member survey (September 2020)
- Draft Strategy for comments (October 2020)
- Final Strategy for adoption (November 2020)

9. Elections and resolution

JL announces 2 open positions for the Executive Board seats and 1 position for re-election. But first, another extraordinary nomination for the executive board seat takes place. For the first time ever this year and according to the article 10.03 of the VSE 2020 Constitution, the Executive Board nominated an Associate member to join the Board. This became possible thanks to the new Constitution. Moreover, it changes the face of VSE: from now and on our organisation gives associate members an opportunity to have their voice heard and take part in decision-making processes. The Board decided to invite Ms. Silvia Taravan from Rete Dafne-Italy to be invited to join the Executive Team. He welcomes Silvia and gives her the floor to introduce herself. She is the president of Reta Dafne Italia association.

KVB opens the elections of board members:

For this meeting there is the possibility to elect Vice President, Treasurer and re-electing of a Board member.

In line with in the Constitution, all of our full members who are not currently on the Board had the opportunity to submit nominations. We have received 2 nominations one for each of the positions and 1 nomination for the re-election. All nominations were received 14 days prior to the meeting and in accordance to the VSE constitution.

KVB asks Geraldine to present herself, and why she is running for the Vice-President position.

KVB asks Petra to present herself and why she is running for the Treasurer position.

KVB asks Gabor to present himself and why he is presenting himself for re-election.

15 full members out of 17 are represented which means a quorum is met. All full members received a link with the voting paper and were asked to vote for the nominees – yes, no, abstention. In order for the nominees to be elected, they must receive a majority of votes from those present and eligible to vote today. The majority was **8**.

While the votes are counted, a short video about the development of VSE's new Website was displayed.

KVB announced the results of the votes: 11 members voted out of 15 members present.

- Treasurer: Petra was elected with 10 positive votes and 1 negative, no abstention;
- Vice-president: Geraldine was elected with 11 positive votes;
- Board member: Gabor was re-elected with 11 positive votes;
- The Associate board member: Silvia Taravan was elected with 11 positive votes.

10. Concluding remarks

JL notes that VSE's activities during the pandemic are very committing and quite challenging. Looking at the past 1,5 year, we can proudly say that we have successfully achieved considerable progress to improve victims' rights, support and services. This could only be achieved through the hard work of our Executive Board Members, our team at the Brussels office as well as the support in various ways we constantly receive from our Members.

Thank you and keep up your excellent work. As done in the past, we continue to look forward with our new plans and work together for the benefit of all victims.

A special thank you and goodbye was then made to Helgard.

VSE Position Paper: 116 006 Helplines

ESTABLISHING 116 006 ACROSS THE EU



Table of Contents

Acknowledgments.....	2
Support: an essential service and a legal right.....	3
Victim helplines: a primary route to victim support	3
The creation of harmonised EU social numbers: 116 Decision.....	4
The Increasing importance of helplines and a failure to implement.....	5
Aim of this paper	7
Section 1 - 116 006 should be operational in all EU Member States.....	8
1. Ensure national and EU funding and support to set up and operate helplines.....	8
Which costs must be funded?	12
Funding and actions to enable setup of 116 006 helplines	12
Funding to cover operational costs of 116 006 helplines.....	13
2. All EU States should use specialised support providers to run 116 006 helplines.....	15
Section 2 - Minimum operating and scope requirements	16
1. The service is open to all citizens, and all victims without any requirement of prior registration .	16
2. The helpline is of value to visitors from other countries	17
3. The service provides information, or assistance, or a reporting tool to citizens, or any combination thereof.....	18
116 006 Helplines as an Information provider	19
116 006 Helplines as a Support provider	19
116 006 Helplines as a Referral actor.....	19
4. The service is free of charge.....	20
5. The service operates confidentially.....	20
6. The service is not time-limited.....	21
Section 3 - Minimum quality of service requirements.....	22
1. Services are accessible to victims of all types of crimes	23
2. Victims are respected and treated with courtesy and dignity	24
3. Work to ensure victims are safe.....	24
4. Responding to the needs of individual victims	24
5. Supporting victims through diversity of services	25
6. Delivering for victims through referrals and co-ordination	25
7. Ensuring good governance structures.....	25

8. Achieve quality through personnel and training.....	25
9. Improve services through monitoring and evaluation.....	27
Conclusion	27

Acknowledgments

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DRAFT

Support: an essential service and a legal right

Every year around the European Union **more than 75 million people are affected by serious crime**, whether as direct victims or family and friends of victims. Crime harms people emotionally, psychologically, physically, financially and much more. The impact leaves many victims in desperate need of help.

The provision of **support services for victims is a critical factor in reducing such impacts**. The support they receive can turn their lives around; it can help the most vulnerable and harmed to recover and to move forward. Unfortunately, in many cases **victims do not or cannot access the support they need**¹.

This is despite the fact that in the European Union, in accordance with the EU Victims Directive, it is a **legal obligation on all Member States to ensure that all victims of crime have access to support**². Moreover, in its recently adopted EU Victims' Rights Strategy, the European Commission recognises victim support services and distance support as essential services. Importantly, the European Commission, as defender of the EU Treaties, is under an **obligation to ensure that EU legislation is correctly implemented** – both through support measures and through enforcement action.

Victim helplines: a primary route to victim support

Failure to access services is due not only to the fact that **support services do not sufficiently exist** in all Member States, but also because of the **lack of accessibility of those services or lack of knowledge about them**.

Many victims **do not seek help from face-to-face support provided in an office**. Often people will for call a helpline or search for information online. The possibility to talk to someone on the phone, anonymously and from any location **makes a helpline an essential access route for victims**.

Helplines provide broad geographical coverage which is an advantage for people who live in rural areas or who cannot easily reach victim support offices. Telephone counselling services provide convenient, accessible and valuable sources of support for the public, and are seen as providing flexible, credible and cost-effective services – particularly as a first point of contact³. It is widely recognised that victim support

¹ VOCIARE synthesis report https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf

² In particular: Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, Council Directive 2004/80/EC relating to compensation to crime victims, Directive 2011/99/EU on the European Protection Order (EPO), Regulation (EU) No. 606/2013 on mutual recognition of protection measures in civil matters, Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, Directive (EU) 2017/541 on combating terrorism and the Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

³ <https://thehub.swa.govt.nz/assets/Uploads/Effectiveness-of-social-sector-freephone-helplines-FINAL.pdf>

should be available from the earliest possible time irrespective of whether the crime has been reported⁴. In many cases, helplines are an ideal **first point of contact** for a victim just after a crime.

The creation of harmonised EU social numbers: 116 Decision

Whilst helplines for a range of social services have existed for decades, the strengthening of the European Union and its objectives of free movement of people, goods and services increased the need for a more coordinated approach.

Starting with the emergency number 112, the importance of European harmonised social numbers has been increasingly recognised. In 2007, an EC Decision was adopted on *'reserving the national numbering range beginning with '116' for harmonised numbers for harmonised services of social value'*⁵ (hereafter the 116 Decision).

That Decision stresses that "it is desirable for citizens of the Member States, including travellers and disabled users, to be able to reach certain services that have a social value by using the same recognisable numbers in all Member States". The numbers which are accessed by individuals via freephone numbers, are potentially of value to visitors from other countries and answer a specific social need, in particular the well-being or safety of citizens, or particular groups of citizens, or helps citizens in difficulty⁶.

One of the main benefits of a 116 system is that the number is **short, easy to memorise and to recognise**, which also improves the success of campaigning and awareness raising.

The impact of this approach is well understood from the results of the 112 emergency line (police, ambulance, fire brigade) available in all EU member States. Citizen themselves have been highly supportive of a single emergency number with 9 out of 10 respondents in a Eurobarometer agreeing on this.⁷

In total, five 116 numbers have been created. **The 116 006 helpline for victims of crime** is the third of those six-digit telephone numbers beginning with 116⁸. The 116 006 number was launched over ten years ago in 2009, through an amendment to the 116 Decision.

⁴ <https://www.undp.org/content/dam/rbec/docs/UNDP-CROATIA%20-%20Witness%20and%20Victim.pdf>

⁵ Commission Decision 2007/116/EEC of 17.2.2007 on reserving the national numbering range beginning with '116' for harmonized numbers for harmonized services of social value, OJ L 49/30.

⁶ Art.2 of Commission Decision 2007/116/EEC of 17.2.2007 on reserving the national numbering range beginning with '116' for harmonised numbers for harmonised services of social value, OJ L 49/30.

⁷ The European Emergency Number Analytical Report, Wave three, 2010, European Commission - https://ec.europa.eu/commfrontoffice/publicopinion/flash/fl_285_en.pdf

⁸ The 116 numbers are: 116 000, the missing children hotline; 116 006, the helpline for victims of crime; 116 111, the children's helpline; 116 117, for nonemergency medical on-call services; and 116 123, the emotional support helpline

The amending Decision sets out the services that should be offered under the 116 006 number. In particular, the service should:

- enable victims of crime to get **emotional support** as appropriate, and/or;
- be **informed** about their rights and about ways to claim their rights, and/or;
- be **referred** to relevant organisations.

The service should in particular, provide information about (a) local police and criminal justice proceedings; (b) possibilities of compensation and insurance matters. It also provides support in finding other sources of help relevant to the victims of crime.

The Decision also states that where the service is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available.

The Increasing importance of helplines and a failure to implement

Victims of crime helplines provide time and space for any victims to talk about their experience, ask questions and be guided in their recovery path. Helplines in general offer non-judgmental and confidential support and information for anyone affected by crime

Times of crisis, such as a large-scale attack or a pandemic, accentuate the need of the public to connect with victim support services. Helplines play an important role in providing first-hand information and support to victims in a free and confidential manner.

A direct consequence of the restrictions imposed during the pandemic is the rise in cases of gender-based violence, cybercrime and child abuse. During the Covid crisis, 116 006 helplines in Europe have seen a rise in the number of calls from domestic violence victims⁹. The current health and economic crisis also had an impact on victims of crime in general who are suffering even more because of the trauma they had already gone through. Helplines are now generally understood to be an essential part of the national response to mental wellbeing and support for victims.

“The 116 006 line is very important in Croatia, especially as our country has a very specific shape – long and wide. In some parts of Croatia, NGOs do not exist. We are the place that all citizens can contact and receive information about their rights” Victim and Witness Support Service Croatia

A two layered problem exists with respect to the establishment of 116 006 in all Member States. Firstly, a **helpline supporting all victims irrespective of the type of crime, does not exist in every Member State**

⁹ France Victimes has witnessed an increase of 19% of complaints filed in France for domestic violence during the lockdown, compared to last year.

i.e. a helpline which does not use the 116 006 number. This compares with helplines for victims of gender-based violence and child abuse where the situation is much better¹⁰.

Secondly, despite the significant value of the 116 006 helpline, as of October 2020, eleven years after the 116 006 number was launched, it is still only **operational in 13 EU Member States**: Austria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Latvia, the Netherlands, Portugal and Sweden (even if helplines using other numbers exist). This compares with the Missing Children helpline established two years earlier which is operational in all Member States and beyond.

The number of countries running a 116006 helpline is slowly increasing. In 2012, only 5 Member States implemented the number (Austria, Finland, Germany, Ireland and the Netherlands). However this increase is still slow. When compared to other 116 numbers, the 116 006 has a low level of implementation:

116 number	Number of countries implemented¹¹
116 000	All EU Member States + Switzerland, Albania, Serbia ¹²
116 006	13 EU member States (Austria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Latvia, the Netherlands, Portugal and Sweden) + Norway and Georgia
116 111	22 EU Member States ¹³
116 117 non-emergency medical assistance	2 Member States (Austria, Germany) ¹⁴
116 123	13 Member States + UK https://ec.europa.eu/digital-single-market/en/116-helplines

Out of the 13 organisations running the 116 006 helpline, 12 are members of Victim Support Europe. VSE has long been involved in supporting its members in the delivery of distance support and in particular the implementation of the 116 006 helpline¹⁵.

¹⁰ See table in section XX

¹¹ Data collected online and via VSE Member organisations

¹² <https://www.childfocus.be/fr/le-numero-durgence-116-000>

¹³ <http://116111.eu/> + online research

¹⁴ According to EU Commission websiteL <https://ec.europa.eu/digital-single-market/en/116-helplines>. It should be noted that the website appears out of date for some countries.

¹⁵ Centre of Excellence gathers VSE members offering online support to victims and/or running a 116 006 helpline. The Centre of Excellence meets 3 times a year online and organises an annual workshop to share best practice, exchange knowledge et experience.

Aim of this paper

Based on the fundamental needs of victims, EU legal obligations on Member States to establish accessible support services, and data demonstrating the lack of 116 006 helplines coupled with barriers to their operation, **this paper calls on the European Union and EU Member States to prioritise:**

1) The establishment and operation of 116 006 in all EU Member States

The 116006 helpline for all victims of crime is a crucial element of an effective national victim support framework and it should be implemented in all EU Member States to ensure equal access to victim support for all European citizens and victims of crime.

2) The operation of helplines according to minimum operational and scope requirements

116 006 helplines play an important role in information provision, delivery of support and referral to relevant services. To ensure a harmonised quality of service throughout the European Union it is important that service providers who run a 116 006 helpline follow minimum operational and scope requirements.

3) The operation of helplines according to minimum quality standards.

Quality standards, based on international and European standards for existing helplines, should be adopted, in consultation with services providers.

The recommendations below are based on extensive desk research and discussions with organisations operating 116 006 helplines as well as those running other helplines. It reflects the challenges they have faced setting up and operating their services as well as best practices from around Europe.

