

VICTIM SUPPORT EUROPE'S

Comments on Possible Approach and Priorities

EU GENDER EQUALITY STRATEGY

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 around 60 national member organisations, providing support and information services to more than 2 million people affected by crime every year in 30 countries.

Founded in 1990, VSE has been working for almost 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 mission through advocacy to improve EU and international laws, through research and knowledge development and through capacity building at the national and local level.

1 Gender equality strategy as a spectrum

While equality between women and men is at the core of any gender equality strategy, it should be borne in mind that gender is a spectrum, rather than a binary notion. Against this background, a gender equality strategy needs to be based on the reality of many Europeans who are victims of crime exactly because they do not fit within a binary approach to gender. Namely, many forms of hate crime and other types of criminal behaviour affects members of LGBTI+ community at a disproportionate scale, and this needs to be reflected in any EU strategic document or action plan.

2 Support to make rights a reality

A wide set of rights have been in place for victims for many years. Recent EU legislation has clarified these rights and the obligations on Member States. Despite this, many of these rights are not operational or are far from accessible and well-functioning. Member States and civil society should be supported by the EU to implement laws and the EU should act to ensure States follow minimum standards of implementation.

In particular, this requires a culture change – a change in thinking about victims of crimes in general, and gender-based violence in particular – amongst those who work with victims, better coordination across different institutions and sectors to maximise impacts, and fully established generic and specialist victim support services across the entire territory of a country, following a national framework for victim support.

This is particularly true for the European Protection Order. Practice has shown that the Protection Order is working poorly for European victims, mostly due to a lack of consistent approaches between national systems in the types of measures, their

availability and the procedure to have them determined and implemented. The EU should recommend, and the Member States implement, a set of common rules for the protection of victims, including a range of measures at disposal of the police and other agencies, which are prompt and which provide for an immediate and appropriate protection of victims of gender-based violence.

3 Innovation and research to better respond to changing and existing crime situations

The EU is well placed to have a high level perspective on new and emerging crimes, risks and problems. Often such issues will start to be addressed by a limited number of States early on, with others playing catch up. The EU must gather pan-European and global knowledge on key risks and best practices to develop solutions faster and better than Member States acting alone. In doing so, it must actively consider which issues require European solutions through minimum standards, potentially harmonising legislation.

4 Victim focused responses in line with Strategic Development Goals (SDGs)

The European Commission estimates that up to 15% of Europeans fall victim to serious crime every year. Gender-based violence makes an important element of the entire picture of victimisation, with a third of European women reporting having been victims of some type of physical or sexual violence since the age of 15 (FRA). At the same time, even when crime is not driven by a person's gender, the needs of victims and consequences of the crime will vary depending on the victim's gender. Women, as primary child carers, will have different needs in criminal proceedings, for example, as they will need to adjust their schedule around child caring responsibilities.

These different consequences are also visible in access to services. In many VSE member organisations, the majority of service users are women, not because women are more likely to become victims of crime, but because men are less likely to seek support. And when the support is not provided, men are more likely, at least in some situations, to become perpetrators of gender-based violence. For example, in cases of child sexual abuse, girls are more likely than boys to become victims. At the same time, men who were sexually abused as children are more likely to become offenders as adults, than are women¹.

Fighting against gender stereotypes and mainstreaming of gender equality and victim support issues are, therefore, inherent to building more resilient and more equal societies that better respond to trauma in general, and victimisation in particular.

¹ Plummer M, Cossins A. *The Cycle of Abuse: When Victims Become Offenders*, Trauma Violence Abuse, 2018.

