

POLICY BRIEF Safe Reporting

INCLUSIVE HOLISTIC CARE FOR MIGRANT VICTIMS OF SEXUAL VIOLENCE (INHeRE project 2019 – 2021)

KEY RESOURCES

2 practice-improving tools

Good Practice Tool for police hearings with migrant, applicant for international protection, refugee (MAR), trafficked, and LGBT+ victims of sexual violence and trafficking

Safe reporting framework for (undocumented) migrant victims of sexual violence

KEY FINDINGS

Legal framework for safe reporting: *establishing an effective system that formally separates reporting sexual violence from immigration law enforcement*

Key elements of procedures:

1. Awareness raising on availability and safety of services
2. Providing information about services and victims' rights
3. Managing and sharing data safely and confidentially
4. Assessing individual needs and protecting victims
5. Providing information on reporting

Key elements of victim-centred and trauma-informed approaches:

1. Information, Transparency & Reassurance
2. Safety and Trust
3. Control & Choice
4. Flexibility & Patience
5. Empathy & Dignity

Contextualization

The INHeRE project identified reporting sexual violence to law enforcement as a major difficulty for migrant victims. Obstacles include fears of deportation, detention and other immigration control mechanisms, worries regarding repercussions initiated by perpetrators, victim-blaming and stigma, uncertainties and lack of knowledge around procedures and legal consequences, and distrust in authorities and confidentiality processes. These obstacles often result in overwhelming feelings of insecurity and unsafety that hinder migrant victims of sexual violence from seeking justice, care and support.

What is safe reporting

Safe reporting refers to an environment in which migrant victims are able to report sexual violence in safe conditions, protected from harassment, intimidation, secondary victimisation and immigration law enforcement. It provides a legal guarantee that migrant victims will not be subjected to immigration law enforcement (such as deportation, detention or other punishment based on migration status) as a consequence of reporting sexual violence. Safe reporting means victims feel and are safe to access justice, support and care services free from discrimination and disadvantage, in line with the EU Victims' Rights Directive. The purpose of a safe reporting framework is to maximise the ability of victims to report crime, access justice and receive support in accordance with their needs, regardless of their residence status, whilst minimising trauma and harm. The three pillars of safe reporting are a legal framework, procedures and victim-centred and trauma-informed approaches of officials and professionals.



National Policy recommendations

1. **Establish an effective system that formally guarantees that migrant victims of sexual violence are protected from immigration law enforcement, harassment, intimidation and secondary victimisation.** *Such legislation should be accompanied by national guidance setting out clear and actionable processes for national and local authorities. The legal framework for safe reporting should be consistent and clear across the country to avoid local or regional discrepancies in rights and implementation of those rights.*
2. **Immigration law enforcement of migrant victims should be carried out in full compliance with the obligations and rights established in the EU's Victims' Rights Directive, Directive 2011/36 on combating human trafficking and protecting its victims, and the broader EU legislative framework for victims.** *Victims should not be prevented from filing a complaint, and should receive information about their rights, proceedings and protection, and have access to justice and support.*
3. **Provide initial and ongoing training to all officials and professionals who are likely to come in contact with migrant victims.** *For all law enforcement and judiciary personnel, this training should be mandatory and complemented by clear guidance integrated in their respective codes of conduct. This training should include safe reporting, identifying indicators of human trafficking, and a trauma-sensitive approach to police hearings with migrant victims and other vulnerable groups.*
4. **Provide holistic and inclusive care via the provision of sexual assault care centres.** *Governments should ensure that this care is available to all victims of sexual violence, regardless of their residence status, to ensure that all migrant victims can access justice, support and care services in a safe manner.*
5. **Put multi-agency cooperation and referral mechanisms in place to ensure victims of sexual violence, regardless their residence status, reach support services.** *These cooperations and referrals should respect and effectively implement the principles of safe procedures.*

EU Policy recommendations

The INHeRE project aligns with earlier recommendations for the European Union's legislation and policies as formulated by PICUM, the network of organisations providing assistance to and advocating for the rights of undocumented migrants in Europe¹:

1. **Support amendments to the recast EU Return Directive** (2008/115/EC) that clarify and reinforce the rights of undocumented victims of crime, **consistent with the EU Victims' Rights Directive** and other relevant EU legislation and the principle of proportionality.
2. **Produce guidance for Member States on proper implementation** with respect to the rights of undocumented victims under Article 1 of the Victims' Rights Directive, in terms of non-discriminatory access to services and fostering of safe reporting through "firewalls". This can also be a support to strategic litigation at the national level to enforce rights in practice.
3. **Ensure that any new policy initiatives** on Gender Based Violence **are explicitly inclusive of all victims** who are migrants, applicants for international protection, refugees (MAR), trafficked, and LGBT+ victims of sexual violence, regardless of residence status, and target specific barriers they face in accessing quality holistic services and support.

¹ PICUM (2021). Preventing Harm, promoting rights: Achieving safety, protection and justice for people with insecure residence status in the EU. PICUM. https://picum.org/wp-content/uploads/2021/02/Preventing-harm-promoting-rights_Exec_Summ_EN.pdf

INHeRE Project Consortium and partners

The project consortium composes of Ghent University with the International Centre for Reproductive Health (ICRH) & Centre for the Social Study of Migration and Refugees (CESSMIR) (BE); the Belgian Federal Service of Public Health (BE); Payoke (BE); Victim Support Europe (EU); NHS, The Havens (UK) and the Irish Department of Justice (IE). PICUM is a member of the steering committee of the INHeRE project.



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Find more information on INHeRE and its findings [here](#).

