

Cross-border Victimisation

Challenges and solutions with respect to the provision of support to victims of crime in a cross-border situation



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1 INTRODUCTION

1.1 Human mobility and globalized crime

Globalization, or the increased interconnectedness and interdependence of peoples and countries¹, has intricate effects on economic, social and political levels. The opening of borders has caused a growing flow of goods, services, finance, people and ideas on an international scale. In this era of globalization a combination of factors like the changing labour market, accessibility and relative cheapness of international transport, challenging political situations and the international spreading of family networks² form some of the underpinnings to the high human mobility that we know today.

For the EU, Free movement within the EU leads to an increase in the number of individuals working, studying or traveling abroad. Around 13.6 million EU citizens live for diverse reasons in an EU State that is not the Member State they were born in³. Europe is in addition the world's most important tourism market, as it not only leads in number of tourist arrivals but also generates a lot of tourism.⁴ Tourism has become part of the lives of many EU citizens with, and with an estimated 1.4 billion journeys made in 2008, almost 90% were within the European Union⁵. Also, International visitors in Europe have substantially increased from 25.3 million in 1950 to 414 million in 2003. A further increase expects the number of international visitors to reach 717 million by 2020⁶.

The last decades also crime has become increasingly globalized posing particular challenges to national criminal justice systems. Those systems are conventionally dealing with crimes that are committed within their own borders and are primarily domestically-oriented.⁷ Nowadays, crime has adopted a global scale crossing international borders and adding a layer of complexity to dealing with crime.

Considering the increased mobility of people in the EU and the increasingly globalized crime, people are more and more becoming a victim of crime in a Member State other than their own.

¹ WHO (n.d.). *Globalization*. Retrieved October 29, 2015, from <http://www.who.int/trade/glossary/story043/en/>

² UN System Task Team on the Post-2015 UN Development Agenda (2012). *Migration and human mobility*. Retrieved October 12, 2015, from [http://www.un.org/millenniumgoals/pdf/Think Pieces/13_migration.pdf](http://www.un.org/millenniumgoals/pdf/Think%20Pieces/13_migration.pdf)

³ EUROSTAT (April, 2013). *EU citizenship - statistics on cross-border activities*. Retrieved September 22, 2015, from [http://ec.europa.eu/eurostat/statistics-explained/index.php/EU citizenship - statistics on cross-border activities](http://ec.europa.eu/eurostat/statistics-explained/index.php/EU_citizenship_-_statistics_on_cross-border_activities)

⁴ Leidner, R. (2004), *The European Tourism Industry – a multi-sector with dynamic markets*, report prepared for DG ENTR of the European Commission. Retrieved September 10, 2015, from http://ec.europa.eu/enterprise/library/lib-tourism/doc/european_tourism_industry.pdf

⁵ EUROSTAT (2013). *Tourism statistics*. Retrieved September 16, 2015, from http://ec.europa.eu/eurostat/statistics-explained/index.php/Tourism_statistics

⁶ Leidner, R. (2004), *The European Tourism Industry – a multi-sector with dynamic markets*, report prepared for DG ENTR of the European Commission. Retrieved September 10, 2015, from http://ec.europa.eu/enterprise/library/lib-tourism/doc/european_tourism_industry.pdf

⁷ Letschert, R. M., & Groenhuijsen, M. S. (2011). Global governance and global crime: Do victims fall in between?. In R. M. Letschert, & J. J. M. Dijk (Eds.), *The new faces of victimhood*. (pp. 15-40). Dordrecht: Springer.

Every year 75 million people fall victim to crime across the European Union.⁸ Tourists in particular seem more vulnerable to become a victim of crime. Research shows that during their two first weeks of holiday tourists are five to ten times more likely to be a victim of crime than during any other two weeks in the rest of the year⁹. Assuming that they have the same risk as EU citizens in their own member state (15%) over 2 million become victim of crime every year¹⁰. Additionally, crimes such as international terrorism, commercial sexual exploitation of children and human trafficking seem to be increasing¹¹. So while unfortunately European statistics on the prevalence of crime according to nationality are not available it can be estimated that every year millions of EU citizens fall victim to crime in a country other than their own. Furthermore, Europe is entered by millions of non-European citizens every year for tourism, business, as well as migrants and refugees. Also these people risk falling victim to crime in the European Union.

1.2 Defining Cross-border victimisation

When looking at cross-border crimes we can consider different forms of crimes. Cross-border victimisations are considered crimes where people become victimized in another country than their country of residence. Also, cross-border victims can be people that become victims of a crime committed in another country than their own, with the effects taking place in their own country of residence (e.g. cybercrime). Cross-border crimes are complex crimes that can involve either conventional crimes with one or a small group of victims, or collective or mass victimisations e.g. terrorism, war crimes, crimes against humanity.

In this paper we particularly focus on ***victims of cross-border crimes as any person (also non-EU people) who has been a victim of crime that happened in a European country other than their country of residence (EU or non-EU, whether the status is legal or not).***

In this study we refer to foreign victims of crime and victims of crime abroad when referring to cross-border victims of crime. This terminology refers to two types of victims of cross-border crime, from the perspective of the respondent.

⁸ Analysis carried out in "The Burden of Crime in the EU", p. 70, of results from the EU International Crime Survey (EUICS) 2005 (www.europeansafetyobservatory.eu). The study indicates that around 50% of five types of crime are reported to the police but does not take into account sexual assault reporting rates which are generally very low – between 15 and 28% in the EUICS. A slightly higher figure for non-reporting has therefore been assumed of 60%.

⁹ E.g. Van Dijk et al, 2002

¹⁰ Commission staff working paper impact assessment Accompanying the document Communication from the Commission to the European Parliament, the Council, the European economic and social committee and the committee of the regions proposal for a directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime and proposal for a regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters of 18.05.2011 hereafter referred to as Impact Assessment from the Commission to the EU Parliament on Directive 2012/29/EU and Regulation (EU) No 606/2013 of 18.05.2011

¹¹ EUROSTAT (2015). Trafficking in Human Beings. Publications Office of the European Union: Luxembourg. https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eurostat_report_on_trafficking_in_human_beings_-_2015_edition.pdf; European Police Office (2015). European Terrorism Situation and Trend Report. Retrieved 12 December, 2015, from <https://www.europol.europa.eu/content/european-union-terrorism-situation-and-trend-report-2015>

Foreign victims of crime refer to people that fall victim to a crime in a country other than their country of residence. To the victim support organisation or service provider in the country where the crime occurred this person is a foreign victim (e.g. to a victim support organisation in Hungary, a Belgian falling victim to a crime in Budapest is a foreign victim).

A victim of crime abroad refers to a person that was victimised in a country other than their country of residence. To the victim support organisation or competent authority providing assistance from the country of residence of the victim, e.g. after the victim returned home, this victim is a victim of crime abroad (e.g. to a victim support organisation in Belgium, a Belgian falling victim to a crime in Budapest is a victim of crime abroad).

It is clear that this categorisation of cross-border victims merely serves as a means to identify the variety of challenges facing cross-border victims of crime from the perspective of the support organisations or competent authorities. A foreign victim of crime for one organisation is a victim of crime abroad from the other.

1.3 The rights of Cross-border victims in the European Union

The United Nations Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power¹², adopted by the UN General Assembly in 1985, was a substantive leap forward in the process of legislative developments for victims of crime¹³.

Since then the European continent has set the scene for the continuous development of a legal framework for the protection of victims of crime, through the adoption of policy decisions and legal instruments. For victims of crime *the EU Council Framework Decision on the Standing of Victims in Criminal Proceedings (2001) and the EU Directive on Compensation to Crime Victims (2004)* can be considered milestones.

Cross-border victims of crime have played an important role in the development of different legislative measures. As early as 1989 the European Court of Justice judged that there should be a non-discriminatory right of equal treatment of individuals who fall victim of crime while travelling to another Member state.¹⁴ Another important step was taken with the entry into force of the Lisbon Treaty. This treaty entailed provisions providing a legal base for the EU to 'establish minimum rules on victims' rights to facilitate mutual recognition of judgments and decisions and police and judicial co-operation in criminal matters having a cross-border dimension.¹⁵ Following, the rights of cross-border victims of crime were at the heart of the EU Council Framework Decision on the Standing of Victims in Criminal Proceedings (2001)¹⁶. The Framework Decision was legitimized by invoking the EU

¹² Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, GA Res. 40/34 of 29 November 1985. Retrieved 12 October 2015, from https://www.unodc.org/pdf/compendium/compendium_2006_part_03_02.pdf

¹³ Capacity building for EU crime victim support. *Training manual: Victims of Crime in the EU*.

¹⁴ ¹⁰ Case 186/87 - *Ian William Cowan v Trésor public*, judgment of the Court of 2 February 1989. Retrieved 22 November, 2015, from <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61987CJ0186>

¹⁵ Impact Assessment from the Commission to the EU Parliament on Directive 2012/29/EU and Regulation (EU) No 606/2013 of 18.05.2011

¹⁶ Groenhuijsen, M.S. & Pemberton, A. (2009) The EU Framework Decision on Victims. Does hard law make a difference? *European Journal on Crime, Criminal Law and Criminal Justice*, 17, 43-59.

objective of freedom of movement. It envisioned ensuring that every EU citizen falling victim to a crime will have the same level of protection no matter what EU Member State he/she finds himself/herself in. The 2001 Framework Decision dedicates two articles to the needs of cross-border victims of crime. These articles relate to 'the general duty to ensure appropriate measures to minimise difficulties faced by victims' and 'special duty for States to develop cooperation with Member states in case of cross-border victimisation, either through judicial cooperation or between victim support organisations.' The Framework Decision (2001/220/JHA) underwent evaluation by different actors and was estimated to not be fully realised in some Member States¹⁷. Groenhuijsen and Pemberton (2011)¹⁸ in particular pointed to the failure of most Member States to transpose the Framework Decision into domestic law. Letschert and Groenhuijsen (2011)¹⁹ expressed their concern that the cross-border dimension of EU legislation limits the thematic scope of the competencies of the EU. They formulate the need to use the powers of the EU also beyond cross-border criminal proceedings.

The EU took another important step towards ensuring rights of victims of crime with *the 2012 EU Directive establishing minimum standards on the rights, support and protection of victims of crime*²⁰. This Directive goes beyond strengthening the rights of victims included in the Framework Decision and includes new rights. The deadline for transposition of the Victims' Rights Directive was set on the 16th of November of 2015. Among others the new rights included in the EU Directive are better referrals of police to victim support services; rights for victim's family members; right to review a decision not to prosecute; individual assessment. Formal legislation has been complemented by policy recommendations and guides for implementation of the EU Directive 29/2012/EU²¹. Victim Support Europe stressed the importance for a change in behaviour and attitude to ensure that victims and witnesses of crime receive the best possible care and support in the aftermath of crime. Conducive to ensure that implementation goes beyond transposal to compliance²² Victim Support Europe arguments that 'European States should recognise, encourage and support the work of relevant non-governmental organisations and civil society in offering a holistic response and meeting the needs of victims of crime'²³.

The victims' rights directive dedicates in particular article 17 to the right of victims resident in another member state (recitals 50 and 51). This article refers to the following aspects: The

¹⁷ APAV. (2009). Project Victims in Europe. *Implementation of the EU Framework Decision on the Standing of Victims in the Criminal Proceedings*.

¹⁸ Pemberton, A., & Groenhuijsen, M. (2011). Developing victim's rights within the European Union: Past, present and future. *Present and Future (October 21, 2011)*.

¹⁹ Letschert, R., & Groenhuijsen, M.S. (2011). Global Governance and Global Crime – Do Victims Fall in Between? In Letschert, R. & Van Dijk, J. (Eds.) *The New Faces of Victimhood, Globalization, Transnational Crimes and Victim Rights*. New York: Springer.

²⁰ Directive of the European Parliament and of the council establishing minimum standards on the rights, support, and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. of 25 October 2012. *Official Journal of the European Union*, 315. Retrieved 8 August, 2015 from <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>

²¹ Victim Support Europe (2013) Handbook for implementation and best practice for victims of crime in Europe. VSE Publication: Brussels. http://ec.europa.eu/justice/events/assises-justice-2013/files/contributions/51.1.1374573250handbookforimplementationandbestpracticeforvictimsofcrimeineurope_23713_en.pdf

²² Pemberton, A., & Groenhuijsen, M. (2011). Developing victim's rights within the European Union: Past, present and future. *Present and Future (October 21, 2011)*.

²³ Cfr, 21, *ibid*.

authorities of the Member State where the criminal offence was committed must be in the position (a) to take a statement from the victim immediately after the complaint; (b) to have recourse to video conferencing and telephone conference calls for the purpose of hearing victims who are resident abroad. Victims should also be able to make a complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or if they do not wish to do so (Paragraph 2). As a general rule, the competent authority to which the victim makes a complaint transmits it without delay to the competent authority of the Member State in which the criminal offence was committed.

The EU Victims' Directive is a milestone in the development of the legislative framework of the EU for victims of crime yet not the only instrument that applies to cross-border victimisations. The EU has put in place two separate instruments for the mutual recognition of protection measures to ensure that a person who has been granted a protection order in a Member State continues to benefit from this protection when moving or travelling to another Member State.²⁴ The Regulation (EU) No. 606/2013 allows for direct recognition of protection orders issued as a civil law measure between Member States thus ensures mutual recognition of protection measures in civil matters. The Directive 2011/99/EU on the European Protection Order (EPO) applies to criminal matters and allows a person benefiting from a protection order issued in one Member State to request a European Protection order when they travel or move.

Cross-border victims can also benefit from compensation as set forward under the Directive 2004/80/EC relating to compensation to crime victims stipulates that a person can apply for state compensation when having fallen to crime in a Member State other than their own.

Besides legislative measure aimed to support victims of cross-border crimes to receive protection and compensation an array of national, European and international laws are set forward to support certain groups of cross-border victims of crime like victims of human trafficking, victims of terrorism, victims of international crimes.²⁵

1.4 Cross-border victims and their needs

A host of practical obstacles also impede undocumented migrants' access to protection and legal remedy through the justice system, including language barriers, poverty, social isolation, ignorance of their rights, and the absence of legal representation.²⁶

Victims of a crime in a country other than their own often face a variety of challenges that leave them particularly vulnerable. There are a number of obstacles these victims face that might make it more difficult for them to identify or access support services.

²⁴ European Commission (n.d.). *Victims*. Retrieved 16 August, 2015, from http://ec.europa.eu/justice/criminal/victims/index_en.htm

²⁵ Letschert, R. M., & Groenhuijsen, M. S. (2011). Global governance and global crime: Do victims fall in between?. In R. M. Letschert, & J. J. M. Dijk (Eds.), *The new faces of victimhood*. (pp. 15-40). Dordrecht: Springer.

²⁶ APAV (2010). *Project May I Help you? Final Report*. Retrieved November 24, 2015, from http://www.apav.pt/pdf/MIHY_Handbook.pdf

Often victims don't speak the language of the country in which the crime takes place.²⁷ Also, cross-border victims often don't have a social network in that country, and have difficulty sorting out the practical ramifications following the crime. Moreover, cross-border victims are unacquainted with the host country's legal system or the national rights they have as a victim of crime, and have often returned to their country of residence before the trial takes place. The myriad of challenges often diminish the possibility of the victim to exercise their rights to participate in the criminal proceedings.

When persons fall victim to a crime they often also find it difficult to access support services. The continued inadequate, or complete lack of, referrals is one of the most important barriers to victims' ability to access support services.

The consequences of falling victim to crime can be myriad and complex, and particular attention should be paid to cross-border crime as it *'may add a layer of complexity to the measures required to protect victims' access to justice and/or compensation'* (United Nations Office on Drugs and Crime).²⁸

2 METHODOLOGY

2.1 Purpose of the study

The broad objective of the project is to pave the way for further discussions and actions taken to improve support and assistance to cross-border victims. These actions will be identified to support the implementation of Directive 2012/29/EU for cross-border victims.

