

Referring victims to victim support

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Introduction

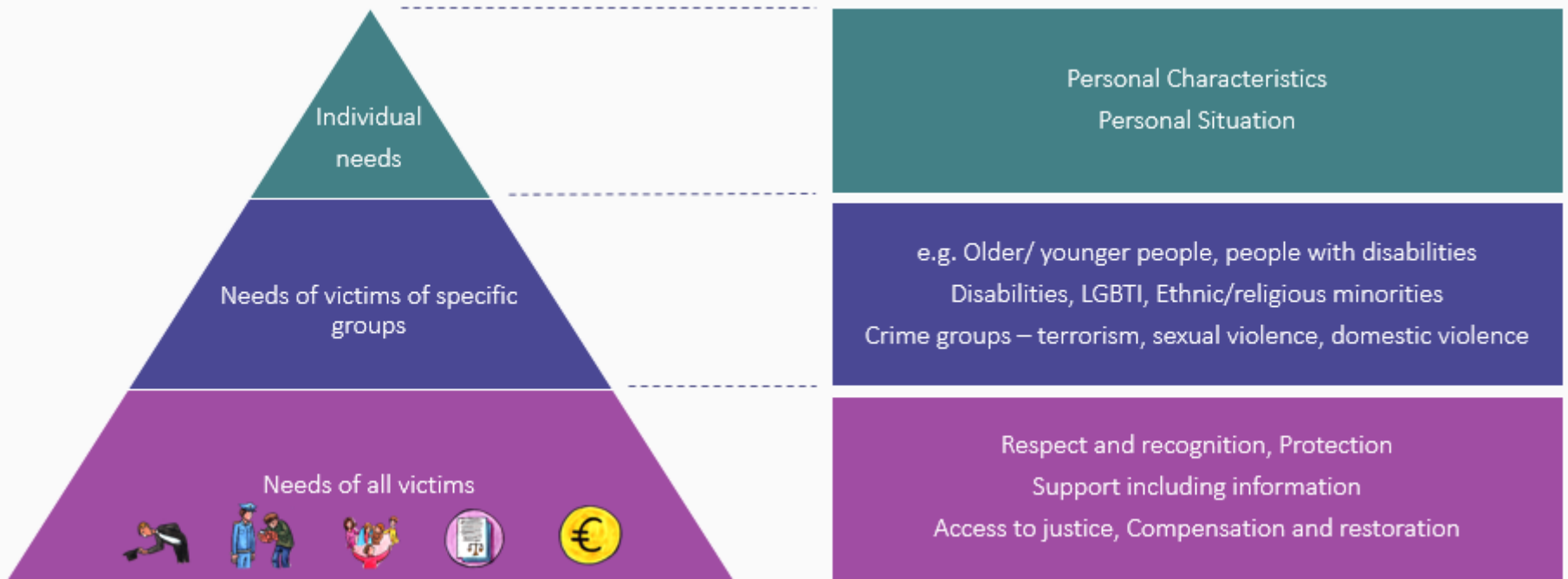
- Right to support is one of the core rights of the Victims' Rights Directive
- Article 8.2 Referral
- Coordinated network of services



Why referring victims to victim support?

- Access to victims support services
- Health-care responses
- Perspective of the criminal justice process
- Minimise administrative burden

Victims' needs



Support needs

- Article 9 Victims' Rights Directive defines the minimum support that needs to be provided:
 - Information on rights, criminal proceedings, compensation, etc.
 - Support in accessing compensation
 - Emotional and psychological support;
 - Financial support
 - Material support
 - Legal assistance

What is referral?

