

Victim Support Europe Contribution

**FIGHTING ORGANISED CRIME – EU STRATEGY FOR
2021-2025**



About Victim Support Europe

Victim Support Europe (VSE) is the leading European umbrella organisation advocating on behalf of all victims of crime, no matter what the crime, no matter who the victim is. VSE represents 62 member organisations, providing support and information to more than 2 million people affected by crime every year in 30 countries. Founded in 1990, VSE has been working for 30 years for a Europe, and a world, where all victims have strong victims' rights and services, whether they report the crime or not. We work towards this missing through advocacy to improve European and International laws, through research and knowledge development and through capacity building at the national and local level.

As part of VSE's work, we regularly assist EU citizens victims of crime in a cross border situation. Recognising the difficulties they face when abroad, VSE has established an online referral system to ensure victims can be connected to support services in their home country as well in the country of crime.

VSE also carries out wide ranging research to understand the problems that victims abroad face and the best practices to assist them. In 2017, for example, VSE published its report 'Cross Border Victimization: Challenges and Solutions with respect to the provision of support to victims of crime in a cross-border situation'.

Introduction

Organised crime is an expanding threat to European citizens. The use of violent means – or the threat of it - by organised crime groups (OCGs) has always been considered inherent to their existence and functioning – to maintain their position on the market, to develop their reputation or maintain internal order. However, the last years have seen an important increase in the use of violence by OCGs¹, consequently creating an increase in the number of victims.

The COVID-19 pandemic has had an important impact on OC and trafficking in human beings (THB), with the emergence of smaller OCGs online, benefiting various forms of violence (e.g. child sexual abuse online). The use of online tools and platforms offer many benefits for OCGs and traffickers², illegal activities are harder to detect, make victims of crime more isolated and harder to reach for support. The pandemic has also created new opportunities for OC and criminal activities, with the creation of fake coronavirus testing kits, counterfeit pharmaceutical, sanitary products, vaccines, masks and other products³. Directly affecting EU citizens, in times of crisis and distress, this trend shows us how OCGs quickly adapt to their environment and context and how the spectrum of their victims is constantly expanding.

Victims of OC and THB are among the most vulnerable groups of victims, due to the nature, the duration and the consequences of the crime. While their specific need for special assistance, support and protection is today widely recognised, important gaps remain in their effective protection and victims of OC are often absent from existing frameworks. For this reason, we believe that both upcoming Strategies on Tackling Organised Crime and Combating Trafficking in Human Beings should include a separate chapter on addressing the needs of victims including on their identification,

¹ EUROPOL, *The use of violence by organised crime groups*, Europol Spotlight Report series, Publications Office of the European Union, Luxembourg, 2021. Available [online](#).

² For example, the increase of global reach of OCGs and increased anonymity.

³ EUROPOL, *How COVID-10 related crime infected Europe during 2020*, 2020. Available [online](#).

protection and support. Priorities and calls for actions should focus on ensuring the practical implementation of existing frameworks in all EU Member.

To support the European Commission's considerations and understanding of how and where action for victims may be taken, we have provided below an overview of:

- Victims' inclusion to the new Strategies
- Recommendations on provisions for the new Strategies

I. Inclusion of the Diversity of Victims' in the New Strategies

1. *Victims of organised crime*

Overall, most victims of organised crime (OC) are not identifiable, as the most important impact of OC activities are detected on the States' economic and social systems. However, victims can be identifiable in a number of crimes and/or activities committed by OCGs, such as trafficking in human beings, child sexual exploitation, cybercrime, kidnappings, frauds, burglaries and thefts. As highlighted in a recent EUROPOL report⁴, OCGs tend to increasingly use violence towards non-criminal individuals, in order to help them carry out their activities and other crimes. These individuals can be witnesses and informants, lawyers, journalists, law enforcement officers and port workers critical to the unloading of illicit merchandise among others.

The murder of the Dutch lawyer Derk Wiersum outside his home, in 2019, as he was defending the member of a gang who turned state witness while the gang was under investigation, is a perfect example of this trend. Violence is usually used as well by OCGs as a form of revenge, e.g. retaliation for the murder of a group member or a member of the family. Consequently, this use of violence as revenge engages not only the targeted individuals themselves, but their family members and closed ones as well.