We aspire to do this by collecting knowledge from different stakeholders on and identified problems, examining them from the viewpoint of cross-border victims and assessing what works, what does not work and why. Based on feedback of our members consolidating the complexity of offering cross-border victim support in the current circumstances, we agreed to pay closer attention to the issue of supporting cross-border victims of crime. Through the following study we wish to identify the problems and solutions with respect to the provision of support and assistance to victims of crime in a cross-border situation. Problems and drivers of problems experienced by victims when seeking assistance and experienced by victim support organisations and state actors when providing assistance will be analysed and practical solutions will be looked at both at national and EU level in order to provide guidance to national actors.

This report is part of a larger research project on cross-border victimisation carried out by VSE from July 2015 – December 2016 that aims to shed light on cross-border victimisation from the perspective of different stakeholders namely victim support organisations, law enforcement, prosecutors, judges and consular agencies²⁹. This report in particular focuses on the perspective of

²⁷ Victim Support Europe (2013) Handbook for implementation and best practice for victims of crime in Europe. VSE Publication: Brussels. http://ec.europa.eu/justice/events/assises-justice-2013/files/contributions/51.1.1374573250handbookforimplementationandbestpracticeforvictimsofcrimeineurope_23713_en.pdf

²⁸ UNODC (2011). The Criminal Justice Response to Support Victims of Acts of Terrorism. UN: Vienna. Retrieved September 22, 2015, from http://www.un.org/en/terrorism/ctitf/pdfs/victims_rights_e-book_en.pdf

²⁹ The larger study on cross-border victimisation including law enforcement agencies, prosecutors and judges has been ongoing since October 2015. Data collection for this sub-study has been prolonged due particular difficulties in identifying and inviting law enforcement agencies, prosecutors and judges with expertise in cross-

victim support organisations across Europe on the challenges faced when supporting cross-border victims of crime. Also consular authorities were questioned on their particular experiences with victims of cross-border crime. This study does not solely focus on support provided by victim support organisations but includes expertise on challenges faced by cross-border victims of crime from the moment the crime happens, in investigative states, during and after the criminal proceedings³⁰.

The goal of this study is to minimise the difficulties faced by victims abroad by improving cross-border referrals between member organisations but also between all other involved stakeholders. This study also seeks to shed light on the potential role for VSE in improving cross-border victim support in Europe.

2.2 Literature review

The first phase of the research comprised of a comprehensive desk research and literature review. The researcher made an in-depth analysis of the state of the art on cross-border victimisation in collaboration with different VSE member organisations on the following topics: Cross-border victimisation, support of cross-border victims, legislation on assistance and support of cross-border victims, good practices of support to cross-border victims, etc. The literature review included relevant studies, both published and unpublished, as well as a review of national legislation, international legal instruments and case studies. The outcome of this literature review is a contemporary overview of the existing literature and reporting on cross-border victimisation.

2.3 Semi-structured interviews

Following the identification of stakeholders (Victim support organisations and consular agencies) in different countries with extensive experience with respect to cross-border victimisation, key-stakeholder interviews are carried out (n=6). These key informant semi-structured interviews were set out to provide a more in-depth analysis of experiences with support and assistance with cross-border crime victims. The interview structure was determined based on the results of the previous sub studies in order to complement these findings (e.g. with case studies and detailed information). Sampling was done based on a purposive sampling procedure identifying universal victim support services that have extensive experience in supporting and assisting cross-border victims of crime. Key-informant interviews with stakeholders identified through the general survey were done to complement the primary interview data and shed light on particular challenges and good practices. The interview schedule can be found in annex.

border crime to participate in this study. A low response rate and difficult identification informed a revision of the research design allowing for a longer data collection period, and including more extensive qualitative data collection. In order to study those perspectives in a scientifically sound and comprehensive way analysis of results will be postponed until May 2016.

³⁰ The particular issues related to cross-border victimisation were not included in this report: Compensation and cross-border victimisation and terrorism. Those two issues have been put forward during our explorative study phase as particularly challenging and important. Therefore particular attention will be dedicated to these issues in further phases of this larger research project on cross-border victimisation. Data collection and reporting of these two issues will continue and finish in 2016.

2.4 Survey on cross-border victimisation

In this third sub-study a questionnaire was developed, based on the literature review and results of the in-depth interviews. This questionnaire explored the experiences of different stakeholders in assisting and supporting victims of crime in cross-border situations. The survey focused both on identification/understanding of problems as well as identification of best practice or solutions.

A pilot study was carried out conducting the survey with universal victim support agencies with extensive experience assisting cross-border victims of crime (n=4). The purpose of this pilot study was to enhance the quality of the survey instrument. It enabled the researchers to make minor adjustments or adaptation to the original questionnaire based on the feedback of the respondents. A pilot study increased the validity and reliability in survey research³¹. The second phase of the survey entailed a large distribution of the questionnaire to potential participants. The survey, that can be found in annex, was distributed to victim support services (n=200) and consular agencies across Europe (n=400). Victim support services contacted consisted of Victim Support Europe Members and other European and national organizations assisting victims (both VSE members and non-members) from across the EU (both universal services and specialised services). Consular agencies were contacted in all 28 EU Member states after a purposive sampling including European embassies or consular services as well as larger embassies in EU Member States (e.g. Canadian embassies, US embassies, Japanese embassies). The survey did not intend to provide a representative sample of cross-border victims or support initiatives in all 28 Member States, rather it was developed to identify the challenges faced when providing support and assistance to cross-border victims of crime in different EU Member States.

A comprehensive analysis of the qualitative and quantitative data provided by different stakeholders were carried out. Qualitative data underwent a thematic analysis³² in order to identify the main themes elicited by the interviewees and respondents. Descriptive statistical analysis were carried out on the quantitative data. Triangulation was adopted in order combine qualitative and quantitative data in an enriching analysis that identifies challenges and good practices when dealing with cross-border victimisation.

2.4.1 Sample

Country	Victim Support Organisation	Embassy or consulate
Austria	2	0
Belgium	0	1
Bulgaria	0	0
Croatia	5	1
Cyprus	0	1
Czech Republic	1	1

³¹ Van Teijlingen, E., & Hundley, V. (2002). The importance of pilot studies. *Nursing Standard*, 16(40), 33-36.

³² Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative research in psychology*, 3(2), 77-101.

Denmark	2	1
England and Wales	5	1
Estonia	1	1
Finland	1	0
France	1	1
Germany	1	0
Greece	0	1
Hungary	2	0
Ireland	6	0
Italy	1	0
Latvia	0	0
Lithuania	1	0
Luxembourg	0	0
Malta	0	0
Netherlands	2	1
Poland	0	0
Portugal	1	0
Romania	0	0
Slovakia	0	0
Slovenia	2	0
Spain	3	1
Sweden	1	0
Unknown	1	0
Total	40	10

Victim support organisations who participated in the study were generally Non-governmental organisations (75%), 11% were state-run and the remaining respondents identified themselves as 'other'. Consular services that responded to our questionnaire were all representing EU Member States.

2.5 Focus Groups

The previous research phases resulted in a comprehensive overview of problems/challenges as well as successes in the experience with cross-border victim support and assistance. This particular sub-study focused on the prioritization of problems and formulation of possible solutions and good practices corresponding to those problems. The participants of the study were invited to participate in a Focus Group³³. A focus group is a small-group discussion guided by a trained leader. It is used to

³³ Kitzinger, J. (1995). Qualitative research. Introducing focus groups. *BMJ: British medical journal*, 311(7000), 299.; Rabiee, F. (2004). Focus-group interview and data analysis. *Proceedings of the nutrition society*, 63(04), 655-660.

learn more about opinions on a designated topic, and then to guide future action. The group's composition and the group discussion are carefully planned to create a nonthreatening environment, in which people are free to talk openly. Therefore focus groups are generally small, in order to allow all participants to have ample time to talk and to deal with topics in a more in-depth way than is possible through a survey. Members are actively encouraged to express their own opinions, and also respond to other members, as well as to questions. The goal of this focus group was to gain insight and understanding about cross-border victimisation by hearing from people in depth. The outcome of the focus groups (n=3) is a more in-depth understanding into the issues concerning cross-border victimisation through detailed case studies and discussions. The focus groups set forward to result in potential solutions or ideas to deal with cross-border victimisation that take into account different stakeholders' perspectives.

3 RESULTS

The triangulatory study has combined qualitative and quantitative means of data collection. This section aims to provide a comprehensive overview of the main identified challenges when supporting or assisting cross-border victims of crime. Firstly, section 3.1 will describe the nature and characteristics of cross-border victims that are supported by the respondents of our different sub-studies. Particular attention is paid to the factors characteristic to cross-border victimisation that can form barriers to providing assistance or support to cross-border victims as they were identified in our studies.

Secondly, the challenges of cross-border victims of crime will be discussed in a chronological manner paying attention to the stages victims potentially go through in the aftermath of crime, from the moment the crime occurred (3.2) to the investigative stages (3.3) and the criminal proceedings (3.4). In each of these phases we describe the main challenges identified by victim support organisations and consular services.

Thirdly, section 3.5 is dedicated to the challenges and problems identified when supporting victims of cross-border crime. This section includes an analysis of the support provided by victim support organisations and consular services and furthermore describes the main challenges for practitioners supporting and assisting cross-border victims of crime.

3.1 Cross-border victims of crime

Our survey strived to assess certain characteristics of cross-border victims supported by our respondents of our study. This paragraph describes the type of cross-border victims, as well as the types of crime cross-border victims seek support for. Furthermore, we requested whether respondents thought cross-border victims had different needs than other victims of crime. Our findings to these questions are described below.

3.1.1 Cross-border victims

Victim Support organisations support different groups of cross-border victims. 58.8% report supporting tourists, 32.4% support asylum seekers and 32.4% support temporary workers.

Embassies and consular services report supporting different groups of cross-border victims as well. All consular services report supporting tourist victims of crime (100%). None of the respondents supported cross-border shoppers, undocumented migrants or asylum seekers. Qualitative findings show that consular services are aware that certain types of victims don't reach their services.

Belgians in France know their way very well and generally do not need our support. If they do, it is generally because their identity documents have been stolen and they need new or temporary ones. Generally, they know how to go back to Belgium or obtain a new temporary cash or credit card from their bank, and only occasionally do need our help. (Belgian embassy, France)

An added value to the study would have been to assess the nationality of cross-border victims seeking support from victim support organisations or consular services. Research shows that foreign victims of crime in the Netherlands resided mainly in countries neighbouring the Netherlands.³⁴



Many victim support organisations (70.6%) state that they also support migrants (persons legally residing in a country other than where he/she was born).

Cross-border victims of crime are supported by victim support organisations and consular services after falling victim to different types of crime. Most victim support organisations (47.1%) or consular services (100%) report to support Cross-border victims of Robbery and theft. For victim support organisations, victims of domestic violence (52.9%) and sexual violence (70.6%) are also commonly supported.

³⁴ Van Wijk, A., van Ham, T., Hardeman, M. (2015). Grensoverschrijdend slachtofferschap. Een inventarisatie van aard, omvang en aandachtspunten in verband met de effectuering van slachtofferrechten. WODC, Ministerie van veiligheid en justitie, Wetenschappelijk Onderzoek- en Documentatiecentrum: Den Haag.

Table 1: Crimes cross-border victims of crime are supported for

Country	Victim Support Organisation	Embassy or consulate
Burglary	20.6%	50%
Child Abuse	29.4%	10%
Cybercrime	8.8%	10%
Domestic Violence	52.9%	10%
Elder abuse	5.9%	10%
Female Genital Mutilation	0%	0%
Hate Crime	26.5%	0%
Honour crimes	2.9%	0%
Human Trafficking	35.3%	20%
Identity theft and fraud	23.5%	50%
Kidnapping or abduction	8.8%	0%
Murder	20.6%	0%
Racist crime/Discrimination	17.6%	0%
Robbery and Theft	47.1%	100%
Sexual Violence	70.6%	0%
Stalking	23.5%	0%
Terrorism and Disasters	20.6%	10%
Violent Crime	35.3%	10%
Other	8.8%	0%
Total	40	10

We find that generally consular services receive mainly victims of Robbery, Burglary and theft, Identity theft and Fraud. Only three consular services support cross-border victims for other crimes. The most common reason that cross-border victims of crime contact victim support services are Domestic Violence (26.5%), Property crime, Robbery and theft (20.6%) and Sexual violence (14.7%).

Table 2: Type of crime in cross-border victims most frequently reported

Country	Victim Support Organisation	Embassy or consulate
Burglary	2.9%	0%
Child Abuse	2.9%	0%
Cybercrime	0%	0%
Domestic Violence	28.6%	0%
Elder abuse	0%	0%
Female Genital Mutilation	0%	0%
Hate Crime	0%	0%
Honour crimes	0%	0%
Human Trafficking	5.7%	0%

Identity theft and fraud	0%	0%
Kidnapping or abduction	0%	0%
Murder	11.4%	0%
Racist crime/Discrimination	0%	0%
Robbery and Theft	17.1%	80%
Sexual Violence	14.3%	0%
Stalking	0%	0%
Terrorism and Disasters	5.7%	0%
Violent Crime	5.7%	0%
Other	5.7%	20%
Total	40	10

The lack of official statistics available on cross-border victimisation in the EU³⁵ impedes analysis of our findings against the backdrop of reliable figures on prevalence. As a recent Dutch study on cross-border victimisation, our findings point to the high prevalence of property crime, robbery and theft in cross-border victimisation.³⁶ We do find that many victim support organisations also offer support to victims of violent cross-border crimes like sexual violence, domestic violence and murder. It could be that victims of sexual violence and domestic violence are more likely to reach out to victim support organisations than competent authorities.

Our findings suggest that cross-border victims of crime seek support of assistance for certain types of crime in victim support organisations and other types of crime in consular services. Remarkable is that all consular services support victims in case of Property crime, Theft or Robbery and ID theft and fraud, yet don't support cross-border victims sexual violence, murder or hate crime or their relatives. This can be due to the fact that the image of consular service is that they mainly provide information and support with identification documents. Our findings however support that these services often provide other services (see 3.5).

3.1.2 Cross-border victimisation – an added layer of complexity

Both quantitative as qualitative data collection methods questioned respondents on the needs of cross-border victims of crime. Answers to these questions showed that in general victim support practitioners and consular services are of the opinion that cross-border victims of crime have the same needs as other victims of crime. Similar to other victims of crime cross-border victims have the

³⁵ Impact Assessment from the Commission to the EU Parliament on Directive 2012/29/EU and Regulation (EU) No 606/2013 of 18.05.2011

³⁶ Van Wijk, A., van Ham, T., Hardeman, M. (2015). Grensoverschrijdend slachtofferschap. Een inventarisatie van aard, omvang en aandachtspunten in verband met de effectuering van slachtofferrechten. WODC, Ministerie van veiligheid en justitie, Wetenschappelijk Onderzoek- en Documentatiecentrum: Den Haag.

need to be Recognised and treated with Respect and dignity; to benefit from Protection; and Support; to be ensured Access to justice; as well as to obtain Compensation and Restoration³⁷.