Section 1 - 116 006 should be operational in all EU Member States

Victim Support Europe calls on **all EU Member States to urgently put in place an operational 116 006 helpline for all victims of crime**. Member States have a legal obligation under the EU Victims' Rights Directive to ensure victims of crime have access to support services. Having a helpline in a country, and more specifically a European harmonised number - the 116 006 helpline, should be a key element in the practical implementation of the Directive.

VSE calls on **the European Union to support Member States and NGOs in the establishment and functioning of helplines, through concerted action** following the approach for the missing children helplines.

The establishment and operation of 116 Helplines requires:

Member State action:

- **Funding for set up costs and long term funding** to cover all costs of operations and to ensure they are free of charge for victims;
- **Support actions to assist organisations** to establish the helpline, including Government support for discussions with telecom providers;
- **Reduce bureaucratic red tape** to facilitate set up and operation of services;
- Ensure **organisations specialised in victim support run 116 006 helplines**.

EU Action:

- **EU funding** for the set up and running of 116 006 helplines;
- **Legislation, Resolutions and Communications** of the European Union, the European Commission and the European Parliament calling on Member States to establish helplines and setting out minimum requirements.

1. Ensure national and EU funding and support to set up and operate helplines

One of the **main challenges** faced by 116 006 helpline providers is **obtaining sufficient funding**. This issue has been long recognised for the setup of other helplines. The European Commission report¹⁶ on 116 000 helplines found that:

“The main difficulty identified by the service providers is the cost of running the hotline. They indicated that financing is one of the factors hindering the introduction and operation of the hotlines.”

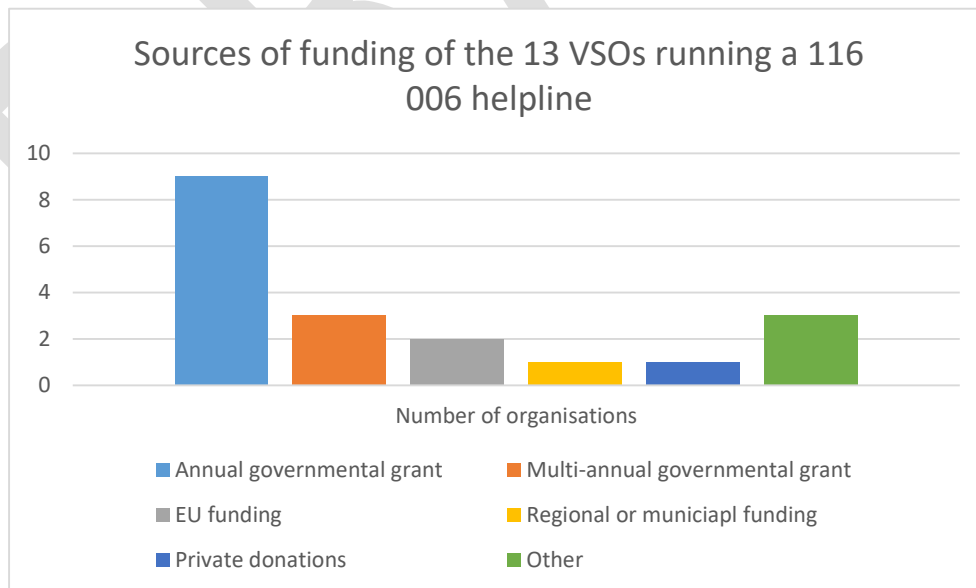
¹⁶ Commission Communication: Dial 116 000: The European hotline for missing children, COM(2010) 674 final; <https://ec.europa.eu/transparency/regdoc/rep/1/2010/EN/1-2010-674-EN-F1-1.Pdf>

Recommendations for the funding of 116 006 Helplines

- The EU should provide specific funding to establish 116 006 helplines in all Member States
- Member States should ensure long term funding for the helplines
- Member States should establish permanent victim funds that can cover the costs of a range of multiple victim services including 116 006 helplines
- Funding should cover:
 - Multiple years
 - Staff and volunteering costs – including recruitment and retention
 - Private, secure facilities
 - Training costs, including for languages
 - Interpretation services
 - Caller costs (including from abroad/ roaming) to facilitate the provision of a free services, particularly for foreigners

Taking into account that all but one of the 116 006 helplines are run by charitable organisations, **the lack of 100% funding from government budgets has meant that organisations have to find multiple sources to cover costs.**

The diagram below shows funding sources of victims support organisations to operate the 116 006 number. Organisations rely on a combination of national and local government funding (annual or multi-annual), EU funding, private donations, and other sources such as fee wavers, pro bono services and volunteering.



Given the significant time and effort involved in obtaining funds from multiple sources, combined with the lack of certainty over the future of the service:

VSE calls on Member States to honour their legislative and political commitments to victims and to ensure full multi-annual funding of victim support organisations, including 116 006 victims helplines.

At the same time, **we recognise the difficult economic situation faced by many governments**, in particular due to the COVID-19 crisis. However, these services are critical, particularly during the COVID-19 crisis and **they must be prioritised as part of an effective response**. Moreover, VSE has identified in partnership with the World Bank¹⁷ multiple best practices for the **resourcing of funds without impacting on governmental budgets**. Such approaches include:

- Victim surcharges – additional fines on perpetrators
- A surtax on compulsory insurance
- The assignment of confiscated criminal assets (both money and physical assets) for victim goals
- Assignment of a portion of prisoner salaries etc.

In other words, **there is a social and legal imperative to finance helplines with no budgetary excuses to deny funding**.

VSE therefore calls on all Member States to establish permanent victim funds that can cover the costs of a range of victim services including 116 006 helplines.

At the same time, **the EU must play a critical role in supporting the establishment of helplines**. Member States remain responsible for ensuring victims support including 116 006 helplines, but historically EU ‘kickstarter’ funding has been crucial to success.

So far only, only the Missing Children’s helpline is operational in all Member States. That number rightly benefited from a concerted European effort. In particular, a specific call on Member States was incorporated into the Universal Services Directive, encouraging them to make every effort to ensure that citizens have access to a service operating a hotline to report cases of missing children. A specific European Commission Implementation report was published in 2010, followed by an extensive 2013 EU Commission report on missing children which also covered the helpline¹⁸

This continuing EU pressure had an impact. However, it was only after the European Commission launched a specific funding programme in 2016 - the Daphne Call -Action grants for running 116 000 hotlines for

¹⁷ Ensuring funding for Victim Support Services, World Bank/ Victim Support Europe, 2017 - <https://victimsupport.eu/news/analysis-of-funding-of-victim-support-services/>

¹⁸ Missing children in the European Union: Mapping, data collection and statistics: <https://op.europa.eu/en/publication-detail/-/publication/655b34ad-341b-4348-9e3b-38741ff40f23/language-en/format-PDF/source-93365345>

missing children¹⁹ that significant progress was made. In total, 17 organisations received funding to run a 116 000 helpline through an EU financing of 1.329.493,78 EUR²⁰. Today, all Member States have an operating 116 000 helpline.

As reflected above, the EU can carry out a range of measures to support and encourage Member States to establish 116 006 helplines.

We call on the EU to commit to establishing 116 006 helplines in every Member State and to adopt a concerted programme of actions to achieve this result in the coming five years.

In particular, the Commission, Council and Parliament should:

- **Adopt affirmative statements in conclusions, resolutions etc. of their commitment to 116 006 helplines;**
- **Include in relevant EU legislation – such as the upcoming Digital Services Act - a call on Member States to implement 116 006 helplines;**

The EU Commission should

- **request updated information from States on implementation²¹ and carry out implementation reports** including and analysis of barriers and best practices;
- **update its website** to reflect correctly and to promote 116 006 implementation²².
- **Establish EU funding** for victim support organisations to run the 116 006 helplines

Case Study: EU Funded Support: VSE CABVIS Project

In 2012, VSE coordinated the EU funded project CABVIS²³. The project address problems relations to non-harmonisation of EU States' victim support services and legal implementation of EU measures.

It provided those working directly with victims (i.e. police officers, judicial practitioners and victim support workers) with the tools and sensitivity to better help them. Key deliverables included:

- information on EU Member-States' legal and justice systems;
- training of practitioners and knowledge exchange;
- Handbook on to clarify all steps and formulate best practices and recommendations on the operation of the 116 006 helpline²⁴.

¹⁹ https://ec.europa.eu/justice/grants1/calls/2015_action_grants/just_2015_rdap_ag_0116_en.htm

²⁰ https://ec.europa.eu/justice/grants1/files/2015_action_grants/2015_rdap_ag_0116/annex_1_en.pdf

²¹ In line with Article 6 of the 116 Decision that requires Member States to report periodically to the Commission on the actual use of numbers listed in the Annex for the provision of the related services within their territory

²² <https://ec.europa.eu/digital-single-market/en/news/state-play-implementation-116-numbers-12>

²³ <https://victimsupport.eu/about-us/our-projects/project-cabvis/>

²⁴ http://victimsupporteurope.eu/activeapp/wp-content/files_mf/1363704103Handbook116006_dv.pdf

Which costs must be funded?

Funding of helplines must be sufficient to cover all costs of the **set up** and **operation** of the helpline and must be provided on a **multi-year basis** to ensure **long term stability and continuity**. Unfortunately, at present, 116 006 helpline providers spend much of their time seeking funding from multiple sources.

Funding and actions to enable setup of 116 006 helplines

The setup of any helpline can be an onerous and costly process. Costs mount very early on since the actual set up of the service is not always straightforward. Each country will impose different technical requirements on operators. Bureaucracy in the assignment of the 116 006 number and negotiation with telecom operators can represent huge obstacles for victim support organisations.

Technical, administrative and cost aspects must all be taken into account by organisations. **In addition to funding, governments can assist organisations by** providing support measures, training, network and partnership meetings, reducing administrative burdens etc.

To help organisations and governments, VSE produced a handbook “For a good implementation of the 116006 helpline” which provides detailed guidance on how to set up a 116 006 helpline including the allocation procedure. The following steps should be borne in mind when trying to set up a 116 006 helpline²⁵, in particular when considering what costs may need to be funded:

Actions to support set up of 116 006 helplines including cost coverage

1. Ensure funding for and implementation of necessary helpline infrastructure;
2. Facilitate contacts and co-ordination with National Regulating Authority;
3. Support pricing agreements with telecom operators or cover caller costs;
4. Support the transition from old phone numbers to the 116006 helpline including publicity costs

The recommendations assume that the organisation setting up the helpline is already established and experienced in supporting victims of crime.

1. Ensure funding for and implementation of necessary helpline infrastructure

This implies that **appropriate equipment is provided to helpline personnel** to be reached by victims, even from their home. Ensuring access from multiple locations whilst maintaining the quality of the call is extremely important. Arrangements should be in place as to who bears the costs of the calls. Having agreements with telecom operators can be part of the solution. Otherwise, state authorities could finance the helpline allowing victim support organisations to operate without having the burden of these costs.

²⁵ More details can be found in the handbook http://victimsupporteurope.eu/activeapp/wp-content/files_mf/1363704103Handbook116006_dv.pdf

2. Facilitate contacts with the National Regulating Authority

The National Regulating Authority (NRA) is responsible for the assignment of the number in each country. The procedure to allocate the number should be publicised on their website. NRAs can impose specific conditions adding to the ones requested by the European Commission's framework. They also have the power to impose interconnectivity requirements which ensures that access to the end-user is facilitated. Meeting these requirements can be complex for organisations and will have cost implications. **States should assist organisations going through the process. Fundamentally, barriers should be minimised.**

3. Support agreements on pricing with telecom operators

Negotiating a minimum price with the telecom operator, and trying to cancel interconnectivity costs can help to achieve free communication. **States should facilitate this process rather than leaving organisations to find their own solutions.** Where costs are not waived, these should be covered through grants or alternative means.

4. Support the transition from old phone numbers to the 116006 helpline

In order to guarantee the use of the 116006 helpline, victim support organisations that already operate national helplines must **ensure a good transition to the new number** so that the public are well informed and do not have obstacles to access support.

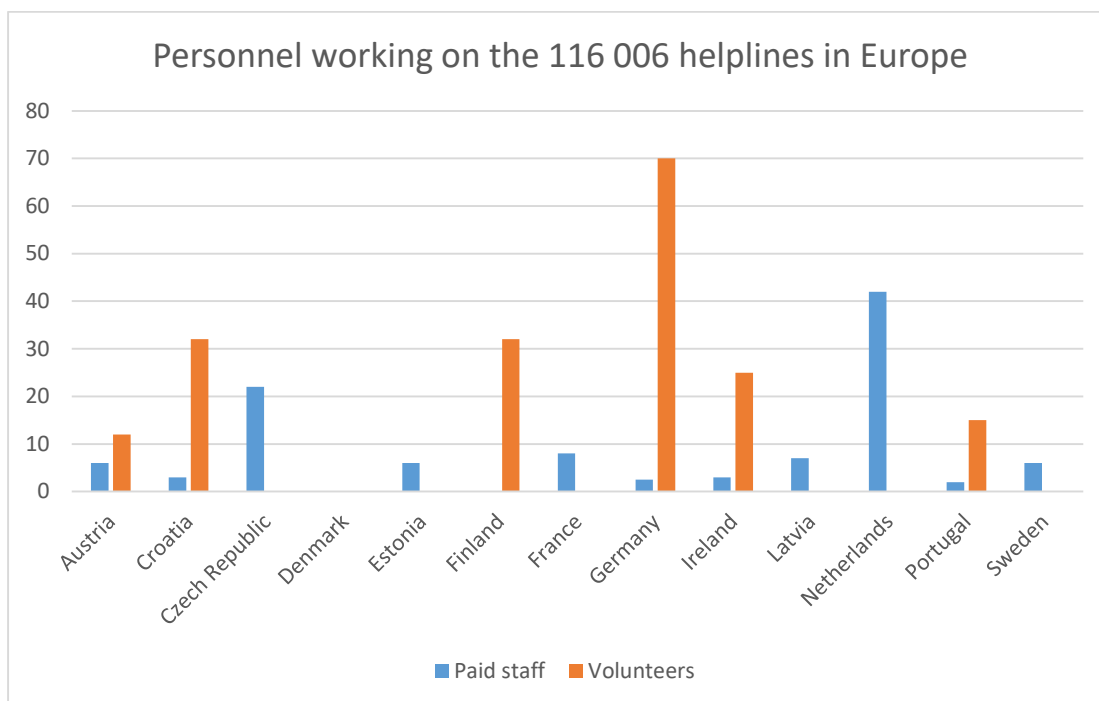
It is essential to **communicate the new number** to victims calling the old number and ideally set up **automated transfer** to the 116 006 helpline. The previous number should still be functional during this transitional period, allowing all databases to be updated and advertisement of the new number to be well disseminated. Investment should be made into **awareness raising campaigns** to help the 116 006 number become a household name.