Finally, as mentioned above, the spectrum of OCGs' victims is constantly expanding, notably due to the opportunities offered by the COVID-19 pandemic and the use of online tools and platforms.

Not only must the Strategies recognise this diversity of victims, but factor in appropriate and targeted action for each group.

2. *Victims of trafficking in human beings*

In 2020, the EU Victims' Rights Strategy recognised the extreme vulnerability of victims of THB, because of the nature, the consequences and the duration of the crime. While traffickers target their victims based on their vulnerability – people in economic need, children in dysfunctional families, marginalised people or undocumented migrants⁵ among others -, the years of exploitation that follow strongly aggravates this vulnerability and create tremendous psychological and physical consequences for victims, whether they are trafficked within the territory of a State or at the transnational level.

⁴ EUROPOL, *The use of violence by organised crime groups*, Europol Spotlight Report series, Publications Office of the European Union, Luxembourg, 2021. Available [online](#).

⁵ UNODC, *Global Report on Trafficking in Persons 2020*, (United Nations publication, Sales No. E.20.IV.3). Available [online](#).

Overall, victims of OC and of THB (whether internal or cross-border) are characterised by their extreme vulnerability and share the following characteristics:

- High vulnerability;
- The lack of support due to the lack of presence of family members or closed ones;
- Lack of trust towards authorities;
- Fear both of the OCGs/traffickers and of the authorities;
- Control exercised by OCGs/traffickers over their victims;

Moreover, both victims of OC and THB are often in cross-border situations.

Importantly, the two distinct objectives of trafficking – for sexual exploitation and for labour exploitation are highly damaging to victims. Both require significant action from the EU and Member States to address vulnerabilities of victims, action to prevent both forms of trafficking, and to have sufficient support measures for the victims – neither should be ignored.

Whilst internal trafficking within a State is a problem, large numbers of victims are trafficked across borders. In our [2017 Report on cross-border victimisation](#), we identified factors that could constitute potential barriers to ensuring support to cross-border victims of crime:

- 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;
- 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.

These characteristics and needs guide the recommendations made below and should guide the provisions of the new Strategies.

II. Recommendations on provisions for the new Strategies

1. *Full implementation and evaluation of EU law*

Crime has a significant impact on all persons living in EU Member States and, despite wide-ranging EU legislation, an important number of victims still don't have access to their rights, to protection and support.

While progress has been observed in the implementation of the Council 2008/641/JHA⁶, Directive 2011/36/EU⁷ (the Anti-Trafficking Directive), Directive 2012/29/EU⁸ (the EU Victims' Rights Directive) and, at the international level, the United Nations Convention against Transnational Organised Crime and Protocols, significant gaps remain on their practical implementation at the national level. In particular, recent data from the Council of Europe monitoring group of expert on trafficking in human beings GRETA⁹, show that the most important gaps in the implementation of THB-related instruments concern the measures related to support and protection of victims.

For this reason, the Commission should encourage and support Member States to effectively guarantee the rights of victims of THB and OC, through the **full and effective implementation of the Anti-Trafficking Directive, the Victims' Rights Directive as well as the UNTOC and its Protocols**. The European Commission should conduct an in-depth evaluation of the implementation of these instruments, focusing on identifying gaps and defining priorities to tackle them. Additionally, we call on the European Commission to commit to a proper evaluation of the two upcoming Strategies and to a regular monitoring of their implementation, including the evaluation of results and impact.

Due to the fragmented framework regulating different forms of OC (e.g. on cybercrime, child sexual exploitation), the new Strategy on Tackling Organised Crime should particularly evaluate the implementation of these instruments as well as the operational measures put in place by Member States and law enforcement agencies in application of the [EMPACT](#) policy cycle.

2. Fighting all forms of trafficking

We note that a significant proportion of victims of trafficking are trafficked for sexual exploitation purposes – up to 44% of victims of trafficking in Western and Southern Europe and 64% in Central and Eastern Europe.¹⁰ We therefore welcome and encourage the focus of the European Commission, in its new Strategy, on trafficking for exploitation purposes and protecting and empowering women and children, and continue to support the call for the EU to join the Istanbul Convention.