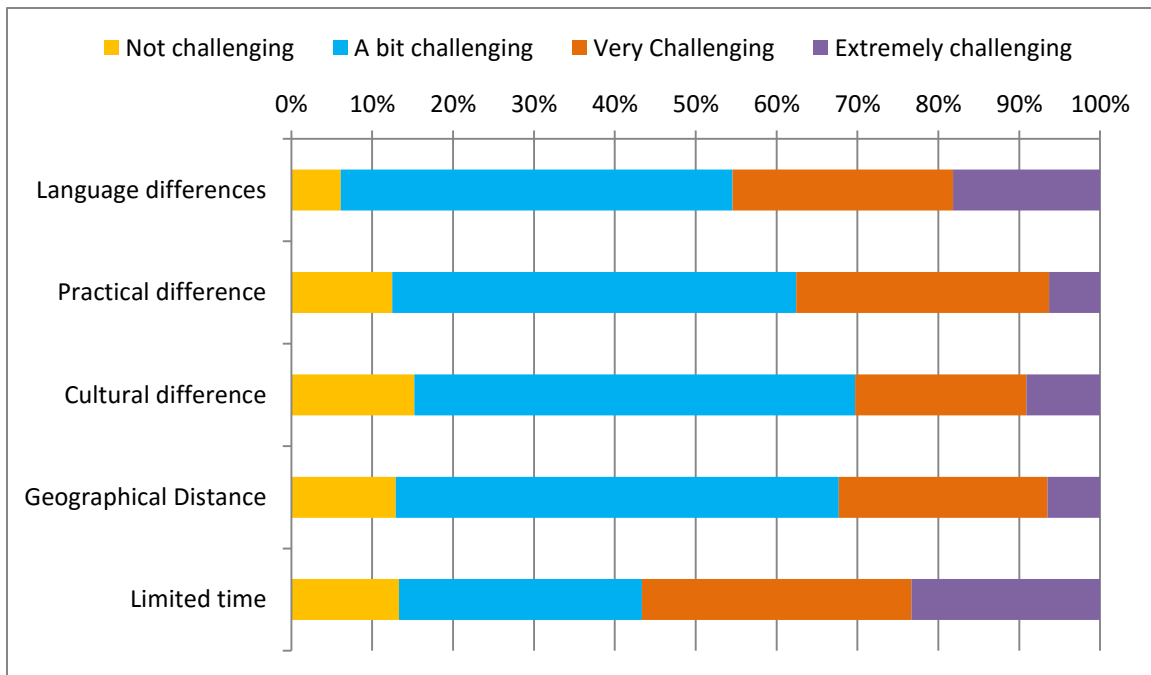
“People that have been a victim of crime have the same problems. They go home with the same feelings as other victims of crime.” (Victim Support Organisation, UK)

It remains however very clear that cross-border victims of crime face particular hurdles to access their rights and have their needs met. Through initial interviews and pilots five key factors linked to cross-border victimisation were identified as the main potential challenges or even barriers for victims of cross-border crimes to execute their rights. The survey was used to verify if these issues were reflected more widely. Respondents were also given the option to reply other, and specific what other challenges were faced. Victim support organisations identify the following factors as factors that could constitute potential barriers to ensuring support to cross-border victims of crime. Further details on subsequent problems are provided below

- Difference in language between the victim and the competent authorities and service providers
- Practical difficulties faced by cross-border victims due to the crime
- Different cultural background than competent authorities or services providers
- Distance between the victims and their support network in their country of residence; distance between victim and competent authorities
- Limited time that victims stay in the country where the crime occurred

Beyond these issues most frequently raised as problems respondent were able to indicate other kinds of challenges in providing victim support to cross-border victims: Victims are unaware of their rights in the country; victims are unaware of existing services and institutions; victims lack understanding of the criminal justice system; financial resources of victims.

³⁷ DG JUSTICE GUIDANCE DOCUMENT related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, Retrieved 2 September, 2015, from http://ec.europa.eu/justice/criminal/files/victims/guidance_victims_rights_directive_en.pdf



3.1.2.1 Language differences

Cross-border victims don't always speak the language of the country where they fall victim to crime. This poses a challenge for many professionals dealing with victims to ensure cross-border victims are offered information and services they are entitled to. Language differences are the issue that is described by most victim support organisations as challenging. The languages spoken by the victim influence the language in which information or support can be provided. Furthermore, it can influence whether a victim is refrained to ask support or information.

“Often there is a language barrier so it's more difficult for these victims to ask support,” (Victim Support Organisation, Italy)

3.1.2.2 Practical difficulties

A young lady was robbed while visiting a touristic city. She was studying in another European Country. She had lost all her documents, means of payment, passport. She was not able to go to her embassy here as her embassy was located in one of the neighbouring countries. She was stranded for two weeks. The victim support organisation could find support for her for a few days, in terms of accommodation or restauration, but it was also limited in its resources. The victim was stranded without any means, without anybody to support her as her family and friends were not there. The financial and emotional impact was enormous. She didn't have insurance and wasn't entitled to compensation as it wasn't a violent crime.

Especially for tourist victims of crime the practical consequences of the crime are a priority. When a person falls victim to a crime in which they have had their belongings or passports stolen, as is often the case with tourist victims, they might even have difficulty to return to their home country, to

continue their travel, or pay for their food and accommodation. While cross-border victims might have other needs after falling victim to a crime, the practical difficulties and their urgent nature often has a large impact on the immediate aftermath.

Interviews suggest that the impact of these practical and financial difficulties cannot be underestimated. They are important to address as they can exacerbate the psychological effects of the crime on the long term.

3.1.2.3 Culture

Cultural differences in reacting to crime and its consequences also pose challenges to practitioners and cross-border victims. While victims have all endured crime, the cultural interpretation they appertain to the event might be very different. Consequently their needs for support and assistance might be different. Culture can be defined in a broad manner '*as a dynamic pattern of language, beliefs, values, rituals, and customs that characterize specific racial, ethnic, religious, or social groups*'.³⁸ Being a victim of a crime can often be a traumatic experience for victims. Culture shapes attitudes towards traumatic experiences (e.g., sexual abuse, illness, accidents, physical abuse).³⁹ Furthermore cultural can also colour the reactions of both the victim as well as their families to the traumatic experience.⁴⁰ The psychological trauma of victimization can be twofold. Firstly the initial crisis reaction to the crime, and secondly the long-term stress reactions it potentially causes, in many cases exacerbated by additional "assaults" by society and its institutions. Being a victim of crime, both immediate as long-term, can thus be shaped by a victim's cultural background. Culture and trauma have a profound bidirectional influence on each other. Interviews show how differences in cultural attitudes, beliefs and perspectives influence how a victim or their social network reacts to victimisation. For instance, mourning rituals and customs might be very different in the communities of victims with a cultural background other than the one of the service provider.

"cultural background can affect their basic human needs and rights, and they may need assistance in communicating their needs to support providers"

3.1.2.4 Distance

Normally where a person falls victim to a crime they have their own support network of family and friends. When abroad, these networks usually don't exist or are limited, which potentially exacerbates the psychological impact of the crime. Interviews in our study refer to situations where cross-border victims have to stay in the country where the crime occurred due to practical or medical reasons and lack support of their social network to deal with the aftermath of crime. Research shows that perceived social support in the immediate aftermath of crime can decrease psychological distress⁴¹. This can as such increase the importance of support services⁴².

³⁸ National Center for Cultural Competence. (2001). Definitions of culture. Washington, DC: National Center for Cultural Competence. Retrieved April 28, 2009, from [http:// www.ncccurrricula.info/awareness/C5.html](http://www.ncccurrricula.info/awareness/C5.html)

³⁹ NCTSN (n.d.). Culture and Trauma. Retrieved 12 December, 2015, from http://www.nctsn.org/nctsn_assets/pdfs/Culture_Trauma_InfoBrief_FINAL.pdf

⁴⁰ *ibid.*

⁴¹ Yap, M. B., & Devilly, G. J. (2004). The role of perceived social support in crime victimization. *Clinical psychology review*, 24(1), 1-14.

⁴² *Ibid*

The issue of distance also has another important potential effect. Interviews and focus groups in our study show that cross-border victims of crime often have to return to their country of residence before they have been provided with the necessary support, information, protection, etc. The distance between the victim and competent authorities or support organisations where they crime occurred require a different approach to support the victim.

‘Very often the contact is by phone or by email, so we have to offer support (information, legal advice and emotional) not face to face.’

Our qualitative in-depth interviews show that when victimised in a country other than your country of residence the distance exacerbates the psychological consequences of victimisation. This distance exacerbates the psychological impact of the crime as the distance increases the victim’s feeling of powerlessness and not-knowing. Victim support practitioners refer to the fact that after the victim has returned to his or her country of residence the distance can increase the feeling of not knowing and insecurity about the lack of information and lack of support.

3.1.2.5 Time

Another potential challenge to cross-border victimisation is the limited time-frame in which first information, assistance and support can be provided. This is mainly due to the fact that cross-border victims’ stay in the country where the crime was committed is usually only temporary. Victims of crime abroad will often leave the country before they have received all the information or accessed the services they are entitled to. Also, the limited time frame in which cross-border victims of crime often implies that there is limited to time deal with the victim’s needs.

Furthermore, in most cases victims won’t be able to wait for the criminal proceedings to commence.

“Timing is an issue. Many leave the country within a few days after the crime occurred.” (Victim Support Organisation, Netherlands)

The above cited issues both impede cross-border victims to exercise their rights and can also increase the harm suffered by the victim. While these barriers are neither exhaustive nor characteristic to all cross-border victims, they do increase the difficulties that all victims of crime face when exercising their rights. Our study clearly shows, cross-border victims have increasingly strong rights, yet they face serious barriers to exercise their rights. We could say that, like victims of serious international crimes, cross-border victims of crime are ‘experiencing [a] gap between entitlements and realities’⁴³.

“It changes when it comes to Criminal Proceedings for cross-border victims. Then, most victims have already gone back to their country of residence; they don’t have access to the documents or information. They have rights under the

⁴³ Theo van Boven, ‘Victims’ Rights to a Remedy and Reparation: The New United Nations Principles and Guidelines’, in Carla Ferstman, Mariana Goetz and Alan Stephens (eds.), *Reparations for victims of genocide, war crimes and crimes against humanity: Systems in place and systems in the making* (Brill, 2009), 19-41, at p. 20.

Victims' Rights Directive that become very hard to enjoy, when it comes to compensation, getting support, being heard, being informed...." (Victim Support Organisation, Netherlands)

Looking at the needs and difficulties faced by cross-border victims of crime findings of our study highlight the particular importance some victim support organisations put on the needs of victims of homicide.

People bereaved by homicide abroad are isolated and unaware there are support groups where they can meet others in a similar position. Navigating the statutory agencies here in the UK is the first problem these secondary victims of homicide encounter. In addition there are the problems of distance, culture, language and foreign judicial processes in the country where the crime occurred. The problems families encounter, all at a time when they are traumatised by the death of a loved one in violent circumstances, are far outside anything they have previously experienced. (Victim support organisation, UK)

3.1.3 Prevalence of cross-border victims

The qualitative results show that none of the victim support professionals is aware of nationally recorded statistics on cross-border victimisation in their country. Most countries don't seem to officially track whether a victim is resident in the country where the crime occurred or not. Some police forces in countries like Ireland record whether the victim of crime is a tourist or not. Dutch authorities include nationality of the victim in their reporting.⁴⁴ All interviewees testify that they presume that many cross-border victims don't reach their support services.

"There is just no statistics on cross-border crimes, not in our country, and to my knowledge not in Europe. It is really a problem for us. It is fundamental to know what the problem is before we can do prevention. We cannot provide adapted solutions when the problem is not identified. Who are we talking about ?" (Victim support organisation, France)

Recent research conducted on cross-border victimisation in the Netherlands illustrates the complexity of estimating the prevalence of cross-border victims, both of foreign victims of crime in the Netherlands and of Dutch victims of crime abroad. Through a combination of data sources the researchers estimate that in 2013 about 110,000 Dutch citizens have fallen victim to 117000 crimes abroad. Given that the Dutch population was 16.8 million in 2013 it means that about 6.54% of Dutch nationals falls victims to crime abroad. Sound research also shows that a considerable number of foreigners fall victim to crime in the Netherlands. Few studies have been carried out on the nature

⁴⁴ Van Wijk, A., van Ham, T., Hardeman, M. (2015). Grensoverschrijdend slachtofferschap. Een inventarisatie van aard, omvang en aandachtspunten in verband met de effectuering van slachtofferrechten. WODC, Ministerie van veiligheid en justitie, Wetenschappelijk Onderzoek- en Documentatiecentrum: Den Haag.

and extent of cross-border victimisation in Europe. The few scientific studies that have been carried out, like the study carried out by the Scientific Research and Documentation Centre (WODC) in the Netherlands, illustrate the need for more research on the issue.

3.2 Cross-border victimisation and the immediate aftermath

3.2.1 Challenge : Cross-border victims are unaware of their rights

People involuntarily fall victim to crime and are more than often unaware of their rights as victims. All victims should proactively receive information on

- a. Information on medical and other specialist support services, including shelters and psychological support;
- b. How to make a complaint about a criminal offence and their role in any criminal proceedings;
- c. When and how to obtain protection from a perpetrator and other protection measures;
- d. When to access legal aid and access advice on legal issues;
- e. How and when to obtain compensation from the perpetrator;
- f. How and when to obtain interpretation or translation;
- g. If a victim is resident in a Member State other than where the crime was committed then he/she should be informed of any special measures, procedures or arrangements which are available to protect their interests in the Member State where the victim made first made contact/reported the offence;
- h. The procedures for making a complaint when rights were not respected by the competent authority (police) in criminal proceedings;
- i. Contact details for communication about the case;
- j. Any restorative justice services which are available to victims;
- k. Victims should also be informed on how their expenses, such as travel and loss of wages incurred as a result of their role in criminal proceedings, can be reimbursed.

The Directive mentions that victims should be provided with this information from the first contact they have with competent authorities and this without unnecessary delay⁴⁵. The right to information enables victims to access other rights stipulated under the Directive. This right to information is imperative as it can bear strongly on the victim's right to participation. As with other victims of crime, cross-border victims of crime should be supported to alleviate the additional practical, legal, psychological burden in the aftermath of crime. The State, institutions and other organisations supporting victims of crime should not burden the victim with the responsibility of demanding the information, yet find a way to provide the information proactively in ways that reach all victims of crime.

Our findings suggest that victim support organisations are convinced that victims of *cross-border crimes are often unaware of their rights in the country that the crime took place*. Both qualitative and quantitative data underwrite the lack of information that a victim has on his or her rights in the country that the crime took place. One out of four respondents even states that cross-border victims of crime don't exercise their right to support because *'they are unaware that what happened to them*

⁴⁵ Article 4 and Recitals 21-33 of Directive 2012/29/EU

is a crime' (25.8%). The lack of information on how the criminal justice system works is put forward in our study as one of the main issues for victims of crime.

“Cross-border victims do need more information than the resident victims, because they know less about our Criminal Justice system” (Victim Support Organisation, Croatia)

In addition, *the rights of victims of crime are different in all EU Member States* which results in different support, information or protection the victims of crime are entitled to. The difference in legal systems makes it harder for professionals supporting and assisting victims of crime to inform them about their rights as well.

“For instance in France a person that suffered from a non-intentional crime (e.g. a plane crash) is still a victim and considered civil party. When looking at the same situation in the UK that person is a witness and doesn't enjoy the same rights as he/she would do in France. An example is the case of the Costa Concordia. There the victims were not granted automatic compensation as they would in France, so that gives problems with the support of victims, the cost of the lawyer or of the translation.” (Victim Support Organisation, France)

In order to proactively inform victims of cross-border crimes, states and organisations should offer information to victims of cross-border crime in a way that bridges the complexities of cross-border crimes. Recital 21 of the Directive states that *'Information and advice provided by competent authorities, victim support services and restorative justice services should, as far as possible, be given by means of a range of media and in a manner which can be understood by the victim'⁴⁶*. Our study indicates that cross-border victims of crime are believed to not identify themselves to competent authorities due to a variety of reasons (see 3.3.1 below). Dissemination of general information on victimisation is important for all victims of crime and in particular general information referred to in Article 4⁴⁷ ought to be widely disseminated so that it reaches potential victims including victims who have not as yet come into contact with the competent authorities⁴⁸.