Every one of these steps involves operational costs including staff expenses as well as capital costs for the investment in the service, which should be funded and supported.

Funding to cover operational costs of 116 006 helplines

Besides initial set up costs, ongoing costs for the operation of the helpline must be covered.

It is critical to have funds **to employ sufficient staff** and **to manage and train volunteers. Recruitment and retention of volunteers should be included** as a legitimate cost of the service, given the important social and efficiency objectives they attain. It is critical that the use of volunteers should be driven by objectives of quality and connection with the local community rather than due to a lack of funds for staff.



Similarly, **funding should be sufficient to ensure that office space, equipment and other measures can be obtained** which ensure the **privacy of users and quality of the service**. Situations where a service provider must share office space with other organisations or where conversations can be overheard have to be prevented through adequate funding. Service providers should also be able to benefit from modern operating practices and technologies including **bespoke electronic case management systems**.

As recognised for 116 000 helplines²⁶, ideally staff will be able to **speak other languages** to make helplines more accessible to foreign victims. **Funding to cover the substantial costs related to language training for staff and interpretation services must be included for a successful system**.

Coverage for the cost of calls is a major issue. Each State approaches the requirement to provide the service for free in different ways. This leaves organisations with the burden of either finding sufficient income sources to cover the calls victims make, or they must agree on fee waivers with telecoms companies – often having to repeat these agreements on a regular basis. **Calling costs can add a significant burden on organisations** and agreeing terms with telecoms providers diverts organisational resources away from helping victims.

Costs become even higher when seeking to ensure that **roaming costs and calls from abroad are also free** of charge for the user. As the 116 000 implementation report states²⁷ “Most of the service providers indicated that the 116000 hotline may not necessarily be available for users of mobile roaming and for persons calling from abroad (international calls). This would defeat the purpose of the single 116000 number, as travelling parents and children would not be able to call the hotline from their mobile phones,

²⁶ Dial 116 000: The European hotline for missing children, page 5

²⁷ Dial 116 000: The European hotline for missing children, page 6

for example.” Whilst this problem is largely resolved for EU roaming, it remains for victims with non-EU phone providers. According to the EU Victims Directive, such victims have equal rights to support if victimised in the EU.

2. All EU States should use specialised support providers to run 116 006 helplines

There are no specific rules setting out what types of organisations may run 116 006 helplines. States themselves are largely free to establish the procedures and minimum requirements for organisations to be allowed to run a helpline. Whilst free and open competition may produce positive results, **the most successful victim support services are generally those whose primary objective is the assistance of victims.**

Currently all 116 006 helplines except one are run by NGOs. Of the helplines, **12 out of 13 are members of VSE and specialised in supporting victims**²⁸. This is no coincidence – these are organisations whose fundamental focus is the support of victims. Since the inception of the number, victim support organisations have recognised how critical a helpline is for the provision of and access to support and have acted on this. It reflects a similar situation in the provision of victim support which is dominated by the NGO sector, though there is also governmental delivery of support services²⁹.

Irrespective of whether the organisation is an NGO or governmental in nature, **it is essential that it operates primarily for the benefit of victims of crime and has specialist staff, procedures and systems for that purpose.**

Specialist support organisations not only understand the importance of a helpline, they are also operationally well suited to delivering a high quality service. In particular, organisations that primarily work with victims of crime have specialist knowledge and training on victimisation and appropriate procedures and infrastructure in place. These organisations tend to adopt flexible arrangements to meet the needs of victims such as flexible opening hours (opening the weekend and during holidays). Finally, since their overarching objective is the wellbeing of victims, they continuously try to improve their service through innovative methods.

Not all countries have large scale NGOs that are in a position to run a helpline. In some cases, a governmental entity may be well placed to deliver the service. However, the determining factor for who runs a 116 006 helpline should not be sufficiency of funding. **Rather organisations dedicated to victim support, which have a well-established infrastructure and quality standards should be chosen to operate the service and consequently be provided with appropriate funding.**

²⁸ It is worth noting that the Government service also has a specialist background in helping victims of crime

²⁹ World Bank Report <http://documents1.worldbank.org/curated/en/681301560861614376/pdf/The-Role-of-Civil-Society-in-the-Development-of-Victims-Rights-and-Delivery-of-Victims-Services.pdf>

Section 2 - Minimum operating and scope requirements

In order to ensure conformity with EU rules, 116 006 helplines should comply with minimum operating requirements set out in the Victims' Rights Directive and the 116 Decision.

116 006 Helplines should follow the following operating and scope requirements

1. The service is open to all citizens, and all victims, without any requirement of prior registration
2. The helpline is of value to visitors from other countries
3. The service provides information, or assistance, or a reporting tool to citizens, or any combination thereof
4. Calls are free of charge
5. The service operates confidentially
6. The service is not time-limited
7. The service provider does not use the helpline for advertising or sale of commercial services

1. The service is open to all citizens, and all victims without any requirement of prior registration

There are several aspects to this requirement though they are not all explicitly articulated in EU legislation. Firstly, there should be **no limitations from a geographical perspective**. In other words, the 116 006 helpline must have **a nationwide coverage** to allow victims to contact the service no matter their location. The operators of the helpline are then able to redirect victims toward a local branch of their services if they need local assistance.

Secondly, access should be as simple as dialling the number. Victims should **not need to go through additional processes of registration** to access the service.

Finally, in particular based on the EU Victims Directive, the 116 006 helpline should be **open all victims of crime regardless of the nature of the offence**. The number should be open for anyone who has been a victim of a crime or who has been affected by any type of crime. In practice, the organisation should make it clear and evident in all relevant documentation and communications that it serves all victims. The Constitution or establishing documents of the organisation should not limit which victims can be assisted.

“Our helpline is not gendered – our logo and website are gender neutral so we ensure that men and women feel comfortable contacting us.” Crime Victims Helpline (Ireland)

Supporting all victims of crime does not mean that the organisation cannot specialise in certain victim groups and this should also be very clear for victims. The aim of 116 006 is to **allow any victim to receive information and support without being turned away**. At the same time, the **helpline may refer victims** to specialist organisations if needed or to organisations better suited to respond to the victim's request.

This may be the case in particular for domestic violence, sexual violence or homicide, where a range of specialist support services may exist. The important element is that callers should not find themselves without any support.

To ensure the 116 006 helpline is accessible to all victims, victim support organisations should also be able to provide more **individualised care for specific groups of victims**. Certain groups of victims e.g. children, elderly people, people with disabilities, cross border victims, minorities – may need specific measures and training to facilitate their access to the service, as well to ensure their specific needs can be addressed.

In addition, as required under the 116 Decision, the service should be properly publicised. Further information on this can be found under the Standards section of this report.

2. The helpline is of value to visitors from other countries

One of the founding objectives of the 116 system is to **help EU citizens access social services abroad** as well as in their own country. The number itself will of course improve access. However, a number of actions by the State or 116 operators can increase the value and accessibility of the service to visitors.

For example, organisations can **publicise their services in multiple languages** both online and through leaflets. They should also **target areas likely to be frequented by foreign visitors** such as airports and other international transportation hubs, tourist offices, hotels etc. Developing close partnerships with entities that work with tourists, business visitors and with communities originating from other countries will also improve the success of the helpline.

The objective is to **increase knowledge of the service** amongst a wide range of groups, to increase **understanding of how the service operates**, in what **circumstances it is relevant** and **why people may benefit** from the service. This increases the likelihood that a foreigner will hear of the number as well as use it.

Once victims contact the helpline, it is essential they **are able to communicate with the operator**. Different approaches can be adopted to this end. For example, victim support organisations could engage volunteers speaking different languages to be able to best serve anyone calling their helpline. Funding should be available to cover language training costs as well as the use of interpretation and translation services. Providers should also seek to develop partnerships with foreign communities and embassies to support language objectives.

In order to improve the operation of its service, Victim Support Sweden has taken on a pool of volunteers who together are able to work in 25 different languages.

Service providers should also consider **adapting services to the specific needs of foreign victims**. This may mean developing relationships with certain foreign embassies, establishing agreements with restaurants and hotels to provide emergency vouchers where victims need emergency accommodation and food.

Knowing that tourist victims have seek their services following the theft of their wallet – containing bank and credit cards, the Irish Tourist Information service has negotiated with a number of hotels and restaurants to offer emergency vouchers for food and accommodation.

3. The service provides information, or assistance, or a reporting tool to citizens, or any combination thereof

The Annex to the 116 Decision states clearly that “the service enables victims of crime to get **emotional support** in such circumstances, to **be informed** about their rights and about ways to claim their rights, and to **be referred** to the relevant organisations. Having in mind the original decision, this should be interpreted as options.

The Annex also requires that the helpline ‘provides information about (a) local police and criminal justice proceedings; (b) possibilities of compensation and insurance matters. It also provides support in finding other sources of help relevant to the victims of crime’³⁰.

Helplines therefore can have different roles.

- They act as an **information provider**,
- They act as a **support provider**,
- They **redirect the victim** to the relevant service.

As a potential gateway service, it is recommended that **service providers take on as many of these tasks as possible to maximise the benefit to victims**.

³⁰ Commission Decision of 30 November 2009 amending Decision 2007/116/EC as regards the introduction of additional reserved numbers beginning with ‘116’ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32009D0884>

116 006 Helplines as an Information provider

A victim's right to information is one of the most important rights in the aftermath of crime, essential to participate in the criminal justice process or access any other rights. Victims are often not aware of information or where to find it which is why helplines play a major role in providing first-hand information.

Given the fundamental importance of information, and the obligations on Member States, Victim Support Europe calls on all 116 006 helplines to provide a wide range of information as a minimum.

Personnel on the helpline should be able to provide victims with information about the criminal justice system, their potential role in it, their rights and how to use them. Information should also be provided about local police and criminal justice proceedings, possibilities of compensation and insurance matters and provide support in finding other sources of help, including other services providers. At the same time, whilst for many victims basic information will be sufficient, for others, they will need and/or want to receive support on the phone.

Providing information must be understood as a process of communication. In line with the Victim's Directive and the Universal Services Act, communications should be **easy to understand, accessible and take into account the communication needs of victims** – including those with disabilities. This should incorporate appropriate adaptations to services and funding should be provided to carry these out.

116 006 Helplines as a Support provider

The service should enable victims of crime to get **emotional support in appropriate circumstances**. Helplines play an important role in the **delivery of support** in a wide variety of settings and provide a number of different functions including: emotional assistance (coping with aftermath), administrative advice related to the crime, practical assistance (filling out forms, contacting insurers), legal assistance, assistance with criminal proceedings, safety assistance (stopping an ongoing crime, finding shelter), and psychological assistance (more than emotional – requiring professional counselling). The helpline can also provide ongoing support and follow-up.

116 006 Helplines as a Referral actor

Helplines can also provide callers with information about and referrals to other specialist services and thus play a crucial role in people accessing appropriate services. Helplines are usually integrated in a wider victim support service as a first point of contact to provide information and access to relevant services for victims of crime.

It is therefore very important to build in advance a partnership network with different organisations. Effective referral mechanisms require the development of long term relationships through for example regular meetings and personal contacts since it is much easier to refer victims if you know the people working there.

Not only are strong relationships needed for trust building, but formal co-operation agreements, Memoranda of Understanding and other mechanisms to facilitate referrals should be adopted. These clarify roles and expectations ensuring that certain minimum standards are adhered to.

In France, the 116 006 number is run by the French victim support association France Victimes at their headquarters in Paris. Callers can then be referred to France Victimes' local branches near their location for follow up support.

Overall, all three types of service are essential to victims. **As far as possible, every 116 006 helpline should seek to provide a comprehensive service to maximise their value to victims. States through funding and other measures should support this objective.**

4. The service is free of charge

According to EU law, in providing the 116 006 service there must be no payment, or payment commitment as a pre-requisite to use the service. It is likely that this language was used to avoid the implication that telecom providers are required to bear the cost of calls. However, in addition to the 116 Decision, the EU Victims Directive requires that victims support services are provided for free. Given the wide range of barriers to seeking support it is also critical, from an accessibility perspective, that users do not face any costs for the support they seek.

Importantly, with the end of roaming fees in the EU in 2017, EU citizens travelling in another country will not have additional costs when calling the 116 006 number. However, victims in the EU who do not use an EU number may face such costs depending on the set up.