At the same time, improving an EU victim-focused response to crime in general, and gender-based violence in particular, is increasingly recognised as requiring a cross cutting, whole systems approach with coordinated action in all sectors. Not only is such an approach critical to achieving specific victim objectives, but those same actions are fundamental to achieving broader social welfare and economic objectives as set out under the Sustainable Development Goals (SDGs). While SDG No 5 - gender equality exists as a self-standing goal - there are six more SDGs which *prima facie* would benefit from victim focused interventions:

1. No poverty	Better recovery improves work and life results, the poor are amongst the most vulnerable to crime and to its impacts. This is particularly important in view of the intrinsic link between poverty and gender equality ² .
3. Health	In particular, addressing the psychological impact of crime on victims (direct and indirect) will improve health outcomes. Direct action on resilience and recovery is relevant for the health of society in general. This is important for all genders, in particular given the differences in health measurements, life expectancy and other well-being indicators and their different impact on different genders ³ .
4. Quality education	Victimisation has a significant impact on education outcomes. Education offers opportunities to address gender aspects of crime and its impacts and should be consider from primary school through to life-long learning.
8. Decent work and economic growth	Private sector role in developing solutions to help victims of crime in general, and victims of gender-based violence in particular, ensure safety in the work place – harassment etc., victim oriented work place (identifying if staff are victims and responding correctly), private sector identifying criminality (e.g. hotels trained to identify trafficking)
10. Reduced Inequality	Different impacts of crime on different communities, ensuring inclusive responses
16. Peace, justice and strong institutions	Formal and informal justice for victims, building communities, improving victim focused institutions

² See e.g. Rense Nieuwenhuis, Teresa Munzi, Jorg Neugschwender, Heba Omar, and Flaviana Palmisano (eds): *Gender equality and poverty are intrinsically linked: A contribution to the continued monitoring of selected Sustainable Development Goals*, UN Women 2018, available at: <https://www.unwomen.org/en/digital-library/publications/2018/12/discussion-paper-gender-equality-and-poverty-are-intrinsically-linked#view>

³ See e.g. Veronica Magar: *Gender, health and the Sustainable Development Goals*, World Health Organisation, 2015, available at: <https://www.who.int/bulletin/volumes/93/11/15-165027.pdf?ua=1>

5 Coordinating the upcoming EU action

EU is currently developing several strategic documents, including the two key strategies –one on victims’ rights and one on gender equality. It will be important to coordinate the two instruments and ensure a cross-sectoral and an inter-sectional approach to both the issue of victimisation and that of gender equality.

VSE has been advocating for the appointment of a **EU victims’ rights coordinator** as it is our view that this function will need to encompass the important element of gender-based violence. However, should the gender equality strategy result in the appointment of a separate EU gender-based violence coordinator, it would be of utmost importance that the work of the two coordinators is synchronised, as well as with the similar work for victims of trafficking, children and other specific actions which address needs of vulnerable groups.

VSE supports the EU’s commitment to ratify the **Istanbul Convention** and encourages the non-ratifying Member States to ratify and implement this important instrument in its entirety.

In addition, it is important to develop **further legislative instruments** to tackle EU crimes, as identified in Article 83 of TFEU, in particular regarding specific gender dimensions of cybercrime, trafficking, exploitation and organised crime. In this regard, VSE is supporting the idea of the adoption of an EU Directive on the prevention and combatting of gender-based violence.

A fundamental benefit of EU action is to bring disparate actors together to exchange knowledge and agree on mutual action. The EU strategy should establish new coordinating groups within EU institutions, across stakeholder groups, with practitioners focused specifically on victims’ issues. At the same time, it should promote the incorporation of victims’ issues into existing relevant groups. As part of this, it should look at the wide range of conferences and other meetings that are to be held to ensure coherence between them on victims’ issues. This work could include the establishment of a **Victims of Crime summit**, similar to the Consumer summits, which are already held by the Commission.

Not only should networking and knowledge exchange be supported, but **effective and timely consultation should take place**, with views being properly incorporated into EU thinking. It is critical that victims themselves are listened to; through meetings, focus groups, interviews, surveys and more. Whether victims, states or civil society, consultation needs to begin early in the policy development cycle recognising that some issues may require years of development. Not only will this promote high quality legislative and non-legislative action, it will create greater buy-in, support and legitimacy for action.