This is an issue that is important for all victims of crime, but our study shows that in order to inform cross-border victims of crime in an understanding way, efforts have to be made to overcome the barriers described above (language, timing, distance, culture, practical difficulties).

Firstly, information provision can be facilitated by offering information in *a range of languages* so that potential victims can understand the information provided to them. Secondly, information should be provided in a variety of ways through a range of *means* like leaflets or brochures or

⁴⁶ Recital 21 of Directive 2012/29/EU

⁴⁷ Article 4 of Directive 2012/29/EU

⁴⁸ Victim Support Europe (2013) Handbook for implementation and best practice for victims of crime in Europe. VSE Publication: Brussels. http://ec.europa.eu/justice/events/assises-justice-2013/files/contributions/51.1.1374573250handbookforimplementationandbestpracticeforvictimsofcrimeineurope_23713_en.pdf

through digital channels that cross-border victim can easily access e.g. website or online applications. Focus groups point to the usefulness of a similar app where victims can find information on support organisations, tips on safety in the country, information on their rights. It could be interesting to explore the possibilities of collaborating with businesses and insurance companies to develop a similar application.

Thirdly, information for cross-border victims of crime should be offered by *different agencies and in different locations*. It could also be examined how information can be provided through other outlets which tourists and foreign victims are most likely to come across. Embassy websites can also be an important first point for information. Leaflets, brochures, links to online information should be offered to as many stakeholders who work with victims of crime⁴⁹ or come into contact with victims as a result of victimisation. This could include for instance hospitals, embassies, consular agencies, schools, social housing and other social welfare agencies. Also insurance or card cancellation services are likely to come in contact with victims. When they do, they could also inform them cross-border victims about victim support services. Furthermore, these services could have information on their website.

APAV - Project 'May I help you?'



Project May I Help you? – Applying to the EC Programme Criminal Justice, under the General Programme "Prevention and Fight Against Crime 2008" – aimed to improve the information and support given to persons who are victims of a crime in another Member State. In fact, a non-resident person, who is victim of a crime in a foreign country, might feel even more vulnerable than if the crime takes place in the country of residence. The language and culture differences can become a serious obstacle when searching for help and support after the crimes occurs.

Project May I Help You? aimed to overcome some of the obstacles faced by victims that are resident in another Member State, through the development of several activities. Project May I Help You?, running from 2008-2010, was promoted by Portuguese Victim Support organisation APAV and carried out in partnership with Commission for the Protection of Victims of Violent Crimes – from the Portuguese Ministry of Justice (English). PSP – Portuguese Public Safety Police (Portuguese) and two international partners Oficines d'atenció a la víctima del delicat – Generalitat de Catalunya and I(T)AS – Irish Tourist Assistance Service. Some of the outcomes of this projects were Information booklet (in Portuguese, English and Spanish) to be disseminated in different agencies and entities that have a direct contact with non-residents (for example tourists, professionals working in another country). This information booklet includes the following data: The victims rights; How to get support in each partner country; Where to get support in each partner country; Brief explanation on the criminal proceedings in each partner country – "What happens after being a victim of a crime in a foreign country"; informative videos were made with information for tourist victims (<https://www.youtube.com/watch?v=MU5JmaDGAcE>).

⁴⁹ ibid

3.2.2 Challenge: Cross-border victims don't reach victim support organisations

All victims of crime have a right to Victim Support⁵⁰. Article 8 of the EU Directive 2012/29/EU particularly states that Member States are required to ensure that access to any victim support services is not dependent on a victim making a formal complaint with regard to a criminal offence to a competent authority.

Our study shows that victim support organisations often believe that cross-border victims of crime often don't reach victim support services. Based on our qualitative sub-studies a range of potential reasons for cross-border victims to not reach support services were identified. Our survey assessed to what extent victim support organisations agree that these reasons refrain cross-border victims from contacting victim support organisations. The reasons provided by victim support practitioners are mentioned below both for foreign victims of crime and victims of crime abroad. The reasons why victims of cross-border crime don't reach victim support services are myriad. The main reasons cited by support organisations 'They don't know they can get support' (70,6%), and 'They don't understand how our service can help them' (52.9%) (see table 1):

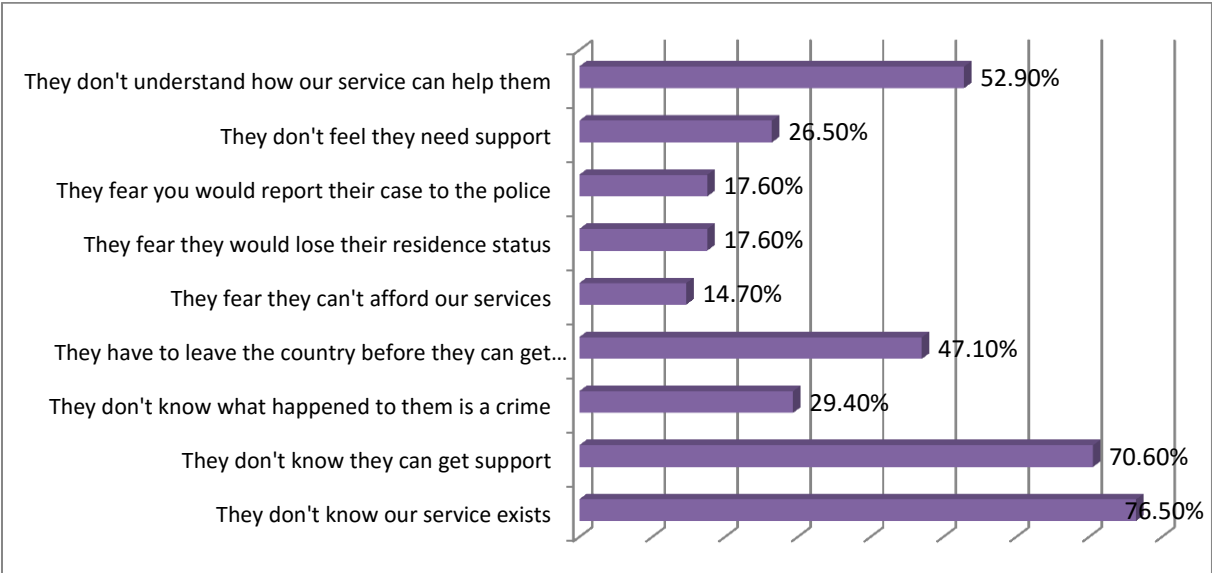


Figure 1: Reasons why foreign don't reach victim support organisations in the country where the crime took place

“They don't have the knowledge of the various services available or how to access them” (Victim Support Organisation, Ireland)

The reasons why victims of crime abroad don't reach victim support organisations in their country of residence when they return, are cited below.

⁵⁰ Article 8 of Directive 2012/29/EU

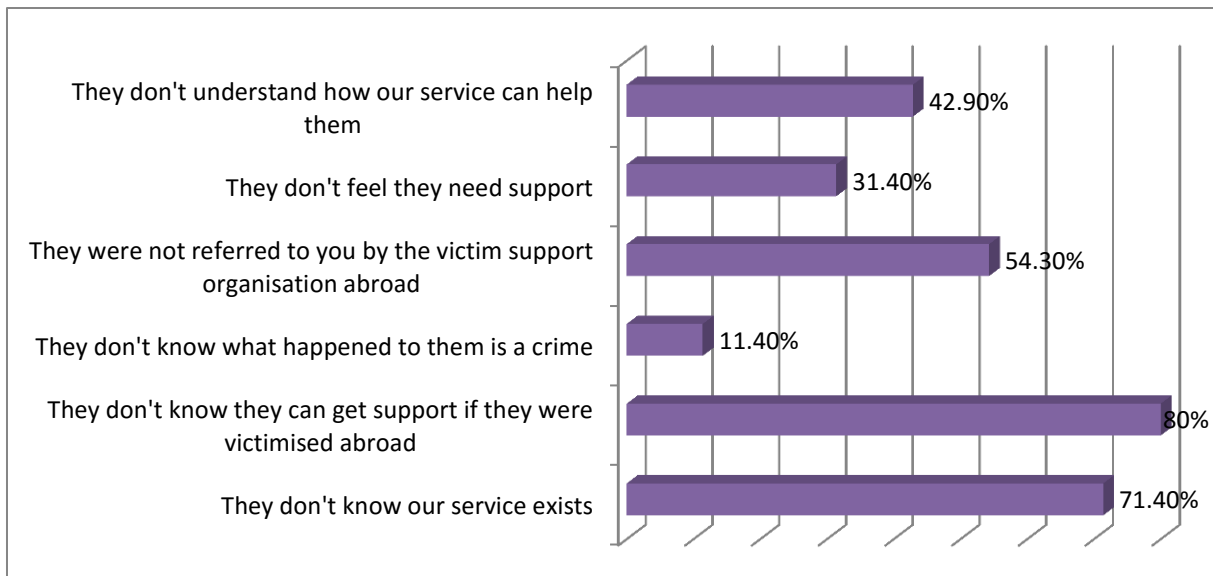


Figure 2: Reasons why victims of crime abroad don't reach victim support organisations in their country of residence

For embassies and consulates the main cited reason victims of cross-border crime don't reach them is *'They don't feel they need support'* (60%). 30% of consular services estimate that cross-border victims don't reach them because *'They don't know the embassy/consulate can get support'*. One out of five organisations also believe that cross-border victims don't reach out to them because *'They don't know our embassy/consulate exists'*, *'They have to leave the country before they can get assistance'* or *'They don't understand how our service can help them.'*

Results show that almost 90% of organisations supporting victims said that cross-border victims constituted 25% or less of the total victims they support, with over 60% saying they made up 5% or less. One service is dedicated to support of tourist victims of crime (ITAS, Ireland). Whilst a low figure is to be expected to some extent, given we can expect that more residents than non-residents fall victim to crime in a country. However, these figures are also likely to reflect the problems expressed above in terms of knowledge of victim support and how it can help.

Proportion of victims	Victim Support Organisation (%)
< 1%	27.8%
1-5%	33.3%
6-25%	30.6%
26-50%	2.8%
51-75%	2.8%
76-95%	0%
> 95%	2.8%

The sources by which cross-border victims are believed to reach victim support services are listed in table three. Besides police referral, the internet is the most frequently cited source through which cross-border victims of crime reach victim support organisations.

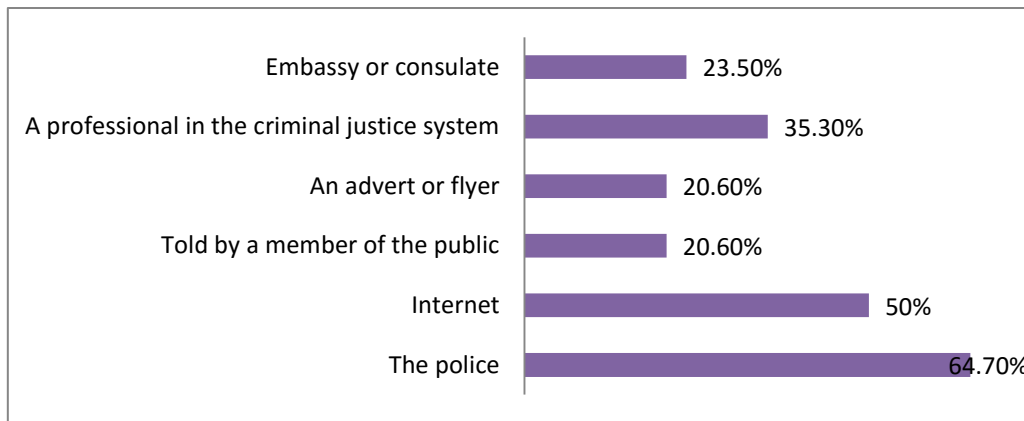


Figure 3: Reasons cross-border victims reach victim support services

While cross-border victims of crime are described as in need of an extra dimension of care and support – considering the barriers when exercising their rights – most cross-border victims don't seem to reach victim support services. The impact on the victims can be substantial as the lack of the much needed support can limit their access to justice, information, support and protection, potentially causing further damage in the short and long term.

The results of this study strongly indicate that many cross-border victims do not report the crime they endured to the police (see 3.3.1), therefore it is imperative that they are provided with information on victim support in other ways than through police services. Lack of information is also a serious inhibition to awareness of victim support services. Lack of information is compounded by the fact that such information may not be in the victims' *native language or a language they understand*; may not be available through *different channels* (e.g. internet applications, websites) or in *locations* cross-border victims more easily have access to (e.g. tourist industry, airports, embassies, health organisations, insurance sites, credit card/ bank sites). Insurance companies are suggested by a number of respondents as potential partners in order to increase referrals to support services.

In order to raise awareness on victim support services with cross-border victims some victim support organisations in EU Member States have partnered with state authorities to improve referral to victim support organisations for these specific victims.

Some victim support organisations like Slachtofferhulp Nederland and Weisser Ring proactively contact victims of cross-border crimes when they are aware of a crime that has happened abroad. This is especially the case when a collective crime or disaster occurred.

An important potential partner is consular services or embassies. 30% of consular services in our survey state that they refer victims of cross-border crimes to victim support services in the country where the crime took place. 25% refers cross-border victims of crime to victim support services in the victim's country of residence.

However, victim support organisations state during focus groups that embassies often don't have contact information on victim support services in the country they represent. Therefore, some organisations suggest to proactively contact own embassies in foreign countries to inform them

about their support services for returning cross-border victims. Many victim support organisations e.g. in France, Ireland, Czech Republic contact foreign embassies in their country to present their support services for foreign victims of crime. Strong collaborations with embassies and other consular services are highly valued by both victim support organisations as embassies. Whilst such an approach may be effective on an ad hoc basis, greater success could be achieved by using existing EU mechanisms to ensure that all embassies have the relevant information on victim support. Focus groups suggest that training of consuls and ambassadors could include information on victim support.

“We had a case with a UK national living in Hungary who had been seriously injured in a violent crime and was unconsciously staying in a hospital in Budapest. With assistance from the UK Embassy in Budapest were able to get into contact with the victim's mother (under Hungarian law, she was also considered as victim, since she suffered directly from the effects of the crime that happened to a close family member of hers) in England and finance her travel to Hungary to be here with his son, who later recovered. The assistance from the embassy was decisive, for without them we probably wouldn't have had a chance to find a family member and it also meant a kind of guarantee for the lady that our organisation is to be trusted.”

3.3 Cross-border victims at the investigative stage

3.3.1 Challenge: Cross-border victims don't report the crime

Victims of crime are free to decide whether or not to report the crime they endured. Recital 63 however states that victims of crime should be facilitated and encouraged to report a crime.

38.2% of respondents to our survey state that the victims that reach support services only ‘occasionally report the crime to the police’. Of the foreign victims that are supported one out of four says they ‘often report the crime to the police’ (26.5%), 23.5% that foreign victims ‘most of the time report the crime to the police’ and 11,8% of practitioners report that victims they support ‘always report to the police’.

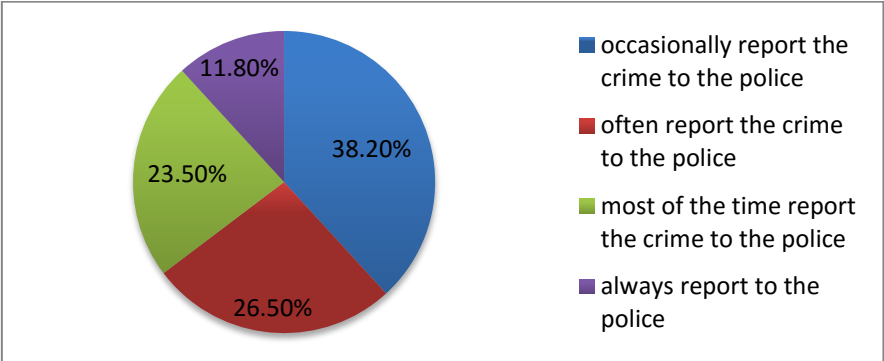


Figure 4: Reporting of crime to police by supported victims

The reasons for not reporting a crime are myriad. Respondents indicate that lack of time; lack of trust in the justice system of the country where the crime took place; because they fear they are not able to report in their own native language; and residence status as important factors that discourage victims from reporting a crime.