The free nature of the call means that the costs have to be borne either by the operator of the service (victim support services), by the State or be the telecom provider. Each country will find the best solution for its situation. However, as set out above, **if a service provider is to bear the cost directly, funding should be made available to cover such costs.**

5. The service operates confidentially

Article 8 of the EU Victims' Rights Directive requires that **victim support services must be provided confidentially**. Anonymous and confidential services have been found to offer callers a sense of security³¹ and reduce fears that they may face ridicule or abuse whilst they are in a vulnerable position³².

³¹ Christogiorgos, S., Vassilopoulou, V., Florou, A., Xydou, V., Douvou, M., Vgenopoulou, S., and Tsiantis, J. (2010) Telephone counselling with adolescents and countertransference phenomena: particularities and challenges. *British Journal of Guidance and Counselling*, 38 (9), pp.313-325.

³² Rosenbaum, A. and Calhoun, J.F. (1977) The Use of the Telephone Hotline in Crisis Intervention: a Review. *Journal of Community Psychology*, 5 (4), pp.325-339.

Providing assurance that calls can be anonymous gives users the confidence to talk about complex or sensitive issues. Helplines provide a space for reflective listening and impartial support with no wider agenda³³.

Confidentiality can be achieved through many ways. For example, a name or a personal identification should not be required to receive the service. A name or pseudonym may be used to ensure continuity or personal connection when the caller or crisis line worker calls back, but this does not require a real name.

It is also important **to respect the privacy of the victim.** Their story is private and they should feel comfortable in sharing with someone on the phone. Having clearly separated rooms, which are well sound insulated and with a sign indicating if there is a meeting taking place, are good methods to achieve this objective. In addition, there should be a quiet environment without noisy distractions. For example, for a victim, to hear people laugh and talk in the background can be very disturbing.

Service providers should apply GDPR rules very carefully to ensure only necessary information is recorded and access is appropriately controlled. Moreover, States should **only impose reporting or information sharing requirements on providers in exceptional circumstances.** For example, in the majority of EU Member States, reporting obligations exist for professionals who are in contact with children in need of protection³⁴; in these cases the best interest of the child will be prioritised over confidentiality.

6. The service is not time-limited

The **availability of the helpline** is reflected in its **opening hours and the transparency about it.** The Annex to the 116 Decision expressly mentions that “Where the services is not continuously available (i.e. 24 hours a day, 7 days a week, nation-wide), the service provider must ensure that information about availability is made publicly available in an easily accessible form, and that, during periods of unavailability, callers to the service are advised when the service will next become available”³⁵.

It is also important to **ensure an out-of-hours emergency system.** This can mean the use of voice mail or more elaborate techniques such as: redirecting calls to mobile phones, as seen previously; using partnerships with other organisations to route calls to them in after-hours periods, and/or weekends, and/or holidays; using an SMS emergency system (answering specific easy questions, mainly for referral purposes and basic legal information). Although the 24h / 7 days system may be desirable, it is difficult to implement it from the very beginning by every victim support organisation

³³ helplines at the frontline of health and social care, <https://helplines.org/wp-content/uploads/2014/12/Helplines-at-the-Frontline-of-Health-and-Social-Care.pdf>

³⁴ FRA research: <https://fra.europa.eu/en/publication/2015/mapping-child-protection-systems-eu/reporting-1>

³⁵ Commission Decision of 30 November 2009 amending Decision 2007/116/EC as regards the introduction of additional reserved numbers beginning with ‘116’

7. The helpline is not used for advertising or sale of commercial services

The 116 Decision explicitly refers to **activities that are excluded from the scope** of the helpline. During a call “advertisement, entertainment, marketing and selling, using the call for the future selling of commercial services” are banned. Helplines should only serve the purpose of providing information, support and referral to the callers.

Section 3 - Minimum quality of service requirements

In order to ensure victims receive the same minimum level of service, it is important that **116 006 helpline providers adopt minimum quality standards** and ideally these **same standards are adopted for all 116 006 services around the EU**. These standards are **in addition to operating and scope requirements** set out above, though there is clearly overlap with them.

VSE has proposed below some of the **most important standards for the quality of service provision**. These are based primarily on VSE’s Victim Support Quality Standards³⁶, supported by standards developed by Child Helpline International³⁷ and Missing Children Europe³⁸.

VSE RECOMMENDATIONS FOR MINIMUM QUALITY OF SERVICE STANDARDS

116 006 helplines should ensure the following standards are adhered to:

1. Services accessible to victims of all types of crime
2. Victims respected and treated with courtesy and dignity
3. Work to ensure victims are safe
4. Respond to individual victims’ needs
5. Support victims through diversity of services
6. Deliver for victims through referrals and co-ordination
7. Ensure good governance structures
8. Achieve quality through training
9. Improve services through monitoring and evaluation

We have proposed minimum requirements that ensure **quality of service of all 116 006 helplines**. It should be noted that references to support should be understood in a broad way, taking into account that some helplines will offer support through information provision and referral. It does not suggest that all 116 006

³⁶ Are they available online somewhere?

³⁷ Quality Assurance Framework: QUALITY STANDARDS FOR CHILD HELPLINES

³⁸ https://missingchildreneurope.eu/portals/0/hotline/practical_guide_for_hotline_operators.pdf

providers must offer emotional support remotely. To keep this document short, full details on each standard have not been set out here.

1. Services are accessible to victims of all types of crimes

116 006 helplines must offer support **to victims of all crimes, regardless of the type of crime or whether the crime has been reported or not and regardless of their age, cultural background, language, etc.**

Helplines should have in place **equality and non-discrimination policies** to ensure the equal treatment of all callers irrespective of their particular characteristics. Fundamentally, helpline providers must **not restrict the scope of their activities** by declining to assist certain groups, unless there are **specific arrangements ensuring the victim may be referred** to another appropriate service.

In line with legal obligations, to help ensure that all victims may access the service, it should be **offered for free** including the waiver of call charges.

Services must also be **easy to access, visible and well publicised**. If citizens do not know about the service they will not use it. This means **promoting the service through multiple online and offline channels** and through a multi-sector approach. Notably, Member States have the obligation to promote the 116 numbers of social value, including the 116 006 helpline, and “encourage the provision within their territory of the services for which such numbers are reserved.”.

The organisation operating the helpline should communicate to the general public the specific features of the service, and what kind of support they can and cannot provide. The 116 006 number should be visible and displayed on the victim support service’s website and on external communication. Campaigns to promote the number and the service is also an important tool to raise awareness and ensure that the general public knows about the helpline.

APAV in Portugal promotes the 116 006 helpline via different means (posters, social media, video etc.) and by including the 116 006 number in their logo and in all materials that they disseminate.

In Croatia, police give out leaflets with the 116 006 number. Around 30% of calls are referred by police. In comparison, where the number is not handed out – e.g. by a district attorney, only 1% of calls originate from district attorneys.

Minimising barriers is not just about providing the same service to all. **Service providers must also take specific measures to reach out to vulnerable groups of victims** who may have the most difficulty in reaching the service. In particular, this means ensuring services are adapted to the needs of victims with disabilities in line with national and international legal obligations.

2. Victims are respected and treated with courtesy and dignity

There are many ways to **treat victims in a respectful and courteous way**, and equally many ways to leave victims feeling dissatisfied or further harmed as a result of their contacts. Fundamentally it means that **staff and volunteers treat victims with courtesy, kindness and in a non-judgmental manner**. Materials are equally respectful and easy to understand. Ultimately, to ensure effective implementation, a **complaints process** should be in place.

Not only must staff be respectful but the **infrastructure of the service** should be designed to achieve this objective. For example, calls or contacts should be responded to in a reasonable time and in a clear and precise way and there should be privacy when talking to a case worker.

3. Work to ensure victims are safe

In the first contact with a victim, it is important to **identify any immediate risks** for the victim. This can be done within the intake or first contact process, and will need to be adjusted according to the particular way the helpline operates. For certain situations or crimes e.g. calls by children, domestic violence calls – it may be necessary to carry out a **specific risk assessment**. This means that risk assessments should be **included in training and incorporated into intake/call procedures**.

The process will need to be adjusted to cater for the specificities of a helpline situation. **Referral networks should also be established** given that the helpline operator may not be well placed to deal with the risk situation. **Basic safety guidance should also be provided** or made available to victims and data and confidentiality should be respected, whilst ensuring that sufficient information is recorded so that future contacts minimise secondary victimisation.

4. Responding to the needs of individual victims

A fundamental aspect of addressing victims' needs is **knowing what those needs are and tailoring services to respond to them**. This can be divided between the basic needs of all victims, specific needs of certain groups e.g. of certain crimes, or sharing certain characteristics, and the individual needs of victims based on their own personal situation and character.

To take into account these different factors requires a **timely needs assessment** and support offers based on that assessment. The service as a whole must also establish policies to ensure **maximum flexibility of support** based on the victims' needs. It must be able to respond to different abilities and vulnerabilities, in particular children, persons with disabilities, victims of gender based violence, elderly people, victims of cross border crime, migrant and minority groups.

With respect to victims with disabilities, this is not just a quality standard but also established through EU and international laws such as the European Accessibility Act and the UN Convention on the Rights of Persons with Disabilities.

In accordance with the UN Convention, **products and services must be accessible to all**, of universal design, and information and communication should be available in easy-to-read formats and augmentative and alternative modes. However, the accessibility of the service is not only about technology tools but also

inter **personal skills about how to engage with a person with disability** and in particular persons with mental disability.

5. Supporting victims through diversity of services

Supporting Standard 4, this Standard requires **helpline providers to offer different ways for victims to connect to the service** e.g. phone call, text messages, whilst ensuring that personnel are trained to use those different channels. In addition, ideally the **helpline will offer a range of services**. As a minimum they should all provide a range of basic information to victims and ideally they should be able to advise on diverse issues such as compensation claims, financial and practical issues, risk of crime and ways to prevent it in the future.

In line with 116 obligations, the provider should be able to **connect victims to other appropriate services** through **referrals**. Ideally, the helpline will also be able to provide some level of emotional or psychological support. This can be more difficult, but many successful examples exist. In order to be successful, the helplines must provide personnel with the right tools to deliver the service. This can include privacy compliant electronic case management systems, factsheets, scripts, contact information for referral etc.

6. Delivering for victims through referrals and co-ordination

As mentioned above, in accordance with 116 obligations, and supporting the 116 Decision, in order to ensure that victims can access the service best suited to them, helplines must **work with other organisations to establish co-ordination and referral mechanisms**. This starts by having information on different services – not just support organisations. Secondly they must develop **trusted relationships** and networks to whom they will be comfortable referring victims. They must then establish **agreed mechanisms for the referrals to take place**, ensuring victims are assisted when the referral happens.

7. Ensuring good governance structures

Whilst these standards are focused around quality of delivery, at the heart of every organisation's success is a good governance structure. This means ensuring there are **governance policies in place in accordance with national law**. Governance and financial control mechanisms should be clear and transparent. It is normal that wide ranging governance requirements are established for charities and NGOs. Similar rules should also **apply to governmental services** to ensure the highest quality of service.

8. Achieve quality through personnel and training

Organisations must have the **right personnel with the right skills and support**. This means that **recruitment and retention procedures** should be in place to take on individuals who have the right motivation, character and passion for the work. Certain qualities should be looked for when selecting personnel such as empathy, good listening skills, the ability to express themselves clearly, etc.

Operating a helpline implies a need for fast, accurate and empathetic engagement. Support workers will also be exposed to, and working, with a wide variety of people; some will need limited information whilst

others have suffered highly traumatising crimes and need substantial help. The nature of the service and the vulnerability of those contacting the helpline requires that services providers have **strong training programmes** in place.

As a starting point the following approaches should be adopted:

- **Basic training for new recruits as well as life long and specialist training** should be given. The training should be repeated at regular intervals to ensure it remains fresh and it should be provided by qualified trainers;
- The training should be **at an appropriate level in accordance with the nature of the contact** with the victim. Moreover, even staff who are not in contact with victims should receive a basic level of victim sensitivity training;
- Such training must cover not only **victim support skills but also specialised telephone assistance training**;
- Training should include both **theoretical and practical approaches** which have proved to have the most benefits for personnel handling calls;
- To be successful, organisations must devote **sufficient resources, time and tools** to support the delivery of training.

The content of the training will vary from one organisation to another. However, research and consultation with VSE members organisations running a 116 006 helpline show similarities such as:

- training on the **impact** of crime;
- legal and procedural **rights**, the criminal **justice system** and **compensation** system;
- **dignity and respect**;
- **communication and listening** skills;
- how to handle **specific callers** – particularly with **complex needs**³⁹

As part of a helpline's quality workforce objectives, not only should recruitment and training be well managed, but there should also **be clear supervision mechanisms**. Supervision is necessary not just from a quality perspective but also having in mind the **wellbeing of workers** exposed to vicarious trauma⁴⁰. Providing effective after call support and supervision for helpline personnel is crucial.

Supervising professionals can review cases with helpline personnel through verbal discussion and review of interview notes. One-to-one meetings between the supervisor (or manager) and helpline personnel should be organised regularly: to debrief after contact with victims; and to identify, and manage, the stress and indirect trauma associated with supporting victims. Peer group discussion can also be organised to allow personnel to exchange on cases and share their challenges. Additionally, peer supervision promotes cohesion among personnel.

³⁹ More information on training content for victim support workers can be found in Individual needs assessment report VICTORIA Project (add link).