- National Referral Mechanism for trafficked persons - OSCE Definition
- “Cooperative framework through which State actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society”

Applied to victims of crime

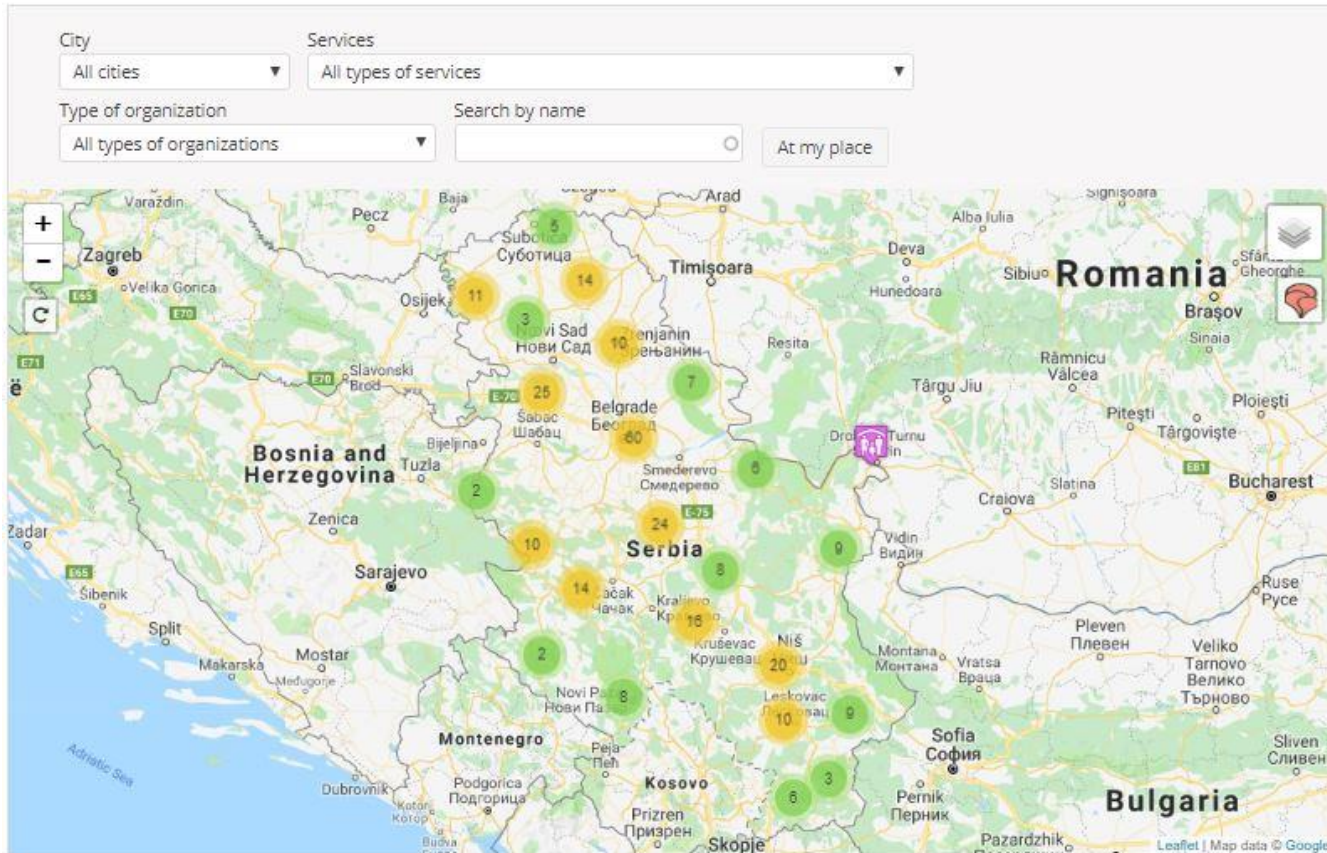
- Cooperative framework in which actors ensure victims' rights and needs by referring victims to the support service available.
- Main objective:
 - Victims are provided with a path and access to the support services

Challenges of referral

- Convince victims to get support
- Monitoring mechanisms
- Trust relationship between services
- Refer all victims not the most vulnerable ones

Interactive map - Serbia

Legend:  Victim Assistance Organization  Center for Social Work  Victim and Witness Assistance Services in Criminal Proceedings