The Directive has set out the minimum standards of rights, protection and support for all victims of crime, also those who do not report a crime. Nonetheless, the lack of reporting of a crime boars on the victims' access to justice.

Police should be able to offer interpretation and translation to victims of crime who present at the police station. Since many cross-border victims of crime don't speak the language of the country they were victimised in, police should have in place the necessary procedures to facilitate victims to make a complaint in their native language to ensure they are able to express themselves and understand what is being said. What remains important in this sense is that when police can facilitate translation and interpretation, as seems to be the case in all member states⁵¹, they should make the general public aware of that. It is important to inform the public about your agency's language access policy and language assistance services. Cross-border victims who are unaware of the possibility may not fully access it. A recent Dutch study identifies language barriers or not being able to speak the foreign language as a reason for choosing to report a crime in the country of residence instead of the country where the crime occurred.

Qualitative data illustrate the difficulties faced by cross-border victims who fear reporting the crime because they think reporting will affect their right to stay in the country. The Directive clearly underscores that rights of victims of crime should apply regardless of their residence status within a Member State, their citizenship or nationality⁵². PICUM⁵³'s guide for the Victims' Rights Directive corroborates our findings showing how a number of institutional factors leads to systematic underreporting of crime by undocumented migrants.

- 1) Fear for deportation when seeking justice or protection;
- 2) Residency status or dependency (economic, emotional or administrative) of the perpetrator (spouse or employer);
- 3) lack of trust in the authorities because of experienced of known of racism, secondary victimisation,...

Also, their perpetrator is often their only relative and they are much more reluctant to report crime committed against them. (Victim Support Organisation, Slovenia)

The Directive describes the right for victims to file a complaint in their country of residence after returning from the country they were victimised. While victims of cross-border crime should be granted this right, interviews indicate that victim support professionals estimate that the right to make a complaint in their country of residence after a crime happened abroad is not often enjoyed. Our qualitative findings corroborate with a recent study conducted on cross-border victimisation in the Netherlands. This study found that of 110,000 Dutch victims of crimes abroad only 2.45% of

⁵¹ APAV (2009). *Project Victims in Europe. Implementation of the EU Framework Decision on the standing of victims in the criminal proceedings in the Member States of the European Union*. APAV: Lisboa.

⁵² Article 1 and Recital 9 and 10 of 2012 Directive

⁵³ http://picum.org/picum.org/uploads/publication/VictimsDirective_EN.pdf

victims choose to report the crime to the Dutch police after returning to their country of residence.⁵⁴ Two elements contribute to this fact according to victim support organisations namely that 1) victims and practitioners are not aware of this right, 2) the competent authorities don't have experience with coordination of these cross-border complaints.

A woman that was a victim of severe domestic violence reached out to victim support services. She was terrified to report the crime to the police as she was a Russian immigrant. She feared that her reporting the crime would risk her losing her right to reside in the country, she even feared of losing her children. She was in need of support but was too afraid to go to the police.

A victim of crime should be assisted to make a well-informed decision whether or not to report a crime to the police. Therefore states and organisations assisting victims of crime should bridge the information-gaps impeding cross-border victims to report. Our study clearly showed that victims of crime should be informed on regulations on residency in their EU Member State. In order to counter fear of reporting, the EU Fundamental Rights Agency's (FRA) guidelines on apprehension practices⁵⁵, should be implemented. PICUM⁵⁶ promotes the 'firewall principle' which implies a clear separation between provision of services like victim support services and reporting of crime and immigration enforcement. In other words the police should not be required to provide information on migrants to immigration authorities when a migrant victim reports a crime.

3.3.2 Challenge: Cross-border victims are not facilitated to provide evidence across borders

Interviews and focus groups unveiled a number of challenges a cross-border victims faces during the investigation after a crime. Evidence provision across borders is described as one of the biggest challenges for cross-border victims of crime. 70% of all VS organisations supporting victims underwrite our qualitative findings and state that evidence provision across borders is very to extremely challenging. This makes it the most challenging aspect unveiled during our study in supporting victims of crime during the investigative stage.

⁵⁴ Van Wijk, A., van Ham, T., Hardeman, M. (2015). Grensoverschrijdend slachtofferschap. Een inventarisatie van aard, omvang en aandachtspunten in verband met de effectuering van slachtofferrechten. WODC, Ministerie van veiligheid en justitie, Wetenschappelijk Onderzoek- en Documentatiecentrum: Den Haag.

⁵⁵ http://fra.europa.eu/sites/default/files/fra-2013-apprehension-migrants-irregular-situation_en.pdf

⁵⁶ http://picum.org/picum.org/uploads/publication/VictimsDirective_EN.pdf

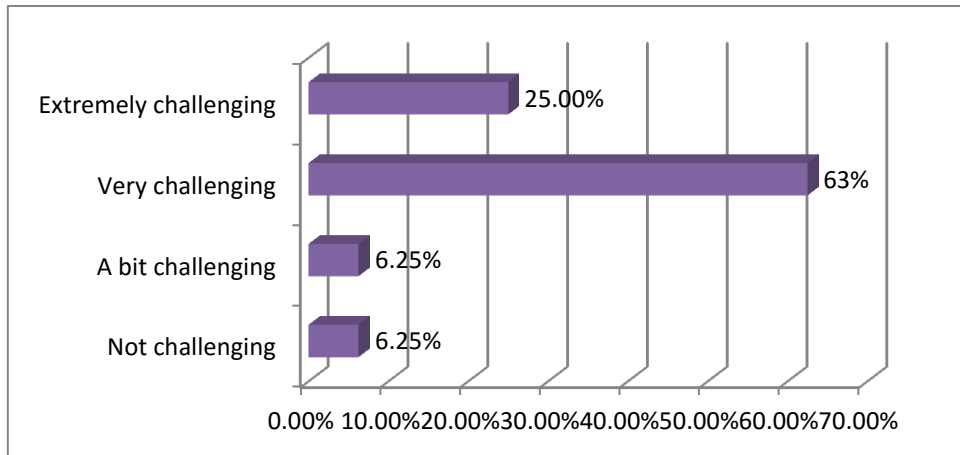


Figure 5: Evidence provision across borders

After a complaint is made in the country of the crime, procedures should be established to facilitate the progress of the case, also in case the victims remains in their home country. This could be achieved through, for example video conferencing as envisaged in Article 17.

The impact of a limited possibility of provision of evidence is the restriction of the victim’s access to justice. This means that cross-border victims in this case don’t get a fair investigation.

One of the key drivers behind the difficulty of provision of evidence across borders, as identified by victim support practitioners, is the difficult collaboration with police abroad. After the crime took place and the victim returns back to their country of residence, communication and coordination with police officers concerning the investigation is believed to be very difficult for most practitioners. The Directive stipulates the right of victims to receive contact details for communications about their case and inform them about the right to receive updates⁵⁷

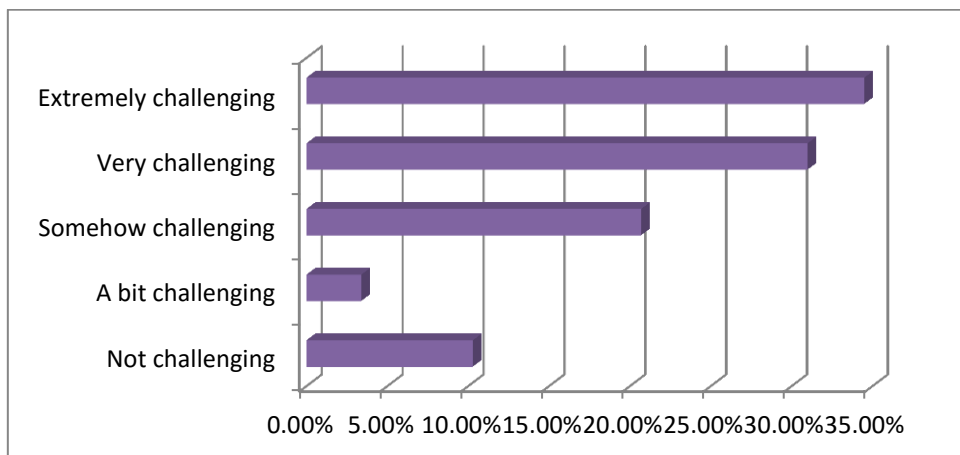


Figure 6: Collaboration with the police abroad

Qualitative findings of our study illustrate that victims are not always provided with detailed information about neither their complaint, nor the ways they can request information on their case once they return to their county of residence; nor the contact details of the competent authority in charge of their case. Victim support organisations also report that audio/visual conferencing is often not available for cross-border victims to give evidence from another country.

⁵⁷ Articles 4(1), 6 (1-5) and Recital 26 of the 2012/29/EU Directive.

In order to facilitate cross-border evidence provision between police forces and/or investigative authorities in different European States, national Police forces should actively be encouraged to take part in established networks and cooperation arrangements with other law enforcement partners across Europe through for instance Europol, Interpol and CEPOL. Furthermore states should make sure that audio/visual communication sources are available for victims to use across borders. Police should provide contact details to victims in case they would want further information on their complaint, the investigation or criminal proceedings.

3.3.3 Challenge: Cross-border victims are not referred to other services

Article 8 (2) of the EU Victims' Directive states that victims should not merely be informed about victims support services but proactively referred to the appropriate victim support service⁵⁸. This implies that at the initial stage a victim should be asked if they want to be contacted by or put in contact with a victim support service. This should happen by the competent authority and 'without unnecessary delay'.

Our results show that most victims reach Victim Support organisations thanks to police referral (64,5%). Nonetheless, our results suggest that often police fail to refer foreign victims to victim support organisations.

'Our estimates show that only 10% of all tourists that fall victim to crime reach our services. What happens with the other 90%... We are not sure. Whether they are informed and refused to come, or they were not informed? I don't think that all of them would decline assistance when they are informed of the support. And even though we have a close collaboration with the police, we are always dependent on the individual officer presenting victim support services in the right way' (Victim Support Organisation, Ireland)

Collaboration, coordination and referral between victim support organisations and other services or institutions in the country where the organisations is based is only challenging for 28 – 34% of the victims support organisations. At the same time, findings show that coordination with national authorities and other stakeholders collaborating with organisations and institutions abroad poses a big to extreme challenges for nearly 70% of all practitioners.

While victims of crime require support, information, and protection to deal with the legal ramifications of the crime they endured. Providing support and assistance requires collaboration between different state and non-state actors. Good collaboration with police and other competent authorities is identified during interviews and focus group as crucial to facilitate cross-border victims to receive support.

⁵⁸ EU Directive 2012/29/EU

3.4 Cross-border victims during the trial

3.4.1 Challenge: cross-border victims don't have the means to attend trial

The EU Directive 29/2012/EU requires the Member States afford victims the possibility of reimbursement of expenses for their participation in criminal proceedings (and in accordance with their role. However, the conditions or procedural rules under which victims may be reimbursed shall be determined by national law. This results in large differences in reimbursement rights across the EU.

Previous studies show that Reimbursement for attendance is indeed provided to victims of crime in just over half of the Member States (AT, BG, CZ, FI, FR, DE, EL, HU, LV, LT, LU, NL, PL, PT, SK, SI, SE). Other Member States however only consider witnesses eligible for reimbursement of expenses of attending a trial. Others don't have provisions concerning reimbursement of attendance of trial⁵⁹.

Our study shows that the lack of means of cross-border victims is considered very to extremely challenging for over half of respondents (53%). Victims of cross-border crime are not always informed about their rights to receive reimbursement of victims' expenses. Secondly, reimbursements for attendance of trial don't cover the costs of traveling from the country of residence of the victim to the country where the crime occurred. Thirdly, certain Member States don't offer reimbursements to cross-border victims of crime.

“An American woman was a victim of rape in France. The young woman returned home and wished to attend the appeal trial. Because she didn't have the money to pay for the trip herself she contacted our organisation. The French government takes up these costs for any victim, also those who are not French. So France has reimbursed her ticket so she can come to France for the crime. This is standard for all 'partie civil'. This is an example where the state takes up their duty to the victim, something the victim greatly appreciated.”

3.4.2 Challenge: Cross-border victims don't get translation on the criminal proceedings

When a victim doesn't speak the language that is used during the criminal justice proceedings he or she should be provided with interpretation, free of charge, during any interview or court hearing, in accordance with his/ her role in proceedings.⁶⁰ This right was included in the Directive as the Commission identified that even when translation services are available, previous reports state that 'they are not always effective, available outside of the context of reporting the crime or of good quality'⁶¹.

⁵⁹ Impact Assessment from the Commission to the EU Parliament on Directive 2012/29/EU and Regulation (EU) No 606/2013 of 18.05.2011

⁶⁰ Article 34, 35 and recital 7

⁶¹ Commission staff working paper impact assessment Accompanying the document Communication from the Commission to the European Parliament, the Council, the European economic and social committee and the committee of the regions proposal for a directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection

All Member States has translators and interpreters available for victims, free of charge⁶². Unfortunately, our study seems to corroborate with the earlier findings presented by the commission in the impact assessment. This suggests the situation hasn't changed much as victim support organisations estimate that this right is not always enjoyed by cross-border victims of crime. In some Member States, eligibility for interpretation or translation is restricted to victims as witnesses.

“The information that is provided to victims of crime by the police or judges is solely in Spanish. The language is therefore the principal problem that foreign victims of crime meet when they fall victim to crime.” (Victim Support Organisation, Spain)

Our findings corroborate with those results and suggest that even in cases where translation is provided it is limited to the time of reporting the crime or not available at the time of the trial. Furthermore, both our qualitative and quantitative data strongly illustrate the shortcomings of translations for cross-border victims of crime in times of the criminal proceedings.

Translation or interpretation during court hearing is often not provided for cross-border victims of crime. Case studies illustrate the emotional burden that cross-border victims of crime suffer when translation is not provided. The lack of translation and interpretation during a trial impedes the victim of a cross-border crime to exercise their right to information, participation and access to justice.

“A young Irish man was murdered in the Czech Republic. During the time of the trial the parents of the murdered man wished to be present in order to attend the trial. Since official translation was not provided by the courts, our organisation contacted the judge to request whether we could provide informal translation to the parents during the hearings. The judge agreed. Our organisation supported the parents from the moment we picked them up from the airport till the end of the trial. Six months later the official translated of the judgement were sent to the parents in Ireland, and it was then that they contacted us. The parents thanked us for our support during the criminal proceedings and stated that because our help they could understand what was said and decided during the trial our translation saved them another 6 months of living with nightmares.” (Victim Support Organisation, Czech Republic)

A variety of cases reported during this study laid bare the issue of families of victims not consistently offered interpretation or translation during trials.

A main challenge is the lack of translators to support families when meeting Police, at trials etc . If families are lucky they may get a member of the staff from the British Consulate to support them on the first and final day of a trial.

of victims of crime and proposal for a regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters of 18.05.2011

⁶² APAV. (2009). Project Victims in Europe. *Implementation of the EU Framework Decision on the Standing of Victims in the Criminal Proceedings.*

The Directive grants the right to understand and be understood and thus stipulates the right to receive translated copies of documents related to their case in a language they can understand⁶³. These translations of key documents and decisions are important to ensure that the victim can fully participate in their case, understand what actions are taken and the reasons behind such actions⁶⁴. The right goes beyond a mere right to translation and ensures that information is provided in a manner so that it can be effectively understood⁶⁵ meaning that the e.g. victim's linguistic abilities, emotional and intellectual capacity and literacy should be taken into account.⁶⁶ Some victim support organisations in our study stress the need of not only providing more information on the issue but to do more '*questioning into the issues to make sure one understands the problem*'.