⁴⁰ <https://helplines.org/wp-content/uploads/2015/11/Vicarious-Trauma-in-helplines.pdf>

Team meetings with professional colleagues (lawyer, social worker, psychologist, etc.) can also be organised regularly to allow helpline personnel to discuss complicated cases, ask questions on specific issues, share expertise and support each other.

Personnel should be **bound by a contract and have to comply with professional secrecy**. Personnel should have access to clear operational guidelines adopted by the organisation on how to act on the helpline.

9. Improve services through monitoring and evaluation

Finally, it is critical that service providers constantly examine whether they are delivering quality services and explore **how to improve them**. This means, for example, establishing a range of tools to **evaluate services, listen to victims' views and take those opinions into account**, carry out a review at least every two years, establish complaints systems to address complaints of victims and ensure victims know about that system.

Conclusion

Millions of people around the European Union fall victim to crime every year. They have a legal right to and need for accessible, quality, victim support services. **Victim support helplines delivered through the 116 006 framework are a key solution to meeting victims needs and for governments to comply with their legal and social obligations.**

The Covid pandemic has demonstrated more than ever the essential nature of such services and the urgency with which they must be made available. Yet, in 2020, there are only 13 operational 116 006 helplines in the European Union.

Such helplines must be established as a matter of urgency in every EU Member State, operating in accordance with EU laws and common quality standards. These helplines must be operated by **organisations specialised in working with all victims of crime**, having victims as their primary focus and who have specialist staff, procedures and systems for that purpose.

To achieve this step change requires a concerted effort from the EU, Member States and from Civil society. Working together, helplines can be put in place quickly – helping thousands of victims every single day.

The starting point is that the **European Union – the Commission, Parliament and Council fully commit to setting up helplines**. This must be followed by coordinated action to implement this commitment.

The EU has a range of tools at its disposal. It can provide specific funding for helplines as well as incorporate the issue into legislative and political agendas such as the upcoming Digital Services Act. It can prepare reports on the status quo as well as implement supporting actions such as networking meetings. Support for and enforcement of the EU Victims' Directive can also make a substantial impact.

Establishing 116 helplines as part of the EU Victims Strategy, with the support of the EU Victims Coordinator and the Victims Rights Platform, the EU could achieve substantial change within the next five years.

Similarly, at the national level, **Member States must ensure that long term funding** is in place to cover the set up and running of 116 helplines. Organisations should be **supported in their efforts to run the helpline and funding opportunities should be accessible and transparent.**

Action to fund the helplines could form part of a wider government effort to **establish Victim Funds** which could provide financial assistance to victim support organisations and victims. As part of a government's long term strategy it should also **reduce barriers to setting up helplines and minimise bureaucracy** for their operation through both executive and legislative action.

It is not enough that 116 helplines are set up, they must **operate in compliance with EU laws and to broad common standards** which achieve high quality services that properly protect victims and deliver the support they need.

Complementing obligations in the 116 Decision and the Victims Directive, Victim Support Europe proposes to also use nine baseline objectives as the starting point for developing 116 006 standards.

Together they will help ensure that helplines are open and accessible to all victims of crime in a non-discriminatory manner. In particular, they will be well publicised, free, and confidential; operators will follow strong governance standards and offer diverse services, which recognise and respond to individual needs whilst ensuring the safety of victims and respecting their dignity. Helpline operators will be well trained and have appropriate tools to deliver their services and to connect victims to the most appropriate organisation for follow up assistance. Ultimately, organisations will regularly evaluate their services and listen to victims to continuously improve the way they work.

To achieve these objectives requires **concerted action from the EU, Member States and operators themselves.** Developing and exchanging best practices, ensuring funding is in place, and minimising bureaucratic burdens are some of the many ways to implement these obligations.

Every year millions of people in the European Union find themselves in need of support following a crime. **No victim, in any Member State, should be left wondering where to find that help.** No victim should be left alone to cope with the consequences of the crime.

The EU and Member States have repeatedly committed to helping victims. **116 006 helplines are a substantial, concrete way of achieving real change for the lives of victims.**

Victim Support Europe calls on the EU and Member States to act now. To fail to do so, is to fail victims.



VICTIM SUPPORT AND DATA PROTECTION

some concerns and proposed solutions for victim supporters

Contents

Introduction	3
The introduction of new rules under EU GDPR – 2018.....	4
GDPR Glossary.....	6
Applying EU data protection rules in victim support services	8
You must have a legal basis for data processing	Error! Bookmark not defined.
Consent	11
Contract as a legal basis for data processing.....	14
Legal obligation	14
Vital interest.....	14
Legitimate Interest.....	15
Public interest	17
Safely storing victims’ data	18
Data processing by victim support organisations.....	20
Rights of Victims as Data Subjects	21
Data Retention.....	22
GDPR Compliant Referral to Specialised Services.....	23
Cross-Border referrals, including outside the EU	25
Special Categories of Data and criminal data	27
Victim information sheet	27
Conclusions and recommendations.....	29

Introduction

Victim support has been a vital and necessary service in every society for decades. The core nature of victim services has been accentuated in recent months, with the outbreak of COVID-19, when a number of countries has declared victim support as an essential service – one that needs to continue even as the vast majority of social and economic activities are put on hold¹. Indeed, the European Commission in its recent EU Victims Strategy has also recognised the essential nature of victim support services.

At the core of quality support services is the flexible response to the individual needs of victims - supporting the victim and their loved ones while doing no harm to either the victim, their loved ones or any third person. For this reason, victim support organisations naturally follow strict ethical principles and aim to deliver an elevated standard of services to victims, which incorporates confidentiality as a foundation of providing services to victims.

Arguably, long before the establishment of extensive data protection standards, victim support workers and organisations were at the forefront of protecting victim information and confidentiality. Indeed, confidentiality has been a foundational standard for VSE and its members since its inception, 30 years ago.

For decades, victim support professionals have been ensuring victims' privacy almost intuitively. They have advocated for services to be confidential and promoted this position in EU legislation on victims' rights. They have implemented data privacy in accordance with EU and domestic legislation, with great care and at a significant cost and investment.

This has often meant that victim supporters had to balance the necessity to collect and store victims' data in a sensitive and sensible manner while also ensuring data sharing in an ethical and efficient manner. They have done it through different approaches. Some organisations decided to only store sensitive victims' data in a single paper copy, kept locked in a safe. Others opted for storing data in a single computer, which remained off-grid. In certain situations, victim support organisations have gone as far as to not seek, collect, store or process any personal data from victims they support.

Basically – victim support organisations have been doing their best to build and maintain a relationship of trust with victims and make sure the victims they serve feel safe.

Victim Support Europe has long recognised this important aspect of victim services. In our 2012 publication: Statement of Victims' Right to Standards of Service² – we set out confidentiality standards that ensure members were committed to:

- Holding in confidence information given to them by or about a victim - accordingly no member should disclose to any third party information received from or relating to a victim unless:

¹ VSE has advocated for victim support services to be officially recognised as essential services. This has been recognised by the European Commission, which recommended this approach to all the Member States in the EU Strategy on victims' rights 2020-2025. See <https://ec.europa.eu/transparency/regdoc/rep/1/2020/EN/COM-2020-258-F1-EN-MAIN-PART-1.PDF>

² https://victimsupport.eu/activeapp/wp-content/files_mf/1348589602service_standard_rights.pdf

- (a) the victim has consented, or
- (b) there is a legal requirement to do so, or
- (c) there is an overriding moral consideration

- having clear procedures for dealing with such situations
- having a public complaints procedure for dealing with alleged breaches and any other complaints.

We have continued to promote the necessity for protection of victims' data through our Standards and Accreditation system, which placed on our (full) members the onus of ensuring victims' safety and confidentiality of victim support services.

The introduction of new rules under EU GDPR – 2018

Whilst victim support approaches to data protection took place within the backdrop of EU data protection rules that have been in place since 1995, the coming into force of the General Data Protection Regulation (the GDPR) in 2018, has had a significant impact on support organisations.

For a number, the situation has been close to overwhelming, with rules that should enhance victim safety sometimes putting at risk the very operations of the organisations that help them. The unintended risk of the GDPR is that data protection in victim support stops being driven by the inherent concern for victims' well-being and becomes a desperate attempt to conform with rules and avoid large scale fines.

To add to the complexity of the already sensitive situation, these rules are deliberately left vague. To understand how best to apply them requires significant external or in-house expertise at significant cost.

Yet, even when a significant investment into GDPR compliance is made, organisations are still exposed to different interpretations of national data protection authorities due to vague rules. This exposes even the most careful organisations to the risk of repercussions indicating that that current system too often fails to respect the reality of victim support services.

What originated as legislation driven by (mis)behaviours of large profit making businesses and the expansion of the internet is now applied horizontally and equally to everyone. This has created challenges for victim support organisations where issues such as capacity, the importance of their mission or, of their ability to endure financial penalties for unintended mistakes are not fully understood or taken into account.

Large international businesses can afford to build into their business model the risk of being fined for GDPR violations and even take calculated risks to generate larger profits at the expense of potential data protection violations³.

³ For example, in 2019 Google Inc was fined with € 50 million by CNIL – the French data protection authority, for breaches of GDPR – the highest GDPR breach fine to date. See more at: <https://www.cnil.fr/en/cnils-restricted-committee-imposes-financial-penalty-50-million-euros-against-google-llc>

On the other hand, a small organisation providing essential services usually cannot afford even the smallest mistake as even a relatively small fine might mean the end of their existence and the interruption in lifeline services to vulnerable victims.

It is critical for victim support services that data protection is balanced with multiple general and fundamental rights such as right to privacy, right to life and right to justice – all three of which victim support organisations protect.

This is not to say that the GDPR has not benefited the privacy of victims. All organisations, including support organisations, should have clear a clear legal framework which ensures they properly protect victims' data.

Every victim support provider needs to have clear and transparent policies about how they collect, store and share victims' data. These policies need to ensure that

- data is stored safely and responsibly
- access to sensitive victims' data is given only to a limited number of specifically authorised personnel
- those accessing data are trained in how to deal with data safely
- those accessing data are held responsible for any potential breaches of victims' privacy

The concern brought to VSE by support organisations is that the framework is far from clear. GDPR has introduced broad and vague rules, which are interpreted by 27 national data protection authorities – which do not necessarily have to share the view of the fine details of its application. In effect, organisations have to operate to different rules or approaches.

This can seriously undermine legal certainty. Namely, GDPR starts from the premise that all data controllers are accepting a certain level of risk in collecting and processing personal data. With such vague rules in place, and the understanding that it is impossible to fully protect personal data, instead of the authorities having to prove a failure to comply, it appears as GDPR effectively requires organisations to complete the impossible task of disproving a negative notion – that they have not not-complied with GDPR.

Ultimately, there is concern that the framework inhibits the ability of organisations to efficiently serve victims and that objectives of data protection could be achieved in a more proportionate, consistent and co-ordinated manner.

Numerous discussions have taken place within VSE and amongst our membership on how to ensure compliance with strict and sometimes quite demanding formalities and provide best support to victims in need. In some organisations, this raised a number of questions and required changes in how victims' data is collected, stored, and shared.

This paper aims to help our members navigate safely through GDPR while ensuring the best services for victims they support. It also aims to initiate a discussion at the European level on the operation of the GDPR from the perspective of civil society service providers, to explore

problems arising from the implementation and interpretation of the GDPR and to examine possible European and national solutions.

GDPR Glossary

GDPR introduced some specific language, which has specific meanings as regards data collection. This is the interpretation of some specific terminology as it applies to the provision of victim support.

Data subject – is the individual, a living physical person, whose data is subject to protection. Data subjects can be victims, their family members or, in cases of human resources issues, also victim support workers.

In the language of GDPR, victim support organisations are either **data controllers or data processors** (or both).

When an organisation decides what type of data to collect and for what purpose, they act as data controllers. Organisations will then usually also process the data themselves, but they can also entrust some or all of the data to an external party for processing.

Processing is any action of using the personal data for an end purpose – e.g. to send victims' reminders for appointments, inform them about an upcoming trial or have them participate in an information campaign. When processing is entrusted to an external organisation, victim support organisations need to describe precisely and in a limited manner for what purpose data is shared and ensure that data is only used for that particular purpose. It is recommended to enter into a particular agreement with the data processor for that purpose.

Example 1: if a victim is murdered, collecting their own personal data is not regulated by GDPR. However, identifying the victim can also lead to identification of their family members or their neighbours and can expose their own privacy. Therefore, it can lead to identification of living persons, whose data is subject to GDPR protection.

Example 2: if a crime happens within a business environment, data related to legal entities can be freely collected, from the GDPR perspective. However, if it can lead to identification of employees or owners of the business, GDPR applies to that type of data.

It is important to remember that GDPR is only applicable to digitalised data – hence, data stored in a digital form – an excel sheet, database, case-management system or other digital or electronic format – in a computer, USB stick, smartphone or other digital storage. Asking the victim for their name and other personal details, during intake, is not subject to GDPR as long as it is not stored in a digital form, even if it is kept on the paper. It might, however, be subject to other forms of limitations, depending on specific national legislation.

This means that, as long as an organisation does not store victims' personal data in a digital way which can lead to their identification, GDPR is not applicable.

Example: Organisation A is storing victims' files in a paper file, but still keep anonymised metadata for statistical purposes – e.g. number of victims, type of crimes, type of services provided, gender, language of victims etc. Organisation A is not a data controller or processor, from the perspective of GDPR, given that the digital data is not personal data and personal data that is kept in paper file is not subject to GDPR.