However, in Europe, **trafficking for purposes other than sexual exploitation have seen important increases**. Severe forms of exploitation occur in regulated and non-regulated labour sectors (in which men and boys are particularly vulnerable). In 2018, Belgium, Luxembourg and the United Kingdom reported more victims of forced labour than victims of sexual exploitation¹¹. Other forms of trafficking are increasingly developing, such as forced criminality, forced begging or organ trafficking and the share of boy (under 18 years old) victims of THB keeps growing, representing 6% in 2016 to 21% in 2018¹². For this reason, it is crucial that the new EU Strategy on Combating Trafficking in Human Beings follows a comprehensive and holistic approach, equally addressing all offences and forms of trafficking, with a special focus on children.

In order to better prevent and address forced labour and the exploitation of workers in particular, we encourage the European Commission to evaluate and monitor the **implementation of International Labour Organisation (ILO) legal instruments**, such as the 2014 Protocol on Forced Labour, the 2010

⁶ Council Framework Decision 2008/641/JHA of 24 October 2008 on the fight against organised crime.

⁷ Directive 2011/36/EU of the European Parliament and the Council of 5 April 2011, on preventing and combating trafficking in human beings and protecting its victims

⁸ Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime

⁹ 9th General Report on the activities of the Group of Experts on Action against Trafficking in Human Beings (GRETA) for 2019. Available [online](#).

¹⁰ UNODC, *Global Report on Trafficking in Persons 2020*, (United Nations publication, Sales No. E.20.IV.3). Available [online](#).

¹¹ *Ibid.*

¹² *Ibid.*

Convention on Domestic Workers' Rights and the 2019 ILO Convention on Violence and Harassment at work. The Commission should play a major role in promoting, encouraging and facilitating the implementation of these instruments by the Member States.

Finally, modern technologies such as internet and communication tools and platforms, have affected the way traffickers operate, recruit and exploit victims. **Online technologies are now used by traffickers at every stage of the trafficking process:** from the recruitment to the use of the victims' services. These online tools offer various benefits such as increased anonymity, access to encrypted communication, geographical coverage and mobility, as well as access to a broader audience (both for clients and victims) and the ability to control victims from a distance¹³. Social media platforms are also progressively used to develop grooming strategies¹⁴, especially with children spending more and more time online since the beginning of the COVID-19 pandemic.

The **new EU Strategy on Combating Human Trafficking should reflect this trend** and actively look at ways to better prevent and combat the use of online tools and technologies by traffickers and how to better protect victims and potential victims online. We particularly **call the European Commission to engage with the private sector**, including social media platforms and community, to that end.

3. Building resilience and awareness through education

Adults and children across Europe live in highly varied environments with circumstances changing from person to person. Many are in highly impoverished situations, difficult home environments and feel they face insurmountable challenges. Over the course of their lives, Individuals will also face many difficult situations and traumas.

Moreover, within the EU, almost half of registered victims of trafficking are EU citizens and over the last fifteen years, we have seen the percentage of children victims of trafficking worldwide triple¹⁵. Due to their young age, children are beyond doubt the most vulnerable categories of persons and victims, and their exposure to trauma can have important consequences throughout their childhood and adulthood and cause life-long suffering (such as difficulties with establishing interpersonal relationships or sexual functioning).

Any strategies to combat human trafficking and organised crime, must therefore seek not only to address the demand end of criminal activity but also the socio-economic, psychological and awareness factors that leave victims at risk of victimisation.

Victims must not be blamed for the crimes committed against them, but actions must be carried out to raise awareness, reduce risks and help individuals to avoid as far as possible, being exploited and subject to criminal activity.

Recognising, that this won't bring to an end organised crime and trafficking, all citizens, starting from the youngest can be helped to develop and strengthen the natural resilience we all have, to improve their ability to cope with traumatic situations and to recover more quickly.

To that end, **we call on the European Commission to support and facilitate the introduction of awareness raising and basic resilience training for children and adults** in all EU Member States. This training should enable them to understand and recognise victimisation in their environment,

¹³ EUROPOL, *The challenges of countering human trafficking in a digital era*, 2020. Available [online](#).