Official translations of key documents are often provided with a long delay. 76.5% of victim support organisations – those supporting victims of cross-border crimes during criminal proceedings - describe the time of official translations of documents related to the proceedings as challenging.

The timing for official translations of documents related to the criminal proceedings is another major challenge for victims of cross-border crime. Half of victim support organisations identify these aspects as important challenges faced by victims as their inability to understand court documents and decisions impedes their right to participation; limits their access to justice and hinders their emotional recovery.

Official translations of documents related to the trial are not provided to the victims. Interviews reveal that victims of cross-border crimes are often not provided translation of key documents during the criminal proceedings. Findings of our quantitative different sub-studies suggest that the costs of official translation of documents are challenging. All victim support organisations perceive the costs as challenging, with 57.5% of respondents indicating that the high costs of official translations are very to extremely challenging for cross-border victims. Although translation and interpretation should be provided free of charge, in reality this does not seem to be the case for all documents related to the trial. Ad hoc solutions are provided through collaborations between victim support organisation.

A Dutch woman was a victim of a violent crime in Portugal. She returned to Holland but this problem began at the time that the perpetrator was found and the criminal proceedings continued. The woman wanted to follow the criminal proceedings. But since there were no or little travel compensations, she had to refrain from doing so. Because there is no automatic way to provide feedback on her case she was supported by Slachtofferhulp Nederland who collaborated closely with APAV in Portugal. APAV employee went to the Portuguese court to get the case, translated part of the documents and sent the translations to Slachtofferhulp Nederland.

⁶³ Article 3 and 5(2)-(3) and Recital 21 of Directive 2012/29/EU

⁶⁴ Article 34, 35 and recital 7 of Directive 2012/29/EU

⁶⁵ Recital 21 of Directive 2012/29/EU

⁶⁶ Article 3, 4(1), 5(2) and 7, Recital 21 of Directive 2012/29/EU; Victim Support Europe (2013) Handbook for implementation and best practice for victims of crime in Europe. VSE Publication: Brussels. http://ec.europa.eu/justice/events/assises-justice-2013/files/contributions/51.1.1374573250handbookforimplementationandbestpracticeforvictimsofcrimeineurope_23713_en.pdf

Related to the above cited challenges is the following challenge namely *Lengthy translation procedures impede victims to submit documents on time*. Our results show that cross-border victims of crime are often not able to submit necessary documents for compensation or appeal procedures because the lengthy translations don't allow them to submit document within the necessary deadline.

States should take up their responsibility of providing translation and interpretation in courts. Currently some victim support organisations are informally supporting cross-border victims of crime to receive translation. Qualitative and professional translation however should be provided to victims of crime to ensure they receive correct translation and interpretation of all aspects of the criminal proceedings. Official translation procedures should be revised to ensure they are done in a timely manner to diminish the additional burden on the victim and their relatives. Compensation and appeal procedures should be adapted to the time that it is necessary to translate documents to the required language. Victims should not be penalised for the failure of the government to translate documents in time.

Crime Victim Compensation and Support Authority (SE) - Court Introduction



The Swedish Victim Compensation and Support Authority had developed an online Court Introduction in order to explain what happens before, during and after a trial to victims of crime, witnesses and perpetrators in an accessible, visual and understandable way. This online application support victims to understand their rights both during the investigative as the trial phase.

www.courtintroduction.se

3.5 Victim Support

Our study shows that most victim support services offer support to cross-border victims of crime. One out of four victim support services say however that foreign victims of crime comprise less than 1% of the victims they support. This shows that cross-border victims often don't reach support services. Victim support services provide different types of support to cross-border victims of crime. The same victim support organisation can provide support to foreign victim that fell victim in the country in which they operate while also providing support to victims of crime abroad that returned to their country of residence. The two most provided forms of support to foreign victims are 'Information' (78%) and 'Emotional/Moral Support' (75%). Foreign victims of crime in the Netherlands first and foremost need support in obtaining financial compensation. In addition, these victims requested practical information. In case of serious crime the needs went beyond material

compensation towards information and support during the criminal proceedings.⁶⁷ Victim support organisations who frequently deal with tourist victims of robbery or theft testify about the potential emotional and psychological suffering that requires intensive emotional support. Our quantitative findings indicate that financial or material support only constitutes a proportion of the diverse types of support provided to cross-border victims of crime.

When returning to their country of residence, cross-border victims also seek support from victim support services in their home country. Their main support need also lie in ‘Information’ (93.90%) and ‘Emotional/Moral Support’ (93.90%). A recent study⁶⁸ suggests that cross-border victims of crime differ in the support they need after falling victim to a crime. While victims of property crime abroad are primarily concerned with getting financial compensation for the losses they endured, victims of serious crimes (e.g. sex crimes, violence crimes and capital crimes) needed emotional support, information and practical support. Our qualitative findings however nuance this categorisation.

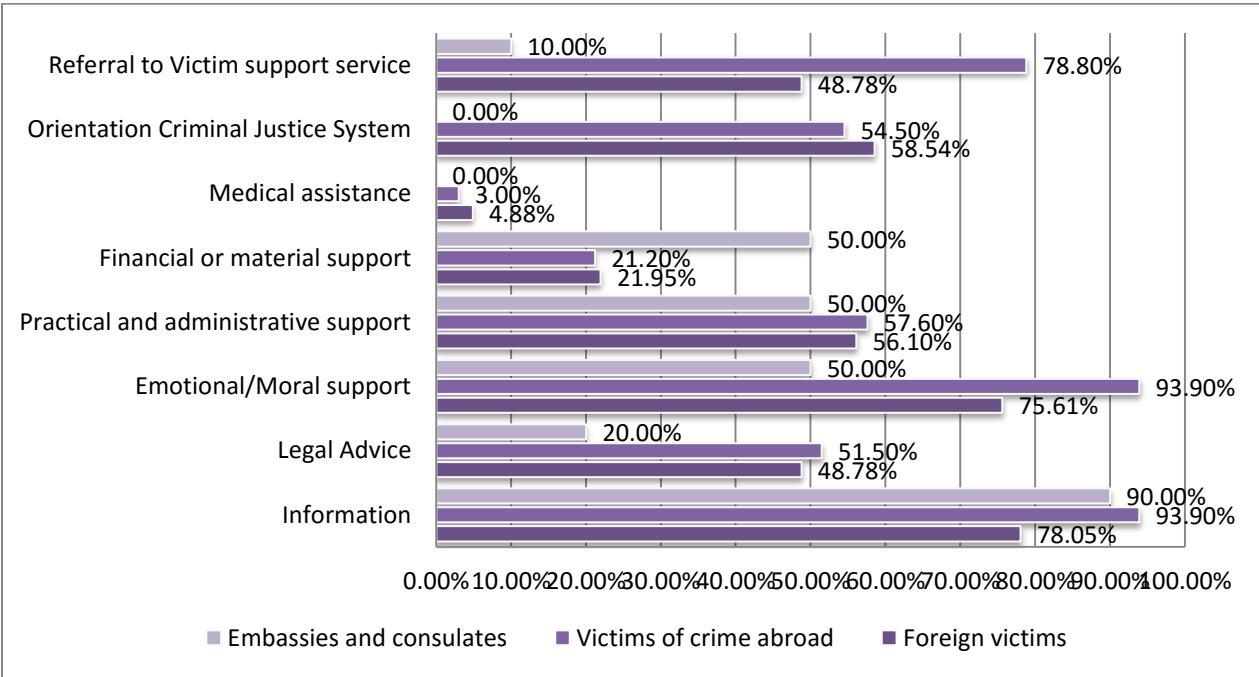


Figure 7: Support provided to cross-border victims

Foreign victims of crime reach victim support services mainly ‘After a police referral’ (64.7%) or through information they have found on the ‘Internet’ (50%). Victims who return to their country of residence after being victimised abroad reach victim support services in their country mostly through the ‘Internet’ (61.3%), ‘Referred by Victim support services abroad’ (32.3%) or ‘Referred by police abroad’ (19.4%). In both cases, whether the victim support service supports a foreign victim of crime or a resident victim of crime that was victimised abroad the *Internet* seems to be crucial in guiding victims towards victim support services.

⁶⁷ Van Wijk, A., van Ham, T., Hardeman, M. (2015). Grensoverschrijdend slachtofferschap. Een inventarisatie van aard, omvang en aandachtspunten in verband met de effectuering van slachtofferrechten. WODC, Ministerie van veiligheid en justitie, Wetenschappelijk Onderzoek- en Documentatiecentrum: Den Haag.

⁶⁸ Van Wijk, A., van Ham, T., Hardeman, M. (2015). Grensoverschrijdend slachtofferschap. Een inventarisatie van aard, omvang en aandachtspunten in verband met de effectuering van slachtofferrechten. WODC, Ministerie van veiligheid en justitie, Wetenschappelijk Onderzoek- en Documentatiecentrum: Den Haag.

The responsibility to provide victim support is shared between victim support organisations in the country where the crime took place and in the country of residence of the victim. The EU Victims' Directive, Recital 51 in particular, states that Member States should no longer be obliged to provide assistance, support or protection other than in direct relation to any criminal proceedings from the moment that the victim has left the territory of the Member State where the crime occurred. The Directive put the obligation on the Member State in which the victim resides to provide assistance, support and protection required for the victim's need to recover. In other words, the obligation to provide support for non-resident victims is 'shared' between the two Member States.

3.5.1 Challenge: Cross-border victims of crime need particular support

Both qualitative and quantitative data in our study clearly show that supporting victims of cross-border crimes is highly important. While, as previously discussed, cross-border victims of crimes can face particular barriers hindering their exercise of rights and access to support. To overcome these barriers victim support organisations are required to provide support to victims of cross-border crimes responding to their particular needs and characteristics. These barriers are primarily challenging when supporting foreign victims of crime, in the country where the crime took place.

3.5.1.1 Foreign victims need distant support

When supporting victims of cross-border crimes, nearly 34.4% of practitioners testify that the geographical distance between them and the foreign victim is very to extremely challenging. 53.1% say it is somehow challenging. Our qualitative data shows that supporting cross-border victims requires alternative ways of providing information and assistance. Therefore some victim support services invest in providing support to cross-border victims through alternative means such as emails, video conferencing, etc. and providing continuous long term support.

“With foreign victims of crime we try to bridge the distance. It becomes a process of sending emails, sometimes just to check up on them, or asking them how they are. It is an issue of finding a way to bridge the distance, which makes it sometimes very hard for them.” (Victim Support Organisations, France)

Other services don't follow up with victims of crime once they have left the country. One out of three victim support services (47.8%) don't follow up with the victim after they referred them to another victim support organisation and victims have returned to their home country. One victim support organisations states that they don't follow up with the cross-border victim after referral in order to respect their right to privacy. Another refers to the additional burden a follow-up procedure would entail.

3.5.1.2 Foreign victims need quick support (VS)

Nearly half of victim support services state that foreign victims of crime don't reach victim support services because 'They have to leave the country before they can get assistance'. When they do seek assistance of victim support services the time they stay in the country is rather limited. That is why most practitioners agree that they should be provided with support quickly.

The fact that cross-border victims often only stay for a limited amount of time in the country where the crime took place poses a great or extreme challenge for majority of victim support organisations (55.5%) when providing support.

‘Support needs to be offered and provided quickly for tourists, particularly where they need replacement identity documents. We provide immediate support in the aftermath, latest within a couple of hours or the next morning. Then we provide basic level of service, primarily focusing on the practical issues.

If no information on support or support is provided in the time that a victim is in the country where the crime took place he or she is not able to exercise his or her rights to support and information. The unattended needs of the victims can have a long-lasting impact on the individual, his or her social network and society as a whole. The short time frame for delivering services can be a challenge for services which are already overwhelmed, or may have waiting lists. It can also be problematic where a crime happens over the weekend, during holiday periods etc – particularly where the support is provided through government services which are not necessarily open outside normal working hours. The means and speed with which support is provided has to be taken into account in the methods of support that are developed.

Many organisations however are not able to provide this immediate support as they rely on volunteers and professionals that only work during set office hours. National Helplines are set forward as a potential way to provide quicker support immediately after the crime occurred. Only 8 countries in the EU have national helplines directed at victims of crime.⁶⁹ 90% of people in Europe think that a free Europe-wide single number for helplines for victims of crime is a useful service.⁷⁰ Some organisations, like ITAS in Ireland, which focus on supporting tourist victims of crime offer minimal support seven days a week.

3.5.1.3 Foreign victims need support in different languages

Most Victim Support Organisations (47.7%) report that language differences between them and cross-border victims are very to extremely challenging.

“Often we need to engage the services of language interpreters, this may add to the time frame for allocating a counselling appointment to the victim of past or recent sexual violence.” (Victim Support organisation, Ireland)

The impact of not having translation or interpretation available for victims of crime means that cross-border victims are often not getting the support they are entitled to. Even when translation is available in a language the victim is able to understand, when it comes to emotional support

⁶⁹ European Commission Digital Single Market (n.d.). 116 Helplines. Retrieved 22 November, 2015 from <https://ec.europa.eu/digital-agenda/en/116-helplines>

⁷⁰ European Commission Digital Single Market (n.d.). 116 Helplines. Retrieved 22 November, 2015 from <https://ec.europa.eu/digital-agenda/en/news/116006-victims-crime>

speaking in his/her native language facilitates the support. Expression of emotions and feelings about traumatic events is often easier in the native language of a victim.

“When we have to provide support in a different language, English is not a problem. If it is another language, then we just figure it out. Fortunately we have a lot of volunteers so we look to find someone who can provide support in a language the victims speaks.” (Victim Support organisation, Germany)

Especially larger victim support organisations are able to provide support in different languages. Smaller organisations often don't have the means or human resources to provide victim support in more than 2 or 3 languages.

3.5.1.4 Foreign victims need support adapted to different culture/background

One in three victim support organisations refer to differences in cultural background as very or extremely challenging when providing support to cross-border victims of crime. While victims have all endured crime the cultural interpretation and needs might be different. The mourning rituals and customs might be very different in the communities of victims with a cultural background other than the one of the service provider. Our data offers an array of illustrations where victim support providers are challenged in dealing with foreign victims of crime. Victim support providers often have built up an expertise in dealing with victims of certain origin or background. The wide diversity in cultural, political, religious background they now find in foreign victims poses additional challenges.

“Sometimes a person from a different cultural background requires taking on a different approach. For instance a man that was a victim of violence and is not comfortable talking to the young female volunteer that is there to support him. Or a young victim of sexual violence that is received by an older man, yet her cultural or religious background prohibits young woman to share intimate experiences with men. In that case we need extra support. Dealing with victims with a European background it is not too big of a problem, as the culture is often similar. When dealing with cross-border victims from outside the EU, it is more challenging.” (Victim Support Organisation, Germany)

Interviewees all point to the challenges in supporting asylum seekers and refugees arriving in Europe. Although some victim support organisations have only dealt with a few asylum seekers or refugees, they also fear their services are not fully equipped to offer those victims the support they need. Some victim support organisations indicate that they are not allowed by their funders to provide support to undocumented migrants.