Applying EU data protection rules in victim support services

The main feature of GDPR protection is its focus on individuals' right to control their own personal data and the obligation that the entity controlling and processing the data has a legal basis for doing so. Two fundamental questions need to be answered when determining if the GDPR applies in an individual victim support situation and whether data under GDPR can be processed.

- Firstly, the data needs to be considered personal as defined by the GDPR.
- Secondly, an organisation needs to have a legal basis to control and process such data.

Defining Personal Data

The GDPR considers personal data very broadly, as **any information relating to an identified or identifiable natural person**. To determine if information is personal:

- The information must relate to an individual; and
- The individual can be identified based on the information.

According to Article 4(1) of the GDPR, these personal identifiers include the name or other factors specific to the economic, cultural or social identity of that natural person. As such, there may be information about a person which doesn't fall under GDPR where there is no identifying information such as name, date of birth, phone number or address to connect the information to the person.

This means that **collection of anonymised data for statistical purposes**, such as a victim's gender, age or type of crime, **will normally not be considered as data falling into the category of protected information** for the purposes of GDPR, as long as it is collected in such a way not to result in the victim's identification.

Yet, knowing this basic information, doesn't always enable a support organisation to know if they fall under GDPR in a given case. Below are some examples of different scenarios.

Victim Support Example

A young man calls a victim support helpline seeking assistance. The support worker takes information on the crime and the needs of the victim. The victim states that he would like to arrange a meeting with a local victim support office.

Case 1

The helpline worker takes the first name, email address and telephone number of the victim and inputs this into the organisation's case management system.

The information is then provided to the local victim support office (part of the same organisation) so they can contact the victim to arrange an appointment.

Question: Does the GDRP apply in this situation?

Answer: Yes – GDPR applies, since the victim is clearly identifiable from the data collected.

Case 2

The helpline worker, records some basic details of the crime (e.g. that it concerned sexual abuse or online fraud) and needs of the victim; however, not recording their name, phone number or e-mail address. In the case management system, they note that the victim would like an appointment.

They provide the victim with contact information for the local branch and ask them to call or email directly.

In the case management system, the case is assigned a reference number and the information made available to the local branch in the event the victim calls. The victim is provided with the same reference number for when they call.

Question: Does the GDRP apply?

Answer: No, GDPR does not apply, as it is not possible to infer their identity from the data collected.

Case 3

The same facts apply as with Case 2. However, in addition to crime and needs information, the helpline worker also includes information that the victim is a Muslim, LGBTI victim of hate crime?

Question: does the GDRP apply?

Answer: It depends on whether it is possible to backtrack the victim's identity from the data collected. If it concerns a hate crime against a Muslim LGBTI victim, that was well covered by the media, it might indeed be possible to identify them even if no personal data is taken. If there is no possibility to do so, the GDPR would not apply.⁴

For personal data which enables a victim to be identified, the victim support organisation needs to always have a **legal basis to collect, store and process personal information**.

⁴ However, when sensitive personal data is collected (such as religion, sexual orientation, gender identity), some other rules may also apply, so it might still affect the data collection process.

Legal Basis for Collecting Data

GDPR is aimed at regulating the collection of personal data and provides several legal bases for their collection. **Consent is often relied on as the main legal basis but is only one of several of the possible legal grounds for processing of personal data under the GDPR.**

Notably consent can be more complicated to obtain in the victim support context, and may not be necessary. Exploring alternative legal bases for processing data can improve the victim experience and help organisations maintain efficient processes.

The most appropriate basis to use will depend on the relationship of the data controller with the data subject. Responses from Victim Support organisations also indicate that it depends on national interpretations and approaches of Data Protection Commissioners.

Article 6 GDPR provides for different bases for lawful processing. What are the legal bases for lawful data processing?

- **Consent** – the individual has given clear, unambiguous and fully informed consent for the controller to process their personal data for a specific purpose;
- **Contract** – the processing is necessary for the performance of a contract an organisation has with the individual, or because they have asked the organisation to take specific steps prior entering into a contract;
- **Legal obligation** – the processing is necessary to comply with a legal obligation to which the organisation is subject;
- **Vital interests** – for example, the processing is necessary to protect someone’s life;
- Performance of a task carried out in the **public interest** or in the exercise of official authority – the task or the authority must have clear basis in law;
- **Legitimate interests** – the processing is necessary for the organisation’s legitimate interests or the legitimate interests of a third party unless there is a good reason, such as the protection of fundamental rights and freedoms, to protect the individual’s personal data which overrides those legitimate interests.

Any of the above bases is equally acceptable, from the GDPR perspective - none of them takes precedence over the others. However, some forms of bases are more practical and less burdensome for both victim and victim support organisation.

What is important to assert, however, is that:

- There may be more than one legal basis to collect and process data, but one is enough;
- There is no hierarchy of legal basis – all are equally valid;
- There is no blanket authorisation to process data under any basis – each individual instance of data collection and processing needs to be justified on its own merit;
- Organisations need to be able to present, at request, all data collected in relation to any data subject;
- Organisations need to be able to disclose any instance of data processing in relation to each data subject whose data they collected;
- It is up to the organisations to ensure that their data collection and processing practices are not only GDPR compliant, but also ethical.

Consent

This is the most often mentioned, and sometimes referred to as the 'default' basis for data collection. However, it may be one of the most complicated bases, in the context of victim support. To be acceptable for the purposes of GDPR, the following rules apply:

- 1) Consent must be:
 - a) Clear
 - b) Unambiguous
 - c) Fully informed
 - d) Recorded so that the victim support organisation is able to demonstrate that a victim has consented to processing of his or her personal data
- 2) The request for consent must be presented in a manner that is distinguishable from other matters to which consent may be given as well, and it must be gathered in a manner which will identify all purposes for which data is collected (e.g. if data is collected for case-management purposes, it cannot then be used for referral or for individual assessment).
- 3) If a victim does not want to share their personal data and they are told the provision of services is only possible if they provide it, consent cannot be considered to have been freely given. In such a situation, legal basis for data processing should be found elsewhere – e.g. in legitimate interest.
- 4) A mechanism needs to be created by which a victim may easily withdraw his or her consent.

In practice, to fully and genuinely comply with these requirements, the victim support worker will need to talk through a range of legal and formal issues before registering a victim's name or any other personal data.

The support worker needs to explain to a sufficient amount of detail to the victim, what type of data will be collected, for what purpose, what is the procedure for withdrawing consent and then have the victim sign a release form. In case the support is provided on the phone, or if the victim has any difficulties in signing the form (illiteracy, disability etc.) the consent can be given orally and case-worker can take it down in writing, while explaining the circumstances.

Taken against the reality of providing victim support, in particular as a part of **first response or first contact with the victim**, when victims are likely to be more highly traumatised and their cognitive abilities likely affected by the crime, it becomes obvious that this formalistic approach is likely to be counterproductive. In the case of the operation of helplines, it can be even more complex.

“When a victim calls in, the last thing they want is a complicated reading of their data protection rights. We have to allow them to speak and we need to listen in a caring manner. Finding the right way to obtain consent to record information in this situation is really tricky and I’m worried it will put victims off”

Victim Support Worker

This is additionally complicated by the fact that often the victim support organisations of first contact will not be able to provide full support to victims and referral will be required.

Case study:

*A highly traumatised victim of sexual assault, contacts a 116006 helpline to seek support. The assault happened a few hours ago and she has not reported the crime and has not yet told anyone about the incident. The 116 helpline is run by Organisation A. The helpline worker asks the victim for her name during conversation, to be able to establish a personal connection, writes the name down on a piece of paper (**data collection point 1** –GDPR not applicable, because the name is only written on the paper) which will be destroyed as soon as the call is over. The helpline worker also collects other anonymous data (gender, age, date of the incident, gender and age of the alleged offender, previous victimisation etc.) and enters it into the database of Organisation A, for statistical and reporting purposes (**data collection point 2** – GDPR not applicable, because data is anonymised).*

*The helpline worker tells the victim about the psychological support service that Organisation B is running. The victim decides she wants to talk to the psychologist. She gives her phone number to the helpline worker to have the psychologist call her back. The helpline worker sends the victim’s name and phone number by e-mail to the psychologist with the message to call as soon as possible (**data collection point 3** – GDPR applicable, yes, because the name and phone number are written in an e-mail).*

*The psychologist calls the victim back after ten minutes. During the consultation with the psychologist, the victim reveals more details about her crime that the psychologist registers into Organisation B’s case-management system. This includes the victim’s name, phone number and some details about the circumstances of the crime (**data collection point 4** – GDPR applicable, because personal data is entered into the Org B’s case-management system).*

*During the conversation with the psychologist, the victim also decides to have a rape kit collected by forensic specialists and to report the assault to the police. The psychologist sets up an urgent forensic appointment at the specialised centre, run by Organisation C. The specialised centre is in the same building as the psychologists’ office, so he just walks there. He dictates the victim’s name and contact details and some details regarding the circumstances of the crime to the receptionist who enters them into their internal case-management system (**data collection point 5** – GDPR applicable, because personal data is entered into Org C’s case-management system).*

The Victim arrives at Organisation C for forensic examination two hours after her first call to the helpline.

At each point where GDPR is applicable, legal basis for data processing needs to be determined and recorded appropriately. Each organisation needs to be able to show

Based on the above case-study, the victim's data is controlled and/or processed in at least five points and at least three of these, the data controller and/or processor need to make sure that they have legal basis for data processing. It is unrealistic to expect that in the span of one hour victim's consent is sought three times, with all the detail and scrutiny GDPR sets on the consent to be considered valid.

This will mean that at the intake point, victim support organisations cannot fully anticipate what will be further requirements for referral and solicit full consent before the totality of victims' needs is known. Such anticipation will rarely be possible before an individual assessment is conducted.

Taking the victim through several instances of the provision of the same information through the same formalistic approach, especially with highly traumatised victims, is likely to cause secondary victimisation.

Not only is the approach not always ideal from a victim perspective, there are administrative burdens to be considered. Victim Support organisations, particularly NGOs already face a range of financial difficulties and often have waiting lists for victims. The additional burden of lengthy consent processes when accumulated over large numbers of victims could simply mean that fewer victims will be able to receive services. This is particularly the case where organisations have not received additional funding to cover the costs of implementing data protection rules.

It is obvious, therefore, that consent is often far from the ideal basis for data processing in the context of victim support.

Case study:

A highly traumatised victim of domestic violence calls a 116006 helpline to seek advice on how to protect herself and her small children.

To fully provide the information, the helpline worker needs to collect some of her personal data, including name, address, phone number, children's ages and names, and details about her employment, family life and social networks.

Before asking any of these questions, the helpline worker is given a script that she needs to read to the victim, to ensure that the victim understands the GDPR implications of data processing and to be able to give informed consent. The script is about 2 pages long, is very technical and takes about five minutes to complete. Several times during the reading of the

script, the helpline worker needs to insist that the victim repeats certain statements, to ensure that the consent was freely given.

Four minutes into the call, the victim hangs up as her abusive partner came back home. She decides that she will never call the helpline again.

Contract as a legal basis for data processing

Some victim support organisations may have a practice of entering into a contract to define the type and scope of services which are provided to the victim. Some particular professions, such as psychologists, can have it as a standard practice. If that is the case, such a contract can serve as a basis for data processing, as long as data is collected and used towards the execution of the contract.

Depending on the circumstances, it may be argued that even where there is no document titled 'contract on providing victim support services' the provider and client are entering into a type of a contractual relationship. For example, when buying a product online means that we entered into a contract, and to execute the contract, the seller needs our personal data, which they can ask for under this legal basis.

The same may be argued for some types of victim support services. If a victim calls and asks for a support worker to accompany them to a trial, it is reasonable to require their name and some details about the trial (the time, date, specific location), to know where and when to send the support worker.

In this regard, contract, much as consent, needs to be an expression of free will and an informed decision by the victim.

Legal obligation

A legal obligation to provide a certain service may be a basis for data collection and processing, if such data is essential to comply with the legal obligation. For example, this may be the case with the implementation of court orders, supporting vulnerable victims, such as children or when support organisations implement a duty established in law. Similarly, a financial institution may be legally obliged to process personal data of victims of banking fraud and will hence have a legal obligation justification to process data.

To claim the legal obligation, the specific organisation has to established that it has a specific obligation in relation to a specific victim. General statements cannot be used as justification. However, this basis cannot be exercised if the support organisation has a discretion on whether to process personal data or if there is another reasonable way to comply.

Vital interest

Some elements of victim support might be considered as acting to protect victims' vital interests, in particular in cases where the lives or health of victims themselves or other persons are at stake. For example, taking contact details of a highly traumatised victim to

follow up on their wellbeing after a week, even if they might refuse support in the immediate aftermath.

Notably, evidence suggests that many victims of terrorism who have not suffered serious physical injuries will refuse support in the first instance. However, after the first shock has worn off, they may feel the impact and seek out support. Taking this into account, arguably it would be in vital interest of the victims to keep their phone number and carry out follow up calls in the subsequent days or weeks.

Legitimate Interest

Victim support organisations may rely on **legitimate interest** when there is a clear benefit to a data subject (victim) and to the organisation resulting from the data processing; in other words, when there is a compelling justification for the processing.

The legitimate interest basis is the most flexible of the legal bases provided by the GDPR. It may be useful to rely on the 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 cannot be a blanket legal basis for each data processing instance - GDPR insists that it needs to be based on the individual circumstances. However, this does not mean that victim support workers need to go into detailed data processing impact assessment each time they collect personal data.