6 Mainstream victim agenda in all sectors and use co-ordinating bodies

Maximising the impact of victim-focused actions requires coordination across multiple sectors. At the EU level this means establishing bodies which ensure that different DGs, EU agencies, Institutional actors and non-EU international institutions can exchange information on their activities, and more importantly develop together coordinated action on specific topics.

For example, a critical factor in recovery for victims is personal resilience. Whilst victims can be helped to build this post-crime, a better solution is to develop resilience in individuals before trauma – by incorporating well-being and resilience education into schools, higher education establishments, workplaces and vocational training. Importantly, such an approach helps develop wider social resilience since this same training is relevant for coping with loss of a loved one, accidents, debt, loss of jobs and many other traumatising situations.

Key bodies to achieving this coordination include an EU Victims Coordinator, working together with other relevant coordinators, a Commission working group bringing together Commission DGs, a multi-agency working group bringing together EU Agencies, DGs, European Parliament and Commission, task forces, advisory committees and other bodies, including civil society, as well as separate Council and Parliament working groups on victims' rights. It may also be necessary to establish thematic committees on specific groups of victims or crimes, as well as on cross cutting topics such as resiliency, underreporting, cross border crimes.

7 Thematic priorities and tools for implementation

In terms of the organisation of the Strategy, VSE supports a comprehensive EU Gender Equality Strategy that takes a two pronged approach to address issues of victimisation:

On the one hand, key objectives should be developed based on overarching thematic priorities. These priorities, which broadly link to the **five needs of victims** (recognition, protection, support, justice, compensation and restoration), as well as EU cooperation, should be developed having in mind all victims of crime as well as the specific needs and actions of victims of gender-based violence. The main areas of a person's life which are affected by crime as well as sectors which can have the greatest influence on social wellbeing and recovery of victims should also be actively engaged in victim policies (e.g. health, education, justice systems, policing, workplace).

On the other hand, the **tools** by which these thematic priorities are to be delivered should also be described, particularly where some tools may require specific EU activities, e.g. specialised focus on training. Setting out implementation tools separately from thematic priorities will avoid the repetition of issues across different themes.

In addition, whilst recognising that the term ‘vulnerable victim’ can be widely construed, the reality is that the term is generally used in a limiting way. We believe that **intersectionality affecting vulnerable victims** is an important element to reflect in priorities. Nonetheless, this vulnerability needs to be taken broadly. An EU strategy must ensure that the Commission acts to help many different groups of victims who may not be perceived as vulnerable from the outset but may have specific needs. This should be achieved by ensuring victims policy which reflects these needs, but also by ensuring that within sectoral action related to different groups, victimisation is introduced as a priority. E.g. within work on the rights of persons with disabilities, there should be a victimisation agenda.

Regarding specific priority areas to tackle in respect of gender and victimisation, there are some specific recommendations that VSE would suggest:

1. Understanding the issues surrounding **unreported crime**, and working towards increasing the reporting rates.
2. Closely related to underreporting is the **lack of respect and recognition** of victims in general and in particular of victims of gender-based violence. In this regard, it is particularly important to identify manifestations of gender stereotyping and victim blaming ‘culture’ and address it throughout society – through education for justice initiatives, awareness raising, cultural changes, gender and victimisation mainstreaming and action.
3. It is particularly important to ensure that victims of gender-based violence also receive **restoration and compensation**. Legal systems need to make sure that where there is no state compensation available, victims do not have to go personally after the perpetrator to seek compensation. Offender compensation should be ensured through criminal proceedings. Exceptionally, when this is not possible, compensation claim needs to be dealt with in the least retraumatising and revictimising manner.

With this in mind, VSE is herewith offering our contribution towards the EU’s gender equality strategy in some of the key priorities indicated in the Roadmap relative for victims’ rights in general, and in how victimisation is reflected in respect of gender equality.