“When supporting asylum seekers, the deeper lying issues might pop up. When a victim of war crimes flees to Europe and is victim to a crime in our country, a victim support professional should be able to deal with the underlying multiple trauma's.” (Victim Support organisation, Denmark)

It is indeed the case that victims of war crimes have often endured cumulative traumatic experiences. The psychological consequences of these traumatic events are exacerbated by the difficult living conditions and adversity they face both in the country where they experienced traumatic events as the countries they seek refuge.⁷¹ Victim support organisations in our interviews indicate their lack of training in dealing with victims who have additional complex trauma. Nonetheless, most interviewees did refer to the need for support in assisting the rising number of refugees and asylum seekers in Europe, who are vulnerable to be victimised in Europe as well. However, most interviewees don't report supporting many refugees yet but do articulate the need to prepare to provide refugees and asylum seekers with qualitative victim support in the future. The reasons refugee victims of crime in Europe don't reach victim support services yet are linked to reasons cited above (see 3.2 and 3.3). However, qualitative findings suggest the lack of trust in or knowledge on support services as a main barrier for refugee victims to reach out to support organisations. Victim support organisations also testify in our study about the particular cultural-sensitive approach they take in supporting cross-border victims. Some victim support organisations, like INAVEM in France, approach embassies when they find that victims from certain countries need particular support or information. Victim support organisations identify training in culturally sensitive victim support and additional training on dealing with victims of cumulative trauma and refugees as potential solutions. Victim support organisations in our study indicate to the importance of having a victim-oriented approach. This perspective is key to when providing support, and ensures treatment of victims "with humanity and respect for their dignity and human rights".⁷² It is important that Member States invest in cultural-sensitive training in order to ensure that victims of cross-border crimes get the support they need.

3.5.1.5 Foreign victims need support adapted to their practical needs

One of the barriers to providing support to cross-border victims is the practical needs that they face. Supporting cross-border victims in the immediate aftermath of crime often means prioritising these practical issues like getting passports, food, finding a place to stay, sending the body home.

"We rely on the goodwill of the tourist industry to provide accommodation, meals, transport etc. if tourists are left stranded and are awaiting money from home. With the possible increase in referrals due to the EU Directive we are unsure if the industry will be in a position to provide increased assistance."

(Victim Support Organisation, Ireland)

Some victim support organisations have invested in a strong collaboration with businesses, embassies and airlines to support victims of crime in times of practical need. Other organisations have started collaborations with *organisations or institutions like tourist services and health*

⁷¹ Miller, K. E., & Rasmussen, A. (2010). War exposure, daily stressors, and mental health in conflict and post-conflict settings: bridging the divide between trauma-focused and psychosocial frameworks. *Social science & medicine*, 70(1), 7-16.; Rasmussen, A., Nguyen, L., Wilkinson, J., Vundla, S., Raghavan, S., Miller, K. E., & Keller, A. S. (2010). Rates and impact of trauma and current stressors among Darfuri refugees in Eastern Chad. *American Journal of Orthopsychiatry*, 80(2), 227-236. ; Vervliet, M., Lammertyn, J., Broekaert, E., & Derluyn, I. (2014). Longitudinal follow-up of the mental health of unaccompanied refugee minors. *European child & adolescent psychiatry*, 23(5), 337-346.

⁷² See UN Basic Principles and Guidelines, Preamble and para. 10.

providers that are likely to receive foreign victims of crime when they seek support in dealing with practical or physical consequences of crime. Our results show however most businesses and institutions linked to tourism are hesitant to provide information on crime or victimisation to the public as they fear this link will harm the image of their product.

We have established good relations with the tourist industry. It is however extremely vulnerable. We get a lot of support from this industry, through meals or bednights. The industry has taken up this responsibility as well because they see it is good for tourism. Crime can happen anywhere but how it is dealt with can be incredibly important for the tourist. If it is dealt with well, the tourism industry will benefit as well. (Victim Support Organisation, Ireland)

Good Practice - Intense collaboration with embassies and tourist services



ITAS established a strong collaboration with the tourism and hospitality industry to support tourists by offering complimentary accommodation, meals and transport in emergency situations. ITAS also work with the airlines and ferry companies to offer re-issuing and re-scheduling of tickets/travel plans. Intensive collaboration results in complimentary support ITAS receives: GP visits and advice Hotel & hostel accommodation Rescheduling of airline flights Retail vouchers Reissue/rescheduling & complimentary ferry tickets Restaurant vouchers Sightseeing vouchers Transport by bus, dart, ferry, taxi and train.

Qualitative findings again point to the particular needs of indirect victims of homicide. They in particular face a lot of practical problems as they have to arrange to have the body transferred. To get support of insurance companies they often require a translated copy of the death certificate, which takes a long time to obtain. A wide array of challenges faced by victims of homicide requires particular attention. Competent authorities and victim support organisations should work together to make sure these victims are supported and facilitated in dealing with the practical difficulties.

3.5.2 Challenge: Referral and collaboration

Referral to an appropriate service or authority is very challenging with respect to cross-border victims. Our study shows that effective referral and collaboration with victim support services abroad is identified as a fundamental hurdle in ensuring victims of crime in a country other than their country of residence is provided.

3.5.2.1 Cross-border referral to competent authorities

Victim support providers express difficulties in formal cooperation and referral to state actors in cases of cross-border victimisation. When looking for contacts in the victim’s country of residence support organisations often have difficulty to identify whom to contact. Some report that European networks like EUROPOL generally don’t provide help in identifying a police contact in another member state.

3.5.2.2 Cross-border referral to victim support organisations

The shared responsibility to provide victim support to victims of foreign crimes means that effective victim support relies on good collaboration. Firstly, collaboration is needed between the victim support organisation providing support in the country where the crime occurred and the victim support organisation supporting the victim in his/her country of residence. Secondly, collaboration of victim support organisations with competent authorities both in the country where the crime takes place as those in the country of residence of the victim are crucial.

70% of victim support services refer victim support organisations to a victim support organisation in the victims’ country of residence. These referrals are however perceived as very challenging. The most cited challenges for victim support services are listed below (Figure 8).

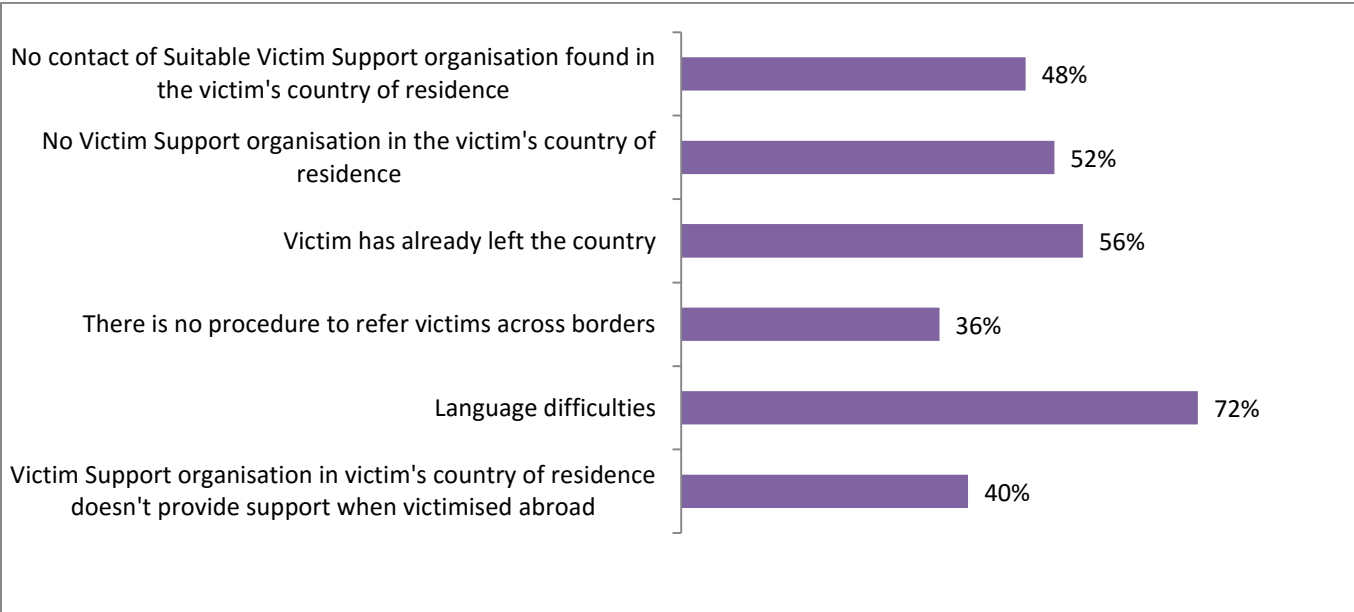


Figure 8: Challenges in cross-border referral

Language barriers are a crucial challenge in ensuring referral to victim support services for cross-border victims. First of all getting information on contact details, activities and services of victim support services in other EU Member states is challenging for most victim support organisations. Secondly, informing the foreign victim on victim support services and the support they can get with a victim support service in their country of residence is perceived as difficult.

Our results show that **contacting victim support organisations** in other EU Member States is a big challenge. Our qualitative data strongly underwrites the lack of contact information available on victim support organisations in EU Member States.

“For us, referral only works very well when we contact our Victim Support Europe partners to refer foreign victims of crime. We know the other members in Victim Support Europe – the way they work for victims - and can contact them for their support in a case. Otherwise we have a very difficult time finding victim support services in other member states.”

The primary sub-problem is the lack of contact information of victim support services abroad. Secondly, within victim support organisations it is not always clear whom to contact in a particular organisation. Thirdly, contact persons in victim support organisations are not available at all times. Fourthly, contact information for a particular organisation is not up to date.

All interviewees stress the need for a contacts database of victim support organisations in different member states. Currently Victim Support Europe offers information on victim support organisations who are its members. Qualitative findings from interviews and focus groups show the importance for Victim Support Europe members of the network.

Among Victim Support Europe it is so easy to refer victims of crime to other services in their country of residence. Victim Support Europe is well represented in EU countries. (Victim support organisation, Italy)

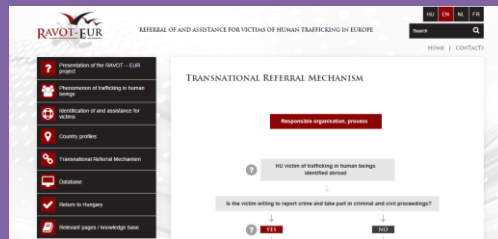
WAVE foundation also offers an online database of support organisations specialized in dealing with victims of domestic violence⁷³. Focus groups suggest an information database containing contact persons in victim support organisations to which cross-border victims can be referred; and additionally list the support that is/is not available in this country.

Some victim support organisations refer to good practices in referring victims of crime.

“We also have excellent examples of referral of victims of crime abroad. We once had a person who was victimised in another EU Member State referred to us. When he got back home he had a full package with all the information available. He had the phone number of the police, information on the victim support organisation, and information on where to apply for state compensation. It made a big difference for the victim.” (Victim Support Organisation, Czech Republic)

⁷³ WAVE network (n.d.). WAVE country information. Retrieved 14 November, 2015, from <http://www.wave-network.org/>

RAVOT - cross-border referral system



The Ministry of Interior of Hungary, the Ministry of Security and Justice of The Netherlands and Payoke vzw of Belgium developed the „Referral of and assistance for victims of human trafficking in Europe” (hereinafter RAVOT-EUR) for Action Grants under the Programme “Prevention of and Fight against Crime” 2012 of the European Commission. The main aim of the project was to develop a transnational referral mechanism among Hungary, Belgium and the Netherlands. This would contribute to the assistance, safe return and referral of human trafficking victims and facilitate transnational networking and trust building among professionals. In the framework of the project an information manual and a website were developed, which provides help in victim identification, assistance and the cooperation of experts. With the RAVOT-EUR, a new transnational referral mechanism was set up to support the work of the organizations and parties involved, and the reintegration of the victims.

<http://www.ravot-eur.eu/en/>

No victim support organisations available A third challenge in cross-border referral is the lack of universal victim support services in certain EU Member states. At this time there are still 8 EU Member states that don't have generic victim support services⁷⁴. These results show a crucial challenge in ensuring referral to victim support services for cross-border victims. First of all getting information on contact details, activities and services of victim support services in other EU Member states is challenging for most victim support organisations. Secondly, informing the foreign victim on victim support services and the support they can get with a victim support service in their country of residence is perceived as difficult.

Quality of victim support organisations is described as another important challenge to referring victim support organisations. Victim support organisations are hesitant to refer victims to organisations in certain Member States. The reason behind it is mainly that they are unaware of the type of support provided by the organisations. In addition, victim support organisations express their concerns about the quality of support services provided to victims. Thus, they are hesitant to trust that the organisation they seek to refer to provides a qualitative service to victims. Victim support organisations express the need for standards or accreditation of victim support services that might provide information about the quality standards an organisation they refer to upholds. Victim Support Europe Members testify to the fact that they are more aware about the type of support and

⁷⁴ Fundament Rights Agency (2014). *Victims of crime in the EU: the extent and nature of support for victims*. Publications Office of the European Union: Luxembourg.

quality of support provided by victim support organisation that they know through this umbrella network.

Informal referral Qualitative data show that victim support organisations referring victims to victim support services in other countries is frequently done in an informal way. Victim support organisations stress the need for a more sustainable and formalized way of referring victims of cross-border crimes to victim support organisations across borders. An informal procedure is only feasible when dealing with few cases. In order to offer the victim the qualitative support they are entitled to, comply with confidentiality needs of victims. Interviews show that currently referral is mainly done based on personal contacts between practitioners or CEO's of victim support organisations.

Referral to our VSE co-members in other member states is still done in an informal way at this point. When we have a victim of cross-border crime, it is often me [as the CEO] that contacts the CEO of another organisation that is a member of Victim Support Europe. We ask them to support the victim. (Victim Support organisations, The Netherlands)

Focus groups and interviews stressed that a more formalised procedure is required in order to ensure effective support provided to the victim. According to our qualitative data this procedure should contain information provision between victim support organisations; contact persons for each victim support organisation; availability of contact person for cross-border victims; commitment to provide/offer support from the receiving organisation. An inspiring example of a referral system is the Amber Alert police referral system. As they are dealing with urgent cases they have developed a system where referral and information sharing on a case can be done as quickly as possible.

AMBER ALERT - cross-border referral system



In 2014, AMBER Alert Europe launched the Police Network on Missing Children. The goal of the network is to allow missing children police experts to quickly contact and consult colleagues in other EU member states on specific missing children cases and to exchange best practices. AMBER Alert Europe's Police Network is led by Charlie Hedges. AMBER Alert Europe developed an online platform for Police Experts on Missing Children. The platform is password protected and only accessible for official police experts. The platform provides experts an always up-to-date overview of relevant information on AMBER Alert systems in Europe. This enables experts to quickly contact or consult colleagues to request an AMBER Alert or advice in case of missing children:

- Contact details of police experts in other countries, including information about their availability
- Criteria for national AMBER Alert systems
- Overview of documents needed to request a cross-border AMBER Alert
- Actors involved in issuing an AMBER Alert
- Technical tools for dissemination

3.5.2.3 Cross-border collaboration

After the initial referral there is a difference in how victim support organisations deal with the case. One out of three victim support services don't follow up with the victim after they referred them to another victim support organisation and victims have returned to their home country.

Some organisations only follow up with the victim in case there are criminal proceedings. 64.7% of victim support organisations testify that coordination with other services in the victim's country of residence is in some way challenging. Most victim support organisations (86.3%) supporting persons victimised abroad say that collaboration with the organisation they have received the referral from is challenging. Over half of respondents even see this as very to extremely challenging. As such our results suggest that especially organisations receiving referral of fellow residents victimised abroad have difficulty collaborating with the victim support organisations they received the referral from.

One of the most commonly cited reasons that make good collaboration imperative are the need for *information on the rights of the victims in the country where the person was victimised*. As discussed above, the rights of victims of crime differ between Member States. This is not only challenging for victims but also for victim support organisations providing support. Respondents say that little accessible information is available on the rights and procedures to exercise these rights in other Member States.