¹⁴ *Ibid.*

¹⁵ UNODC, *Global Report on Trafficking in Persons 2020*, (United Nations publication, Sales No. E.20.IV.3). Available [online](#).

recognise unacceptable behaviours and seek help and protection from adults, teachers or other persons in their environment.

Introducing work on resiliency with children should not only help them to cope if becoming a victim of crime, but also introduce broader education on and understanding of victims' issues. Whilst there are wide ranging opportunities to introduce resiliency training in schools as part of wider education on bullying, grief and other related matters, we encourage that this training introduced at a larger scale and at all levels (schools, universities...), in order to build a broader societal resilience.

4. Identification, protection, assistance and support to victims

1-Identification of victims: Early identification of victims is crucial in order to enable victims to access their rights, provide them with protection and support as early as possible and therefore minimise their trauma. For children, early identification is particularly important as being a victim of exploitation in their childhood will cause life-long consequences and suffering throughout their adulthood.

While progress in victims' detection rates is encouraging, too many victims remain unidentifiable. For this reason, we strongly encourage the EU to enhance the cooperation between relevant EU agencies, such as EUROPOL and EUROJUST, and Member States, as exchanging information and cross-matching data on victims will improve their identification.

Action must focus on both improving the identification of victims as well as supporting victims to come forward. Many innovative projects, such as those working with the hotel and trucking industries, increase the knowledge of specific populations about criminal activities such as trafficking, improve their ability to identify signs as well as teach them what to do, or create specific protocols that help victims escape their situation. Such projects are effective but ad hoc in nature.

We call on the European Union to support a more coherent, permanent and European wide solution to greatly enhance the identification of victims.

2-Reporting crime: In a high number of cases and as acknowledge in the 2020 EU Victims' Rights Strategy, many victims do not report crime because they are not aware of their rights or because they are afraid of the consequences they will face (e.g. fear of discrimination, fear of hostility from the police, fear of further victimisation). While fear and intimidation plays a central role in how OCGs control their victims, victims of THB are particularly afraid to contact the authorities because of the fear to be exposed as an irregular migrant and/or arrested. Recent studies have showed that traffickers often use the threat of reporting the victims' irregular status to the authorities to maintain victims under their influence and discourage any reporting of the crime¹⁶.

The new Strategies should therefore strongly reflect the needs to empower victims of THB and OC, **create safe environments for victims to come forward and report crime** and raise awareness on their rights. In particular, the Strategies should **encourage the Member States to create different reporting channels**, other than the police (e.g. online reporting, anonymous channels etc), to fit the needs and situations of victims of all forms of exploitation. Training activities should also be prioritised to address these issues.

3-Training: Training is indeed crucial to address both early identification of victims, the creation of safe environments for victims to report crime and the respectful treatment of victims. All actors across all

¹⁶ UNODC, *Global Report on Trafficking in Persons 2020*, (United Nations publication, Sales No. E.20.IV.3). Available [online](#).

sectors who are most likely to be in contact with victims of THB or OC and/or to be responsible for their early identification should receive appropriate training to that end.

This training should first include **core skills equally applicable to all victims of crime**, that is to say enable them to recognise signs of victimisation, understand victims' needs, the impact of crime and trauma and learn basic empathy skills and victim sensitive communication skills. In addition, a **specialist training focusing on victims of trafficking and organised crime** should be provided to these professionals, focusing on understanding the vulnerability and specific needs of these victims and children, understanding the means and methods of traffickers and OCGs, specific communication skills (e.g. with children).

We therefore **call on the European Commission to support and include the development and delivery of such training and activities in the upcoming Strategies**. These activities should target all sectors, particularly justice and law enforcement actors, immigration and asylum officials, labour inspectors, social workers and healthcare staff. Additionally, we call on the Commission to provide sufficient funding to support Member States in developing such activities, to encourage and support Member States in developing and implementing such activities, in cooperation with civil society.

In addition to training, the Commission should encourage the EU and Member States to **develop awareness raising efforts and activities**. These efforts must raise awareness on the risks and methods used by traffickers to recruit their victims (both online and offline) and on victims' rights. They should target citizens from all Member States and give particular attention to vulnerable categories of persons, most likely to become victims of trafficking (e.g. children, immigrant workers, persons with economic needs¹⁷).