8 Combatting gender-based violence and protecting and supporting victims

Recently we have witnessed the raise of #MeToo movement, which gave momentum to the combat against gender-based violence. However, much more than just a hashtag needs to be done to eradicate gender bias and gender-based violence from society and to encourage victims to speak out, seek justice and get support, respect, recognition, protection and recompense they deserve.

The starting premise for strategic action against gender-based violence should be that crime – both at the offending and at the victimisation end - affects different genders differently and that gender stereotypes play an important role in this regard. It is beyond doubt that **some types of violence disproportionately affect women and girls**, as well as transgender persons. At the same time, crime in general has **different consequences on different genders**, due to the different roles they populate in the society. Hence, as mentioned above, child caring responsibilities or specific home or work dynamics, for example, need to be factored in when dealing with women victims of any crime and when developing victim support and protection services.

8.1 ENSURING GENERALIST AND SPECIALIST SERVICES FOR VICTIMS

Support and protection of a victim of any crime is of the paramount importance for their recovery. As recognised in the EU Victims' Rights Directive, victims of crime should be protected from secondary and repeat victimisation, from intimidation and retaliation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice.

The Directive imposes an obligation on Member States for ensuring nation-wide victim support services, both generalist and specialist in nature, which are capable of fully responding to victims' needs. In our experience, both these types of services are necessary to cater to the needs of victims of gender-based violence.

Support services for victims of gender-based violence need to be available to all victims, be accessible and provide quality services to any victim who needs them, for as long as it is needed.

Member States are responsible to make sure such services **have sufficient funding and other resources** to successfully deliver services. These resources need to be ring fenced and stable, and where existing funding is insufficient, new funding streams need to be developed, introduced and implemented.

State authorities and civil society need to cooperate and deliver services in unison. While there are some needs of victims which can only be delivered by the state (e.g. justice or protection), there is a range of other needs that can be better catered to through a collaboration between different actors for the benefit of all victims. Moreover, societal sector (social services, educational institutions, healthcare providers etc.) and private sector (employers, insurance companies etc.) need to be involved in the development of a comprehensive societal response to gender-based violence.

Victim support services need to be of a satisfactorily level of quality, with the introduction of a system of **standards and accreditation** to ensure that victims are well taken care of and to reinforce the trust between the national authorities, support services and the general public.

Services need to be provided in a **range of different ways**: face-to-face, helpline (a generic 116006 helpline, as well as thematic helplines for different groups of victims,

including victims of gender-based violence), online support (through websites, different social media platforms, apps etc.), mobile outreach teams, and any other form. Moreover, different specialisations can and should be provided to all victims as well as victims of gender-based violence, including specialised services for women, men, LGBTI+, etc. These specialised services should provide a certain type of service (e.g. legal aid, psychological support, peer support etc.) to victims of a certain type of crime (victims of sexual violence, cybercrime, domestic violence etc.), or specific complex multi-agency services (e.g. MARACs).

EU should insist on a system of **referral and coordination** of services both at a national and international level. With an increase in mobility, cross-border victimisation issues are also increasing, which requires recognition at a policy level, but also at the level of provision of services to all victims, regardless of where they were victimised or what their needs might be.

8.2 SUPPORTING VICTIMS IN THEIR WORKPLACE

Victimisation has different impacts across the gender spectrum, and this reflects on the victims' needs and the needs for a response to be tailored to such differences. To ensure that work environments address victims' needs adequately, it will be important for employers to be able to identify and tackle victimisation in the workplace. Moreover, this should extend to the ability of employers to recognise victimisation outside of the workplace and to develop adequate responses to support all victims.

Providing support to victims has beneficial impact to society as a whole as it has to employers. There is ample evidence suggesting that persons receiving support following a traumatic event, such as victimisation, are able to return to work sooner, are more productive and can better cope with stress in general.

Compulsory awareness-raising initiatives, training for all staff members in basic coping skills, developing tools to increase immediate response to victimisation - such as the psychological first aid could be a good starting point. This should be complemented by more profound initiatives for managers and human resources experts and workplace-specific support initiatives. Coordination of such efforts can not only help victims of gender-based violence recover fully and completely from the traumatic experience, but can, incidentally, also contribute to achieving gender equality in the labour market.