Mechanisms of referral

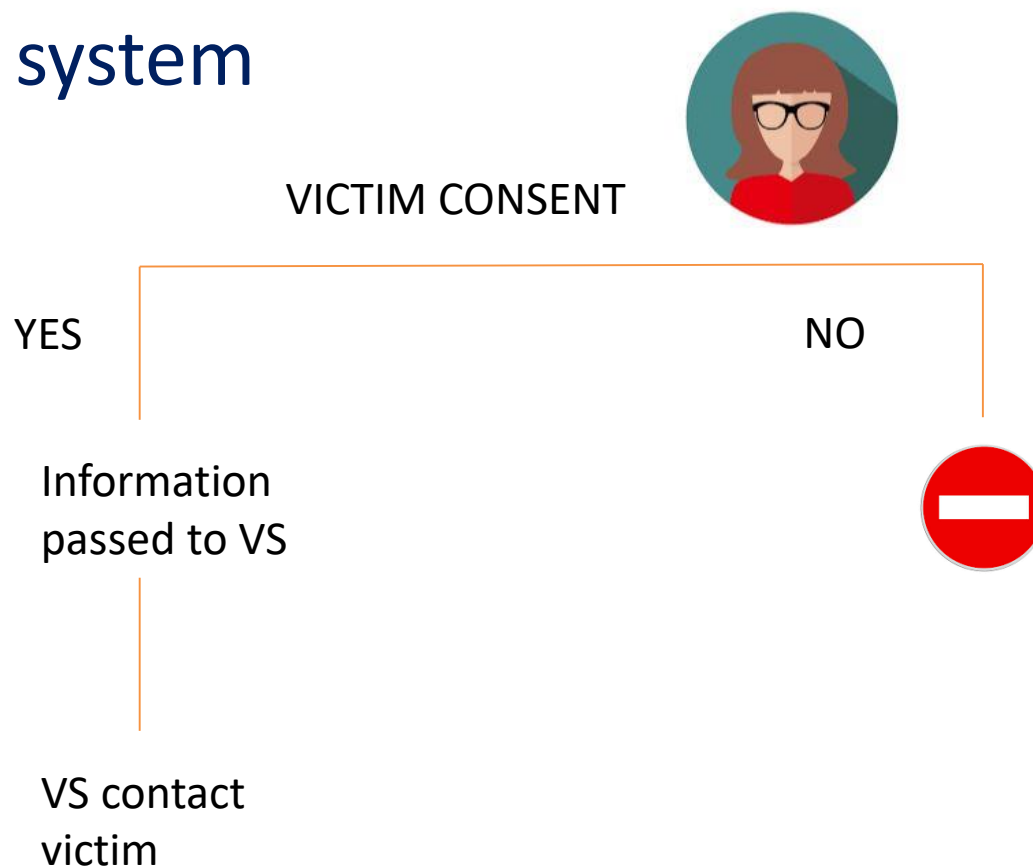
- No referral in place → simple provision of information
- Police give information about available support services.
- Victims decide to contact the victim support service.



Advantages: Respect the autonomous decision of the victim to seek or not support
Disadvantages: May leave aside certain victims ; Victims not in capacity to grasp all information after traumatic event