4- Victim Support It is well recognised today that support is fundamental for victims to overcome trauma and that access to support should be provided to victims as soon as possible, whether they decided to report crime or not. As of today, in many EU countries, the access to support services is still inexistent or insufficient for victims of trafficking and organised crime, who can benefit from both generic and specialist support services. **Because of the victims' high vulnerability, guaranteeing access to support services to victims of THB and OC in all EU Member States should be at the centre of the upcoming Strategies' priorities on protection and support to victims**. These services must be: free of charge, confidential, victim centred, independent, accessible throughout Europe and delivered by trained staff. We would also like to call the European Commission to commit to a regular and close monitoring of the implementation of this objective in the Strategy. Finally, it is crucial that support is provided to victims of trafficking and organised crime, **regardless of the residency status of the victim and of the willingness of the victim to cooperate in potential investigations**.

In order to ensure a high quality support, the EU and Member States should ensure that sufficient funding is available for the establishment, the running and the publicity and awareness raising of the services, including victim helplines such as 116 006. The EU should play a major role in supporting Member States and Civil Society, by providing sufficient and available funds to that end.

As part of establishing victim support services, the Strategy should encourage Member States to create or develop multiple channels of support including online support services, such as online chats, emails and helplines. Helplines for victims act as a critical path for victims to reach assistance and report their situation, but are often unknown by victims and their access is still insufficient across EU Member States. **Victims of THB and OC can benefit from both specialist helplines as well as helplines supporting all victims of crime (116 006)**. Helplines and online services can offer the benefit of anonymity, flexibility, a broader geographical coverage and an easiest access for persons living in rural

¹⁷ For more information on pre-existing factors that traffickers take advantage of, see *ibid*.

areas or not able to travel¹⁸. For that reason, we believe that **the Strategies should call for the establishment of 116 006 helplines in all EU Member States**. While Member States should ensure that sufficient funding is available for the establishment of the helplines, the running and the publicity of the services, the EU should create specific funding to support Member States to that end.

Additionally, Member States must also take into account the provision of long-term support to victims of OC and THB. Long-term support is as much as important as immediate protection and support, as the trauma met by victims of THB builds on pre-existing situations of high vulnerability and years of exploitation. Moreover, with time, some victims are likely to return to their home countries or country of origin, where they still to be supported and protected, particularly to avoid falling again to the control or influence of trafficking. Member States should therefore make sure that effective internal and cross-border mechanisms are in place to ensure that victims are properly referred to available support services and continue to be supported regardless of their location.

5- Compensation: For victims of crime, compensation is not only a payment but also a mean of recognition. While EU legislation provides the obligation to Member States to compensate victims of crime, including victims of trafficking¹⁹, in practice, the payment of compensation to victims of THB is very rare and victims still meet many barriers in accessing compensation²⁰.

In the case of OC and THB, **a major problem remains the identification of the criminals/traffickers**, which prevents victims from collecting compensation from them. It is today recognised that OCGs, including traffickers, use ‘countermeasures’ to ensure that law enforcement’s investigations lead to dead ends. To address this issue, **the new Strategies should encourage the creation of compensation funds** at the national level, used to cover compensation for victims of THB and OC, when the perpetrator is not identified. VSE also encourages the European Commission to closely monitor EU and national legislation and systems on compensation and identify next steps regarding the harmonisation administrative and procedural requirements when claiming compensation and the establishment of common evidential and eligibility criteria for cross-border victims in Europe.

6- Non-punishment of victims of THB: While the principle of non-punishment and non-criminalisation of victims of trafficking is strongly affirmed in the Anti-Trafficking Directive, it is alarming that a high number of victims are still prosecuted for crimes they committed as consequence of their trafficking²¹. For this reason, the non-punishment and non-prosecution principles should therefore be reaffirmed in the new Strategy and the European Commission must closely evaluate and monitor its implementation throughout the Member States.