8.3 FUNDING

Only a negligible fraction of the EU's budget is spent on victims' issues. This contrasts with the impacts of crime on victims and society.

Where there is victim funding, priorities tend to be focused in justice programmes or on specific types of crime such as child abuse or gender-based violence. Whilst important, it is essential all EU funding programmes are reviewed to see how broader victim priorities can be incorporated which will benefit all victims and society more

generally. Key opportunities exist within research and development, health and education, and national structural/socials funds.

Significant long term funding is required to develop technological solutions for victims, to improve the way support services are organised and delivered, to carry out longitudinal studies on impacts and benefits of different recovery solutions (e.g. therapies), to improve trauma resiliency in populations and to create tools to improve user experiences of justice systems, etc.

Both direct EU funding, as well as EU funding delivered through others (UN/Council of Europe/ EU collaborations, Norway Grants and other national grants), must incorporate victim priorities. As with direct EU funding, priorities must support actions for all victims as well as specific groups to achieve foundational changes for all.

Beyond priorities, EU funding should continue to improve on efficiency of administration to minimise burdens on recipients. Approaches should also minimise the cost burdens on organisations. The higher the contribution requirements on recipients the more difficult it is for civil society organisations to participate. This runs contrary to broader EU priorities to support civil society. Whilst in some funding programmes (e.g. H2020) 100% funding is provided, whereas in other programmes (notably Justice)funding is 80-90%. Equally, the level of funding to those programmes should be adapted so that any reductions in contributions does not reduce the number of projects that can be funded.

Importantly, not only should there be administrative simplification, the Commission should also improve knowledge of and access to EU funding projects on victims' issues. Ideally a web based interface which enables quick access to information on what projects were funded, their objectives and their results, as well as access to the actual outputs produced would be essential.

In addition, the Commission should develop its ability to ensure projects deliver high quality results. A move from administrative processing to examining content would be beneficial. Approaches taken in some DGs such as DG Connect could offer insights.

Finally, EU funding for international action must incorporate victims' priorities to support neighbourhood countries and beyond to establish rights, improve justice for victims and ensure support exists and is accessible. Funding should also actively promote cooperation across borders to help EU victims abroad.

8.4 EDUCATION FOR JUSTICE

Success in the victims' field requires a fundamental shift in attitudes particularly amongst law enforcement and justice officials, but also across society as a whole. This means developing training and education which develops sensitivity for victims' issues at all levels from primary school to university, vocational training and lifelong learning.

Training should improve knowledge and understanding on safety, impact of crime, needs of victims, how to address needs and the soft skills required to work with and support victims. Since every person can have a role in helping victims of crime, or those suffering a traumatic experience, society as a whole needs more training and knowledge on how to do this.

Moreover, training should not just focus on practitioners but rather on helping wider society to help victims. One example is the development of EU psychological first aid training which can be provided to members of the public which they could use to interact with anybody who has been traumatised e.g. victims, someone in a road accident, someone who is diagnosed with an illness.

8.5 DATA COLLECTION

In order to understand gender-based victimisation and tailor our response to it, a necessary precondition is to know its scope, its appearance and its consequences. At the moment, there is very little effort to collect comprehensive datasets at an EU level.

To understand the picture, **general victimisation surveys** need to be conducted in all EU Member States, not only to answer questions about gender-based violence, but also about how this type of crime compares against other forms of victimisation, as well as guiding policies, funding and establishing priorities.

Uniform data collection methodologies should be developed to help gather comparable datasets to measure both reported and unreported crimes, as well as to follow the victim through their journey from reporting to the termination of criminal proceedings and the potential release of the offender and probation services.

Data should be collected relevant to process and outcomes of the justice as well as victims' experiences through their recovery, to ensure that the victimisation is fully captured across the EU.