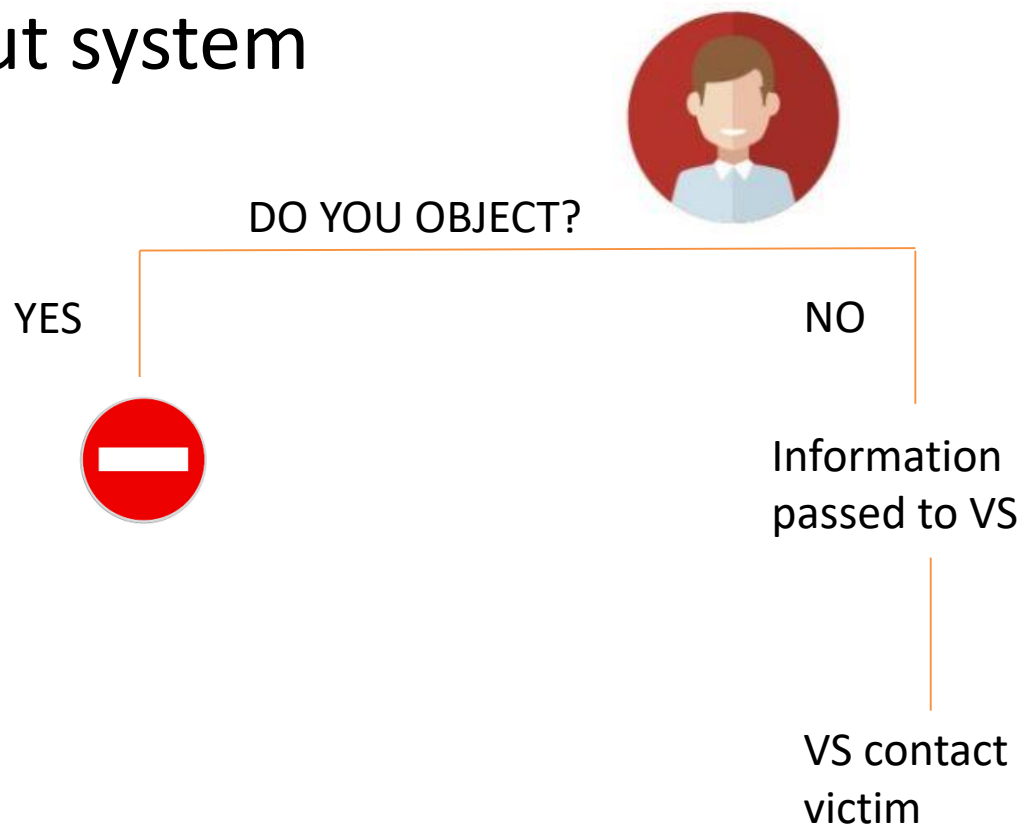
Mechanisms of referral

- Opt-in system



Mechanisms of referral

- Opt-out system



GDPR Requirements



- General Data Protection Regulation
 - Personal data is gathered legally and under strict conditions
 - Data processing is protected from misuse and exploitation
- Article 6: lawful basis to collect and process person data: consent, performance of a contract, legal obligation, legitimate interests, vital interests or public task

Types of referrals

- Referral from police to victim support services
- Referral from generic to specialist victim support services
- Other types of referrals



Referral from police to victim support services

- Police often first contact
- Challenges:
 - Training on victims' needs and rights
 - Do not refer all victims
 - Non-reporting



Referral from generic to specialist victim support services

- Individual needs assessment to identify victims needs
- May refer victims to a more specialist service
- Ensure victims' needs are properly met



Other types of referrals

- Referral from VS to police
- Self-referral
- Referral from other bodies (hospital, embassies etc)
- Referral of cross-border victims and VSE role



Criteria for effective referral

- How to ensure an effective referral with a victim centred approach?
 - Victims properly informed
 - Automated system
 - Training and protocols

Victims properly informed

- Ensure victims properly understand their need for support:
 - Victims do not know about victim support
 - Victims do not understand the relevance of victim support
 - Victims do not understand how victim support would help them
- Timely referral
- Maximise number of victims access support

Automated system

- Opt out system
- Computerised system
- Minimise the action burden put on police and more importantly on victims
- Quick and safe transfer of information



Training and protocols

- Training on victims' needs
- Part of job objectives
- Proper tools to refer
- Cooperation and trust between police and services, and between services
- Importance of mapping out services

Situation in South Korea?

- Is there a referral system in place?
- What are the gaps and challenges of a referral system?
- Is there a monitoring mechanism to ensure victims are referred?



Thank You!

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