“A victim in Europe is not on the same level in all EU countries. This is sometimes difficult to explain to victims: ‘if you would have been victim here in France you would have been entitled to x or y but in the other country you are not’ (Victim Support Organisation, France)

97% of respondents to our survey state that getting information on the rights of the victim in the country where the crime took place is challenging. Good collaboration with victim support organisations and other competent authorities is therefore imperative. Furthermore, availability of rights in different Member States should be easily accessible for everyone. Projects like INFOVICTIMS⁷⁵ are cited as good practices. This website provides information for victims on the victimisation and the rights they have in different Member States. This project can be a primary source of information on the rights of a victim in a certain Member State.

Focus groups unveil the need for sharing information, good practices and recommendations on how to carry out cross-border support.

⁷⁵ <http://infovictims.com/>

INFOVICTIMS - information for victims of crime



The Project Infovictims was developed with the objective of contributing to increase the information provided to victims of crime about their rights, and the overall functioning of the criminal justice system. Accordingly, there were developed several information materials such as a website, a brochure and a poster. The website has been developed to provide elaborate and specific information on the rights of victims in different Member States - both in the native language as in English. These materials provide information in a simple and clear manner, making it easier for victims of crime to understand the functioning of the criminal justice system.

Infovictims.eu

Slachtofferhulp Nederland, when offering support to foreign victims assemble an information pack for each victim before they return to their country of residence containing information on the victim's rights and procedures to apply for compensation.

Interviews showed that some victim support organisations strongly value intense collaboration after a referral up to a victim support organisation abroad. The main motivation to follow up after referral is evaluation. Follow up allows support organisations to evaluate own provided support and furthermore allows for evaluation of the referral procedure for the victim.

4 THE UNDERLYING DRIVERS OF THE PROBLEMS

Our study strongly shows that the needs of cross-border crimes are not fully met. While rights are in place through EU and national legislation (see 1.3) cross-border victims of crime face a strong discrepancy between their rights on paper and in practice.

A step further in our analysis is to unveil potential drivers that contribute to the existence of these challenges are. Our primary analysis, based on the results of these studies help us to identify the following potential drivers: insufficient attention paid to barriers faced by cross-border victims; a lack of collaboration mechanisms; and a lack of practitioner knowledge of issues faced by cross-border victims.

4.1 Insufficient attention paid to barriers faced by cross-border victims

The rights of cross-border victims have been increasingly recognised in the EU. The adoption of the EU Directive 29/2012/EU put in place important rights for victims of cross-border crimes. Nonetheless, as our study shows, rights on paper are very difficult for cross-border victims to enjoy. The characteristics of cross-border victims – although neither non-exhaustive nor limited to such victims– can sometimes form barriers to supporting them.

Our study identifies language, timing, culture, distance and practical difficulties as factors characteristic to cross-border victimisation that could pose important barriers. These barriers need to be understood and taken into account in order to ensure that victims of cross-border crimes can enjoy the rights, support, protection and compensation they are entitled to.

Increased attention paid to these barriers should be translated to extra funds and initiatives to overcome them and truly ensure cross-border victims of crime's rights and support. The added layer of complexity characteristic to cross-border victimisations requires an added layer of initiatives and resources to bridge those barriers.

4.2 A lack of collaboration mechanisms across Member States

Cross-border victims have the right to information, support, and access to justice, compensation and protection like all victims of crime. In order to ensure these rights are met, collaboration is needed within country borders and across country borders.

On a national level collaborations between police, prosecutors, judges and victim support organisations should be facilitated and supported by states. These collaborations are established and maintained in some Member States, yet less developed in many others, as illustrated by our qualitative findings. To ensure the rights and needs of cross-border victims are met these collaborations should be fostered and supported. Furthermore, collaborations with less conventional partners like tourist agencies are underexplored yet crucial to overcome barriers of supporting cross-border crime victims.

On a European level, several networks and collaborations do exist between state agents, police, organisations and consular services. Our study however illustrates that these collaborations and networks face substantial problems. Firstly, networks and collaborations are often not provided with sufficient funding to develop and establish themselves as strong networks. Secondly, funding for networks is granted through projects and seems to rarely be approached from a sustainable way. In this manner strong networks between state or non-governmental actors dwindle and lose strength when funding is finished.

Both national and inter-national collaboration and networks in Europe have in some cases grown into strong and efficient entities strongly supporting cross-border collaboration in favour of victims of crime. However, cross-network collaboration should be promoted. Weak collaboration between intra-European networks impedes better collaboration for cross-border victims and sharing of good practices or developed tools and technical facilities.

4.3 A lack of practitioner resources to overcome barriers faced in supporting cross-border victims

The lack of attention paid to overcoming the barriers faced to support and assist cross-border victims is equally reflected in the lack of human resources to overcome these barriers and ensure that cross-border victims can indeed enjoy their rights as a victim of crime. A primary driver for this is insufficient training and insufficient specialist training for practitioners and competent authorities in

supporting and assisting cross-border victims of crime. A secondary driver is the lack of resources to overcome these barriers. Many competent authorities for example don't have the means or human resources to provide information in all native languages. Victim support organisations don't have the resources to provide victim support immediately after the crime occurred. This was a key issue raised during our study.

5 CONCLUSIONS AND RECOMMENDATIONS

Our study included both qualitative as quantitative methods of data collection in order to triangulate results and make a comprehensive analysis of challenges and potential solutions when supporting and assisting cross-border victims of crime. The results of this study don't strive to provide a representative sample of cross-border victimisation yet seeks to unveil challenges and solutions in providing support and assistance to cross-border victims.

Our analysis underwrites that cross-border victims of crime face challenges when exercising their rights. While both national and EU legislation has substantially improved and extended the rights available to cross-border victims, our study clearly shows the discrepancy between rights on paper and in practice for these victims. Our study leads to the conclusions and recommendations formulated below. A particular focus on the potential role of Victim Support Europe in improving cross-border support to victims of crime can be found in annex.

I. Cross-border victimisation – an added layer of complexity

Our study clearly shows the particular characteristics of cross-border victimisation that add a layer of complexity to ensure they can exercise their rights and receive the support they need. Qualitative and quantitative data identified five factors that can be challenging to providing assistance to cross-border victims of crime namely language, culture, distance, practical difficulties and timing. Where specific actions or measures are not put in place to take into account those characteristics, barriers can be created which prevent access to rights. These characteristics therefore need to be better understood and taken into account when taking initiatives to make sure the needs of victims are met.

II. Information provision

Qualitative and quantitative findings show that cross-border victims of crime are mostly unaware of their rights as a victim of crime in a country other than their country of residence. More so than other victims as they have no knowledge of the criminal justice system, or the rights they have in the country where the crime took place. In order to facilitate these victims enjoying their right to information understanding the barriers faced by cross-border victims is imperative.

To overcome the barrier of language, information should be provided in as many languages as possible. In some countries, priority languages are identified based on the most common needs, or population type. This may mean that in one city Polish and Hindi are common languages whilst in other it may be Portuguese, Chinese or Bulgarian. This targeted approach may help with the efficient use of resources. To be effective in assisting and supporting victims of cross-border crime organisation and competent authorities needs to understand the changing demographics of the communities it is supporting. Information about residents' characteristics and the languages they

speak can help your agency make more informed decisions about allocating resources and recruiting and deploying staff. This implies allocating resources to research to assess what type of cross-border victims a civil society or competent authority is serving. However, other methods could also be used to achieve wider coverage, such as the use of a remote interpretation service which gives access to interpreters from around a country. Alternatively, several organisations could share budgets to establish a shared interpretation and translations service. Information may also be provided in a third common language that both the victim and the service provider understands. Civil society organisations or competent authorities can also look at working with Bilingual staff. Some victim support organisations already work with a pool of voluntary translators in order to provide the first support to victims of cross-border crime. Bilingual staff can also be used to build ties with the community and overcome cultural barriers.

When it is not possible to provide information to victims of cross-border crimes in all native language, competent authorities and organisations should look for ways to provide victims with information they understand.

To overcome the barrier of culture, information on rights should be provided to the victim in a culturally sensitive way. Further research initiatives should be carried out in order to identify the main challenges and solutions to providing culture-sensitive support. Findings of these research initiatives should inform the development of training and supervision for practitioners.

In order to deal with the barrier of distance, information on rights and procedures to follow to enjoy these rights should be provided in a way that victims can access it from a distance e.g. internet applications or websites. Lauded examples of information provisions across borders are the INFOVICTIMS project and the Swedish Welcome to Court Introduction⁷⁶ where victims of crime can find information on their rights, criminal proceedings and everything they might experience or need in the aftermath of crime in different European countries.

Furthermore, information provision for victims of cross-border crimes should be offered in ways that Cross-border victims of crime can easily access it. Our findings show that creative and effective solutions to awareness raising on victims' rights and support build on diversity in both channels and locations where information for victims is provided. A fruitful example is the one of ITAS in Ireland where collaborations are set up with organisations and businesses that are likely to come in contact with foreigners and tourists like airports, hotels, restaurants,... The internet proves to be one of the most important sources where victims of cross-border crimes find help.

III. Access to Justice

Our study shows that cross-border victims, even though they have extensive rights to ensure their access to justice, rarely enjoy these rights to their full extent.

The main barrier to access to justice is language. Although victims of cross-border crimes have a right to translation and interpretation, our study reveals the various shortcomings in the provision of translation and interpretation by competent authorities. Firstly, translation is often limited to certain procedures such as making a complaint. Secondly, translation is rarely offered in all languages.

⁷⁶ <http://www.courtintroduction.se/>

Thirdly, official translation is often provided with a lengthy delay. This limits victims from accessing information on the investigation, court case or decisions made.

The duration of translations through official translation institutions can take up to months. This however does not go without consequences for the victims and their loved ones. The psychological consequences for victims of waiting for translations in order to be informed on the case cannot be underestimated. Additionally the lengthy procedures impede victims from starting up procedures like an appeal or claims for compensation because the limited time in which documents can be submitted is surpassed by the time needed for translations.

Competent authorities should invest in translation procedures that are executed in a limited timeframe that minimise the additional emotional strain, and don't impede cross-border victims from exercising their rights to participate in criminal proceedings. Alternatively, certain translation or interpretation should be prioritised to ensure that essential rights can be exercised, or where translation may result in a barrier – such as where there is a deadline for an application – there should be the possibility to waive the deadline or delay it.

At this moment some victim support organisations take up an important informal role to overcome the barrier of language by providing informal translation to victims during court hearings, or of files related to the criminal proceedings. These informal solutions are however neither a sustainable solution nor can they offer guarantees of correctness of translation that formal translations should offer. More resources should be made available by member states to ensure translation and interpretation for cross-border victims.

One other main barrier to access to justice identified in our study is the geographical distance between the victim and the criminal proceedings. The right to participation to criminal proceedings is often limited by the costs linked to cross-border participation in criminal proceedings.

Procedures for reimbursements of expenses to attend trial are often poorly communicated to cross-border victims, or not enough to cover the costs of the victims. France offers positive examples of the impact of reimbursement of expenses for attending the trial. States should make sure that if a cross-border victim wishes to attend the trial they make the resources available in order for the victim to do so. In case this is not possible investment and effort should be made to ensure digital means like video conferencing are in place to bridge the distance between the victim and the criminal proceedings.

IV. Victim Support

Our study shows that cross-border victims need victim support. Their lack of information on the criminal justice system and often their lack of support system in the country where the crime took place are additional reasons why victim support has an important role to play in bridging the barriers faced by cross-border victims.

Qualitative and quantitative findings point to the fact that cross-border victims often don't reach victim support services. Collaboration with services and organisations supporting victims of crime in the aftermath e.g. health providers, consular services, insurance companies is identified as crucial to reaching victims of cross-border crimes that don't report the crime to the police. Since police are still

the main source of referral for cross-border victims good collaboration like what is seen in France or Ireland is imperative to facilitate cross-border victims in reaching victim support services. Subsequently the internet is identified as the second most cited source through which cross-border victims reach victim support services. Databases informing potential victims of support organisations near them like website of Victim Support Europe or WAVE are identified as very helpful. Then, consulates and embassies are greatly valued as a potential primary partner to ensure cross-border victims are supported in dealing with all aspects of the aftermath of crime.

Victim support organisations are challenged to overcome the barriers faced in supporting cross-border victims of crime. A victim-oriented approach should always be the starting point of the victim support offered to the victim. In addition our study unveiled some potential solutions to overcoming barriers. Some organisations set up a pool of volunteers speaking different languages in order to provide immediate support to victims of cross-border crimes in their native language. In order to overcome cultural barriers to provide victims with the support they need victim support organisations underwrite the need for specialized training in providing support to cross-border victims with a cultural background. Especially larger victim support organisations like APAV in Portugal or Weisser Ring in Germany offer training to their employees and volunteers in providing culturally-sensitive care.

V. Referral and Collaboration between victim support organisations

Our findings point to the difficulties in referring cross-border victims of crime. The main issues identified and experienced as very challenging is language differences, no contacts available for victim support organisations, no formal procedure for referral. Suggested solutions offered by respondents are the development of a contacts and information sharing database; a referral system; intensified collaboration between victim support organisations and development of a procedure for referral and follow up of cross-border victims.

A large proportion of participants referred to Victim Support Europe as the major facilitator of current cross-border collaboration on cases of cross-border victims, being it often in an informal way. A more formal collaboration and referral system can be developed and inspired by current cross-border collaborations between state actors or non-profit organisations like Missing Children Europe and Amber alert. A referral procedure can be informed by current effective referral procedures that are already in place in larger countries that refer cases across regions.

ANNEXES

ANNEX 1: Semi-structured Interview Schedule

Cross-border victimisation

1. How would you define Cross-border victimisation?
2. What types of cross-border victimisation do we need to cover?

Supporting Cross-border victims of crime

3. Have you come across cases of cross-border victimisation?
 - a. How?
 - b. How many?
 - c. Is there an evolution in the number of cases you see?
 - d. What crime?
 - e. How do you keep statistics of cross-border victims in your organisation?
 - f. What is the overall number of cross-border victims of crime in your country?
 - g. How are statistics on cross-border crime developed?
4. How do cross-border victims reach you?
5. What are reasons cross-border victims don't reach you?
6. What are specific cross border needs – or needs different to national/ resident victims?
7. What were the difficulties you experienced in providing support to cross-border victims?
8. How do you think victims experienced it? What appeared to be challenging for them?
9. What are the elements of support and assistance of cross-border Victimisation you think are most important for victims?
10. How did you collaborate with other services in your own country e.g. police, courts,...?
11. Did you follow up on any ongoing proceedings/procedures in the country you are operating?
E.g. police,...

Referral of cross-border victims of crime

12. Did you refer the victim to a support organisation or other organisation in their home country?
 - a. If so, how?
 - b. Where they easy to reach?
 - c. How about confidentiality?
 - d. What were the difficulties or positive aspects you experienced referring victims to other countries?
 - e. Where did you find contacts of services you could refer the victims to?
 - f. How do you think cross-border victims experience this process of referral?
 - g. Did you remain in contact with the victim?
 - h. Did you remain in contact with the VS in the victim's home country?
13. Did you ever have a VS organisation in the victims home country self-refer and then you collaborated with the self-referred VS in the victim's home country?

- a. How did that go? Where there any difficulties? Explain.
14. What were the difficulties you have experienced in following up with the VS in the victim's home country?

Supporting victims of crime abroad

15. How did victims resident in your country get referred to you after a crime in another country?
- a. What were the difficulties/positive aspects to this referral?
 - b. Did the referrer follow up with you?
16. What were the most important needs of the victims which differ from victims resident in the country?

Challenges and good practices in cross-border support

17. Considering the problems you describe with cross-border Victimization which would you identify as the most important ones?
18. Would you have a suggestion to deal with those problems?
19. When studying Cross-border victimization and the challenges and good practices in support and assistance to cross-border crime victims,
- a. Who do you think I should contact? Who did you have most contact with?
 - b. What elements should I prioritise in the study?
 - c. What elements shouldn't I forget in the study ?