5. Safe Justice

Accessing justice remains a core issue for victims of crime. An important number of victims of crime are still denied access to justice, and when they do, their experience can be traumatic, leading to secondary victimisation and increasing the length or intensity of the trauma. It is fundamental that dignity and a respectful treatment are guaranteed to all victims of all crime within the EU. **Because of their specific vulnerability, it is fundamental that victims of OC and THB benefit from a safe access to justice** and are treated with dignity and respect throughout the proceedings, as highlighted in Article 12.4 of the Anti-Trafficking Directive. For this reason, we believe that **developing and**

¹⁸ For more information, see Victim Support Europe, *Establishing 116 006 Helplines for Victims of Crime across the EU*, 2021. Available [online](#).

¹⁹ Article 17 ‘Compensation to victims’ of the Anti Trafficking Directive.

²⁰ For more information, see Victim Support Europe, *A journey from Crime to Compensation*, 2019. Available [online](#).

²¹ 9th General report on GRETA’s activities for 2019. Available [online](#).

establishing safe justice systems throughout the EU should be a priority within both EU Strategies on Tackling Organised Crime and Combating Human Trafficking.

We therefore believe that the new Strategies should call on the Member States to continue improving **justice systems** in a victim centric manner that respond to the needs of victims, treat them with dignity and respect and protect them during their participation to the proceedings. The Strategies should engage **research focusing on victims' experience** within criminal proceedings, the causes of secondary victimisation and adopt measures to tackle the identified causes. Research and measures should include and target justice infrastructures, rules and behaviours. They should support the use of digitalised tools and platforms to the benefit of victims as well as innovative practices of supporting victims, especially most vulnerable victims such as children.

New technologies can play an important role in improving access to justice and in reducing secondary victimisation, particularly in cross-border situations, situation that victims of THB and OC often meet. Digital tools, such as digital case management systems, videoconferencing tools and information sharing through digital platforms²², should therefore be favoured when dealing with these victims.

Another example of innovative practice at the service of victims of crime is the use of facility dogs. Recent studies have shown that the presence of dogs can reduce victims' anxiety in stressful situations – such as being at a police station or in a courtroom -, by providing contact-comfort and a feeling of safety. VSE is currently leading the [Facility Dogs in Europe \(FYDO\)](#) EU-funded Project, that aims to train and place at least 5 dogs and 10 handlers in 3 countries (Belgium, France, Italy) in order to support vulnerable victims during criminal proceedings. Expanding the use of facility dogs across the EU can greatly improve the victims experience of criminal proceedings and help reduce the number of failed cases due to victims drop out rates.

In view of improving the protection of victims of organised crime and human trafficking during the justice processes, VSE also calls on the **European Commission to address the issue of protection measures** and witness protection within the upcoming Strategies. The use of intimidation, threats or violence against victims of OC and THB is a common and recurrent *modus operandi* of OCGs. In many cases, these threats target not only the victims themselves, but their family and closed ones as well – as a mean of revenge or intimidation. As of today, different protection measures exist in EU Member States, offering various degrees and forms of protection to victims at risk of violence²³. These differences consequently create inequalities between victims, depending on the Member State they seek protection in and the available measures. To address this problem, we call on the European Commission to conduct an evaluation of available protection measures in EU Member States and to take actions towards a harmonisation of protection measures within the EU.

Finally, the participation and role in criminal proceedings is crucial for many victims of crime. The **new EU Strategies should look at ways to guarantee the central role of victims during criminal proceedings**, in all Member States. This objective can notably be achieved through the full implementation of participatory rights guaranteed in the Anti-Trafficking Directive and developing additional and complementary measures to ensure that Member States' justice systems are victim centric.

²² For more information, see Victim Support Europe, *VSE contribution – Digitalisation of Justice within the European Union*, September 2020. Available [online](#).

²³ POEMS Project Final report, *Mapping the legislation and assessing the impact of Protection Orders in the European Member States*, 2015. Available [online](#).

6. Enhanced cooperation

To improve the early identification of victims and of traffickers/criminals, we encourage the Member States to closely cooperate with specialised EU agencies EUROPOL and EUROJUST, as exchanging information and cross-matching data on victims will improve the efficiency of investigations and the protection of victims.

Moreover, the EU should continue to develop its cooperation with third countries, particularly regarding awareness-raising on victims' rights and means and methods of traffickers/criminals. The development of efficient cross-border referral mechanisms should be included in this cooperation, in order to make sure that victims going back to their country of origin continue to receive appropriate support and protection.