To apply legitimate interest, it is recommended to conduct a three step test:

- **Purpose test** – is there a legitimate interest behind processing? Arguably, the organisation has a legitimate interest to support victims of crimes based on the Victims' Rights Directive and applicable domestic legislation.
- **Necessity test** – is the processing necessary for that purpose. Normally yes, as we need to understand who the victim is and what they have gone through to be able to support them appropriately. We need to collect and process their data to be able to help them.
- **Balancing test** – is legitimate interest overridden by the individual's interests, rights and freedoms? This would rarely be the case, as the processing is in the individual's interests and to ensure their rights and freedoms are implemented.

It is however necessary to explain clearly the purpose of the processing and to demonstrate the necessity of the processing to data subjects. For that reason, a victim support organisation must perform a balancing test that would give proper justification to interests and fundamental rights and freedoms of data subjects.

Given the mission and activities of victim support organisations, this should not be a difficult exercise. Nevertheless, it is important to pay attention to these processes, justifications and reasoning so that relying on the legitimate interest basis is GDPR-compliant.

Case study 1

A young man who calls a victim helpline explains his situation (subject to a violent attack – possibly hate motivated) and agrees that he would like an appointment for further help.

In order for an appointment to be made, Organisation A records personal data including name and contact information of the victim, details of the crime and what requests he has made. This information is provided to a local branch which contacts the victim to book an appointment.

In this instance, legitimate interest is used as a legal basis for processing. However, it would be a good practice to inform the victim in some detail how their data will be processed and used and to let them know how they can request their data to be removed. They are also told about where to find the organisation's full data protection policy for more information.

Case study 2

A young man who calls a victim helpline explains his situation. He wants some basic information on his rights but does not want to make an appointment. The VSO took some initial personal information to facilitate their helpline support.

However, the VSO has a policy to recontact victims of violence (as in this case) after 1 week to check if the victim is ok and if they would like any further assistance. All information on the case is retained to enable to follow up contact.

Question: Is there a legitimate interest for processing the data? Does the organisation need to obtain consent in order to retain, process and recontact the victim?

Answer: Yes, it may be justified that legitimate interest exists to retain data and call the victim back up, but it will also depend on the circumstances of the case. Violent crimes can easily justify legitimate interest, but it can also be claimed when victims are vulnerable, or when other circumstances can justify the need to retain victims' data for a certain period of time. The case worker would need to make an assessment as to whether it is justified or not, and make an affirmative declaration to that effect in the case-file in each individual case. This exercise does not have to be too complicated and can consist of multiple choice questions for the case-worker to respond to, but needs to provide sufficient base to retain and process data.

It would, however, be a good practice, to inform the victim about the possibility of the call next week and to give him an opportunity to refuse the follow-up. As above, further good practice would inform the victim about data retention and deletion principles and tell them where to look for the full data protection policy.

Public interest

If a victim support organisation is entrusted with a task performed in the **public interest** or with the exercise of official authority that would have 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 processing⁵. For this to be the case, the particular data controller (victim support organisation) needs to be affirmatively declared to be performing the public interest task.

Providing some element of support, assistance and services to victims of crime may be considered tasks performed in the public interest. The relevant recital (41) GDPR clarifies that this does not have to be an explicit statutory provision as long as the application of the law is clear and foreseeable. However, the safest and clearest way is that either the organisation or the delivery of support, assistance and services to victims of crime is described in national law as public interest tasks.

This legal basis for lawful data processing therefore strongly depends on the applicable national laws and, in the absence of their clarity, their interpretation by the national data protection authority.

Some elements of victim support, in particular if data is processed to ensure wellbeing of vulnerable victims or to ensure public safety, can be justified by public interest.

Example

In the Netherlands, the Minister of Justice issued a ministerial regulation, appointing Slachtofferhulp Nederland as the coordinating legal entity for the support of victims of crime in the Netherlands. Driven by this regulation and its wording, Slachtofferhulp is considered to be acting in the public interest when they provide support to victims of crime. This is additionally reaffirmed by the fact that victims of violent crimes in the Netherlands are automatically referred to the support services by the police. Through this referral some of the victims' personal data (name, phone number, address) is transferred to support services by the police – arguably in their exercise of public interest activity when they work on responding to a report of a crime.

Slachtofferhulp Nederland also supports victims of traffic accidents. These victims are not mentioned in the ministerial regulation or in a law, which means that the public interest basis is more difficult to justify. As a result other legal bases are used, usually consent.

The argument that victim support services in Europe are of public interest has been reinforced in recent months. From a practical perspective, victim support organisations have been critical to social functioning in the wake of the Covid-19 pandemic. At the national and international level, there have been regular demands that support services remain open, that

⁵ It is also important to note that if data processing is based on the legitimate interest, the public task or authority basis, the data subject should have the right to object to data processing on grounds relating to his or her particular situation in accordance with Article 21 GDPR.

they receive additional funding to cope with Covid-19 related crime issues and that in order for them to continue operating under lockdown restrictions, they be recognised as essential services. This approach was indeed adopted in several countries.

Additionally, the European Commission itself has recognised the important position of victim support organisations and called on Member States to recognise them as essential.⁶ This move was important in view of the increase in certain types of crimes, in particular domestic violence and the increased need for support services for victims.

Safely storing victims' data

In addition to the question of whether data is personal and whether there is a legal basis for processing it, any victims' personal data must be stored correctly.

There are two main approaches to data storage: on paper and digitally. Personal data that is recorded on paper – forms, documents, medical files etc., should always be stored in locked rooms or cabinets. While GDPR does not apply to such data processing, it should always be considered as a good practice to have a set of safeguards regarding who can access paper databases and under what conditions.

Regarding digital data, it must be protected and organisations must be able to show they took reasonable measures to secure the data. This may be through e.g. password protection for limiting access or some other system which ensures that only those who have a justified interest to access data will have the possibility to do so. However, data protection professionals suggest that sensitive personal data of victims should always be encrypted⁷. In this regard, there are three main approaches:

If service providers opt for **local, on-premises storage of encrypted data**, it will be encrypted and stored locally on servers kept inside the organisation. Hardware for servers will be required, the servers should be kept in a space with limited access – usually a locked server room, and organisations need to budget for maintenance of the server by professionals.

Alternatively, data can be kept in **cloud storage with server-side and in-transit encryption**. Here, a trusted cloud provider must be identified which encrypts client data and stores this encrypted data as well as the corresponding encryption and decryption key in a secure place.

In that case, the provider can decrypt data on the request of an authorised person. Such services are offered by almost all cloud providers like Google, Dropbox, Microsoft, Amazon, etc.

⁶ EU Strategy on victims' rights (2020-2025): <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0258&from=EN>

⁷ For more information about encryption, see e.g. https://www.internetsociety.org/encryption/what-is-encryption/?gclid=EAlaIqObChMlj8r86NK_6glVFOh3Ch2Q4wwBEAAYASAAEgII6_D_BwE

From the experts' perspective, the safest way to store sensitive personal data is through **cloud storage with client-side, end-to-end encryption**. In this case, the service provider encrypts the client data on their side and stores the encrypted data in the cloud. This way, the service providers are the only ones who can access the decryption key and no one else, not even the cloud provider can. This type of encryption is offered only by some vendors (for example Microsoft⁸). The particular benefit of this type of encryption is that even if the provider is asked by the authorities to access the victim data – they cannot do it as they do not have the encryption key.

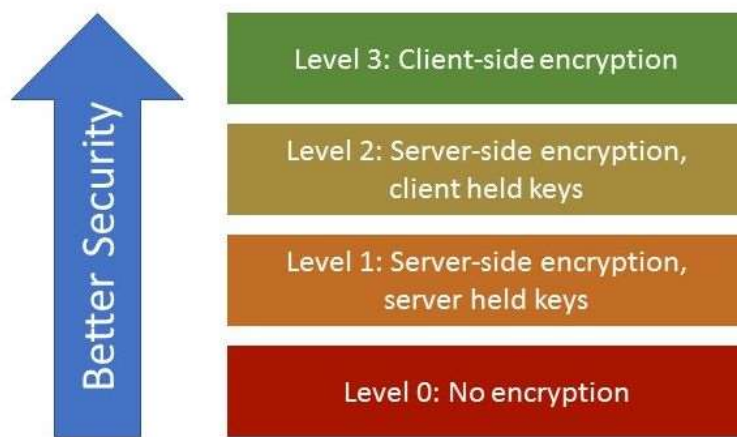


Image: Safety ranking of encryption options⁹.

To estimate the best solution for data storing, victim support organisations should conduct a risk assessment exercise and decide what level of protection to go for. The saying is that there is no 100% safe way to store data, but some approaches are riskier than some others.

While in depth analysis of these risks falls beyond the purposes of the present paper, the following risk matrix may be used as a starting point in identifying necessity for managing certain risks more vigilantly than some others¹⁰:

⁸ <https://azure.microsoft.com/en-us/services/azure-dedicated-hsm/>

⁹ Image credit of: <https://www.eenewseurope.com/design-center/client-side-vs-server-side-encryption-who-holds-key/page/0/1>

¹⁰ Image credit of: Deloitte Privacy Knowledge Center, Data Protection Officer Course, October 2020

Controls	Physical	Administrative	Technical
Preventive	<ul style="list-style-type: none"> Physical security perimeter (6.8.1.1) Physical entry controls (6.8.1.2) 	<ul style="list-style-type: none"> Information security awareness, education and training (6.4.2.2) Policies and procedures Notices (7.3.2) Engaging of a subcontractor to process personal data (8.5.7) Contact with authorities (6.3.1.3) 	<ul style="list-style-type: none"> Information backup (6.9.3.1) Management of privileged access rights (6.6.2.3) Intrusion Prevention Software (IPS) Segregation of duties Cryptographic controls (6.7.1)
Detective	<ul style="list-style-type: none"> Securing offices, rooms and facilities (6.8.1.3) 	<ul style="list-style-type: none"> Internal audit (5.7.2) Third party audit (e.g. 8.5.3) 	<ul style="list-style-type: none"> Protection from malware (6.9.2) Logging and monitoring (6.9.4)
Corrective	<ul style="list-style-type: none"> Protection against external and environmental threats (6.8.1.4) 	<ul style="list-style-type: none"> Breach notification (8.5.4) Reporting information security events (6.13.1.2) 	<ul style="list-style-type: none"> Segregation in networks (6.10.1.3)

Having said this, ultimately, EU rules still leave organisations in a situation of uncertainty. Unless they carry out the absolute maximum, rather than what they perceive to be reasonable, there is no guarantee that it will be accepted. This is particularly difficult for NGOs which have very limited resources and which seek to maximise those resources for the core tasks of supporting victims.

Data processing by victim support organisations

Data processing by victim support organisations should, as discussed previously, be guided by not only GDPR, but also the requirements of confidentiality of services and respectful treatment of victims.

This means that a victim support organisation should ensure that:

- Only data that is necessary to provide a high quality of service is collected;
- Only support professionals and other staff in the organisation who need to have access to personal data to support a victim or perform their professional duty have such access;
- Any access to data is allowed only when necessary and each instance of access to data is recorded;
- Data is processed and shared (both internally and externally) only to the extent absolutely necessary to ensure the best support for the victim or to comply with statutory obligations (e.g. for auditing purposes);
- Data is stored during the time the victim is actively receiving support from the organisation and for a determined period of time after closure of their file – but not longer than 5 years after the file is closed;
- Data is deleted after the expiry of the above period, or as soon as victim has requested that data is removed.

Personal data can be anonymised by support organisations and kept as such for an indefinite period of time, for statistical and reporting purposes.

Rights of Victims as Data Subjects

Victims have certain rights in their capacity as ‘data subjects’. Some of those rights need be included in the information provided to them, such as **the right to lodge a complaint with a supervisory authority**.

Regardless of the legal basis a victim support organisation 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:

- whether and how their personal data is processed;
- the legal basis for data processing, even if it is done in public interest,
- the period for which personal data will be stored,
- the right to request information about their data and its processing by the VSO,
- who it will be shared with¹¹; and
- the right to demand rectification of incorrect data entries.

This information can be provided in a range of ways. Usually it will be most effective to provide this information using a combination of different methods: in conversation during the intake process, in written form through a leaflet that will be handed to the victim, as well as through providing a transparent privacy and data protection policy online.

Additionally, victims need to be informed about **subjects who will potentially receive their personal data**. Whenever possible, this information needs to be detailed – indicating precisely the entities which may be recipients. When that is not possible, the organisation may provide just categories of recipients. However, the victim support organisation/data controller must be able to explain why details cannot be given.

In the context of victim support, this may be justified by the fact that it is not possible to know, before an individual assessment, what type of further support a victim might need and who exactly will be able to provide such support. In such circumstances, the information on the categories of recipients should be as specific as possible by indicating the type of recipient (i.e. by reference to the activities it carries out, for example the data processors), the industry, and the location of the recipients.

¹¹ Complete list of information that must be provided to a data subject may be found in Article 13 GDPR

For example, if legal aid can be provided through a pro bono cooperation with a number of law firms, victims may be informed about the list of law firms with which the victim support organisation cooperates, with links to their respective data protection and privacy policies.

Victims also have the right to know whether and how their personal data is processed, to seek a copy of their data being kept by the support organisations and to **demand rectification** of incorrect data entries (Article 16).

Victims also have the right to demand erasure of their data which is stored and processed by the victim support organisation, the so-called **right to be forgotten** (Article 17). This right is not absolute and is applicable under a limited number of circumstances¹², such as:

- the personal data is no longer necessary for the purpose for which it was collected;
- data was collected based on consent which is now being withdrawn;
- data is processed based on legitimate interest which is disputed;
- data was processed unlawfully; or
- erasure is required by law.

Moreover, in addition to erasure, victims also have the right to demand **restriction of processing** of their data, in which case, the victim support organisation can retain and store the data. In this case, the organisation can only process such data with victim's explicit consent, the data subject's consent (if it is not the victim – e.g. the offender) or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest (Article 18). The restriction of processing is by definition only temporary. When there is a restriction to process data, case-management systems should provide for an option that restricted victim data is clearly marked as such and that any processing is disabled for the duration of the restriction.

Finally, victims also have the **right to data transferability** – which means that a victim can demand the support organisation to transfer their personal data to another service provider, where technically feasible (Article 20).

Data Retention

For victim support organisations, it may be especially difficult to determine for how long it may store the data of victims. While GDPR does not set a time-limit, personal data must be stored for the shortest time possible.

The retention period can depend on the circumstances of the case and the likelihood of extended need for support. Victims may return for additional support even years after the first contacts ended or may benefit from follow-up in situations likely to cause re-traumatisation.

¹² There are some other situations where erasure would be possible, however they do not appear to be relevant for victim support services and are hence not being mentioned here.

Of course, organisations can start a new case file, but this can be damaging for the victim as it will require them to recite their story again. Moreover, better connection and trust can be achieved, more quickly, where a support worker is already able to express knowledge and recollection of the case even where they didn't work on it. Effectively indicating to the victim that they haven't been forgotten.

For example, some associations of victims of terrorism contact victims of previous attacks to check up on them and the possible re-traumatisation they might experience in the case of a new terrorist attack even if it happens years after their own victimisation. To be able to do that, their data retention rules should enable them to keep victims' personal data on file.

This would suggest good justification for keeping data at least on some victims (those likely to have long term impacts) for a longer period of time – which would be established individually for each such victim.

That period should take into account the reasons why a victim support organisation needs to process the personal data, as well as any legal obligations to store the data for a fixed period of time (for example national labour, tax or anti-fraud laws requiring to store personal data for a defined period).

A victim support organisation may maintain contact with a victim for a period of time, and as long as the contact is maintained, a victim's personal data may be stored. The personal data may be further stored for an additional period of time for example to be able to complete and supplement statistics, to be able to receive feedback on quality of services. These are all legitimate purposes for data retention.

It should be emphasised that the main motive for victim support organisations to collect, store and share victims' data is to reduce secondary victimisation. If consent is seen as the principal, if not the only legal basis for storing and processing victims' data, and if it is strictly applied to every time the victim is contacting a support service – there is a great risk of secondary victimisation.

Once the retention period expires, the personal data should be deleted or anonymised for statistical purposes. This can be done through the process of pseudoanonymisation. This means that data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable person. For example, personal data (such as name, address, employment details etc) can be replaced by a random code or made-up names.

GDRP Compliant Referral to Specialised Services

There are three main channels for victims to initially access victim support services:

- On their **own initiative**, having had the knowledge of the service;

- At the **suggestion of the police** or other external actors (e.g. judiciary, health professionals etc.), who encourage victims to seek victim support services and possibly provide victims with information on where to find such services;
- Through **referral**, where authorities are empowered to collect victims' data and request victim support services to make the first approach to the victim.

Many victims will receive the support they need through a single contact with the victim support service. For many others, an individual needs assessment may indicate that the victim requires further support either internally in the victim support organisation, or through external referral to other organisations/institutions.

Referral should ideally be done directly between the referring and receiving organisation, in consultation with the victim. This means that once an individual assessment indicates that the victim needs further support, the victim support organisation will identify the appropriate provider of such service, forward necessary victim's data to the provider and inform the victim about the further steps.

It is important to keep in mind that in cases where support is provided through a network of victim support organisations which retain separate legal personality – as in that case victim is, for the purposes of GDPR, being referred to external service provider.

In turn, the new provider will directly contact the victim, provide information about the organisation and offer their services. This referral process, carried out in collaboration with the victim, tends to have a higher victim take up rate compared with a victim being provided information about a service and being left to contact the organisation themselves.

For example, where a victim needs legal representation, the support worker should be able to contact a law firm or a lawyer and share with them the necessary information about the victim, circumstances of the crime necessary for the provision of legal service and potentially indicate victims' vulnerabilities when they are calling to make an appointment for the victim. The lawyer can then contact the victim directly to request more details or documents and to make an appointment.

However, this is only possible where appropriate data protection and data sharing protocols are in place. Moreover, with respect to initial referral i.e. where a victim is referred to a victim support organisation for the first time, such as by the police, most successful referral systems are those termed **opt-out**, as opposed to opt-in.

With the opt-out system, a victim is informed that their information is automatically passed on to service providers unless they say they don't want it to be passed on. With the opt-in system, the victim is asked if they want their information to be passed on, and only where they agree does the referral happen.

Whilst the opt-out system seems to produce much higher take up of services, since GDPR, there has been increasing reluctance to rely on opt-out for fear of being non-compliant. This

comes largely from the faulty understanding that compliance is primarily ensured through consent and that it would be non-compliant to send victims' data under other legal bases.

Indeed, a victim should be informed about what type of data is being shared and with whom, under which conditions and for which purposes. However, this information can be presented in a number of ways and it does not mean that specific consent should be collected for every single possibility.

The list of third parties with whom the data may be shared should be included in a privacy notice and periodically updated. The crucial part is that a data subject is able to identify the controllers and the processors of their personal data. This information should be given to the victim the first time their personal data is collected. It can be done through providing a printed list, or sharing a link with the victim, briefly explaining to them why the list is being given and what the likelihood is of their data being shared.

Sharing the personal data with third parties on the basis of the legitimate interest criterion may be contested by the victim concerned. The legitimate interest basis is used where victims may reasonably expect that their personal data will be shared, for example with the provider of legal aid in civil proceedings, and where victims understand how their personal data will be used. Whether a victim truly understands the way his or her personal data is processed and expects to be passed onto a third party is subject to question and may be situation-specific.

It is important to note that a victim support organisation should have a written agreement in place with any third party with whom it shares personal data. It is also important to review the privacy policy of all third parties and that these policies contain:

- The subject matter of the processing;
- The duration of processing;
- The nature of processing;
- The purpose of processing.
- The type of personal data to be processed
- The categories of data subjects whose data is to be processed
- The rights and obligations of the data controller
- Certain instructions in case data is shared with a data processor:

Cross-Border referrals, including outside the EU

In case of cross-border referrals in the EU, the same principles apply as in the case of domestic referrals between service providers. However, in case a referral or the sharing of personal data takes place across borders outside the EU, the personal data may only be transferred to

a jurisdiction¹³ or where a victim support organisation has implemented a lawful data transfer mechanism.

For example, the transfers are permitted if the controller or the processor adduces appropriate safeguards in the form of Model Clauses approved by the European Commission or national data protection authorities. Also, the transfer may take place on the basis of an approved Code of Conduct, together with binding and enforceable commitments to provide appropriate safeguards.

One may also base data transfer on certifications together with binding and enforceable commitments of a victim support organisation which shares the personal data to apply the certification to the transferred data. The personal data may be also transferred on the basis that the data subject, having been informed of the possible risks of such transfer, explicitly consents. Other legal bases may be applicable.

According to the latest information, only a small number of non-EU countries, as presented in the map below is considered to be GDPR compliant¹⁴:



In case of data transfer to other countries, to make sure that compliance is achieved, there should be a specific agreement with the entity in the non-compliant country, based on the

¹³ Adequacy Decisions are subject to a periodic review, at least every four years, taking into account all relevant developments. The Commission can repeal, amend or suspend Adequacy Decisions for jurisdictions no longer ensuring an adequate level of data protection. See https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en.

¹⁴ Image credit of: Deloitte Privacy Knowledge Center, Data Protection Officer Course, October 2020 Also, note that the UK might no longer be compliant after the expiry of the transitional period in January 2021.

model clauses, which are proposed by the European Union or on binding corporate rules (BCRs) – although the latter are only recommended for complex corporate structures. The list of model clauses is freely available and translated to all EU languages¹⁵.

Special Categories of Data and criminal data

Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data or biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation is considered special categories of data, and processing such data is in general more limited.

In terms of processing special category data, victim services organisations should rely on domestic legislation and the individual circumstances of any case. In principle, special data should only be collected when it is necessary.

In this regard, it is possible to consider such processing that is necessary for reasons of substantial public interest, is proportionate to the aim pursued, respects the essence of the right to data protection and provides for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

This may be justified when such type of data is fundamental for determination of the type of support to be provided to the victim – e.g. a transgender victim of hate crime who is being referred to a specific type of specialist services, or health data which is necessary for the provision of psychological support.

It may also be necessary to gather and process such data in order to capture the specific problems certain groups of victims face – e.g. hate crimes against certain ethnic groups, or specific support needs for victims with specific vulnerabilities. In each case, the victim needs to be informed about the fact that such data is being collected and maintain their data protection rights.

Victim information sheet

Based on the above, it is advised to provide victims with the specific information which will let them know how their data is being stored and processed and what their rights are regarding their personal data gathered by victim support organisations.

What information to provide to a victim of crime as regards the GDPR requirements?

¹⁵ The full list can be found here: https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc_en

- Contact details of victim support organisation;
- Purposes for which the personal data is collected (e.g. statistics, case-management, referral to other support organisations etc.);
- The type of personal data concerned (e.g. name, address, phone number, type of crime, circumstances of the crime, injuries suffered etc.);
- The legal basis for data processing;
- How long the data will be stored;
- Potential recipients of personal data;
- Whether the personal data will be transferred to a recipient outside the EU;
- Information about rights of data subjects/victim (such as the right to access personal data), the right to lodge a complaint with a data protection supervisory authority or the right to withdraw consent at any time;
- Where applicable, the existence of automated decision-making and the logic involved, including the consequences thereof.

Conclusions and recommendations

Privacy and confidentiality is a fundamental right that sits at the core of the work of victim support organisations. It is an intuitive cornerstone of a confidential and high quality service. It is why GDPR standards are a welcome reinforcement to this foundation.

Support to victims of crimes is an important societal service that engages and protects fundamental rights such as the right to life and justice. EU Member States have a legal obligation to make sure such services are available and fully accessible to all. Many countries now recognise that victim support is so important that it should remain open even as most others services are shutting down in the face of a lethal pandemic.

Achieving data protection and victim support is therefore a balancing act. It is critical that all **organisations working with victims understand their data protection duties and have in place the correct mechanisms,** procedures and training to respect obligations and protect victims.

Organisations must implement data protection rules without impeding support. In particular, this means **using the wide range of legal bases for the processing of data.**

Insisting on repeated collection of consent may be harmful for victims. Asking them to tell their story several times, repeatedly asking them the same questions, and giving them the same explanations over and over again, risks frustrating or potentially harming an already traumatised victim.

While **consent is a foundational element of working with victims,** relying solely on it to process their data can be bureaucratic, burdensome and can be counter productive. **Victim support services should therefore be fully aware of the opportunity to use all legal bases and should rely on those which fit best their situation and minimise burdens.**

Whilst these obligations rest on individual organisations, the reality is that the **EU data protection framework has not been designed with their situation in mind.** Vague rules and the broad **room for interpretation** left to national data protection authorities, has resulted in **legal uncertainty for victim support organisations.**

Overwhelmed with the pressures of limited funding and the increasing support needs of victims, organisations are left anxious about compliance. **The absence of legal certainty and fear of serious consequences can lead to organisations providing fewer services or devoting limited resources to expensive solutions** that may not be necessary, just to be 'safe' from ruinous fines. This situation **risks the quality and effectiveness of victim support services.**

The EU, Member States and Data Protection authorities must join forces with support organisations to develop reasonable, balanced solutions that achieve the equally important objectives of data protection and support of victims.

Using EU co-operation mechanisms, dialogue between EU and national data protection authorities and victims support organisations should establish **clear, practical and feasible implementation guidance** so that operators are not working against a back drop of fear.

The EU and Member States should enable support organisations to rely on legal bases most suited to their situation. This should start with **the recognition of victim support providers as either the public interest services**. Indeed, any service which must be made available as a State obligation under EU law and which needs to remain available to all who need it, for as long as needed, is a public interest service.

Moreover, at least some of the victim support services are indeed provided in pursuit of compliance with a **legal obligation**. Some of them are already imbedded in the national legal systems by virtue of the Victims' Rights Directive, the Directive on the European Protection Order or the Countering Terrorism Directive, to name but a few possible sources of legal obligations.

Finally, it should also be recognised that the **processing of victims' data is done in pursuit of a legitimate interest or even vital interest** where this ensures that victims receive the support they need and for as long as they need it.

Many victim support organisations operate in fear of potential fines for GDPR non-compliance at the expense of victims' wellbeing. A clear operating framework – based on legal certainty must be developed and **sanctions for non-compliance must take into account data protection and victim support objectives**, recognising the vulnerable financial situation of most organisations. **Sanctions should promote change and improvement, not result in the loss of critical services** or ineffective operation of those services.

Guidance on **data protection should enable easy, effective access to support**. In particular, this means ensuring that **GDPR does not stand in the way of safe referral mechanisms**. Ultimately, the combination of **appropriate data protection safeguards with the possibility of opt-out of referral should be consistently recognised across the EU as compliant with GDPR rules**.

Across the EU, victim support organisations are committed to protecting the data of victims whilst supporting them. They face multiple hurdles and uncertainties which are costly from a time, resource and financial perspective.

The EU, Member States and Data Protection authorities owe it to victims to simplify rules and help organisations to comply through a clear legal framework relying on the most appropriate legal bases, and with the provision of adequate funding for organisations' data protection mechanisms.