



VICTIMS' RIGHTS AND DIGITALISATION

Presentation for the *ad hoc* meeting of the EU Victims' Rights Platform
March 17, 2021

The ENVR's WORK

- In November and December 2020, the ENVR organized **a seminar** for the experts of its network on **"innovative technologies and victim support"**. This seminar was built around 3 workshops:
 - Blended victim support; applying new technologies in victim support and in cooperation between authorities;
 - Supporting victims of cybercrime and cyberbullying; the victims and social media;
 - Using of technical options for participating in criminal proceeding taking different place to victim's place of stay; the role of technical solutions in protecting victims from secondary victimization.
- In 2021, the ENVR also published **a comparative study** on the same subject. This study was based on responses to an **online questionnaire** submitted to experts in its network.

BACKGROUND

The ENVR decided to explore the subject of new technologies because:




- **The 2012 Victims' Directive** mentions at the outset the role that modern technologies could play in ensuring the effectiveness of these rights ;
- **The 2020 EU strategy on Victims' rights** highlights the ambivalence of new technologies:
 - Modern technologies can be tools to help victims;
 - BUT they also can be vectors for committing new offences.
- The breakout of **COVID-19 pandemic has highlighted the even stronger relevance** of the usage of technologies in victim support

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Workshop 1 - Blended victim support; applying new technologies in victim support and in cooperation between authorities

All Member States have websites to inform and accompany victims. These can be official websites, managed by government bodies, or professional websites set up by victim support associations. They may be general sites or specialized sites for certain types of victims (victims of terrorism, of domestic violence, etc.). Some of these sites accompany the victim through all stages of the procedure, from initial information to compensation. On some sites it is possible to file a complaint or claim compensation directly online.

Some Member States also have developed original and useful digital tools. For example :

- a "red button" application to alert the police about an ongoing situation with a geolocation system 
- an application based on artificial intelligence to dialogue with the victim, help him or her understand the facts and direct him or her to the appropriate service 
- a site with an online safe to store documents useful for proving the existence of domestic violence (medical certificates, photos, etc.) 

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Workshop 2 - Supporting victims of cybercrime and cyberbullying; the victims and social media;



Few Member States have a definition of cybercrime as it often covers many offences. In a similar way, not all Member states independently criminalize cyberbullying: in most cases, cyberbullying is covered by other criminal qualifications (e.g. harassment, violence).

Participants often expose that victims of cybercrime are not distinguished from other victims and have the same rights. However, **the specificity of these victims is not ignored:**

- Member states have websites, both general and specialized, to inform victims of cyberbullying and assist them in filing a complaint.
- The main lever identified by Member States to help victims is awareness-raising campaigns and trainings, as cybercrime and cyberbullying are relatively new offences against which not everyone is equally armed.

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Workshop 3 - Using of technical options for participating in criminal proceeding taking different place to victim's place of stay; the role of technical solutions in protecting victims from secondary victimization

Many Member states have developed **digital tools to protect victims from contact with the perpetrator or to avoid the victim having to repeat the events several times** (recording of hearings, broadcasting of hearings in front of the court, etc.).

These tools are **particularly developed for** certain victims, such as **vulnerable victims, minors or cross-border victims**. For example, for minors, many Member states have developed medical centres, where minors are seen both by doctors for forensic findings, by investigators and sometimes by judges.

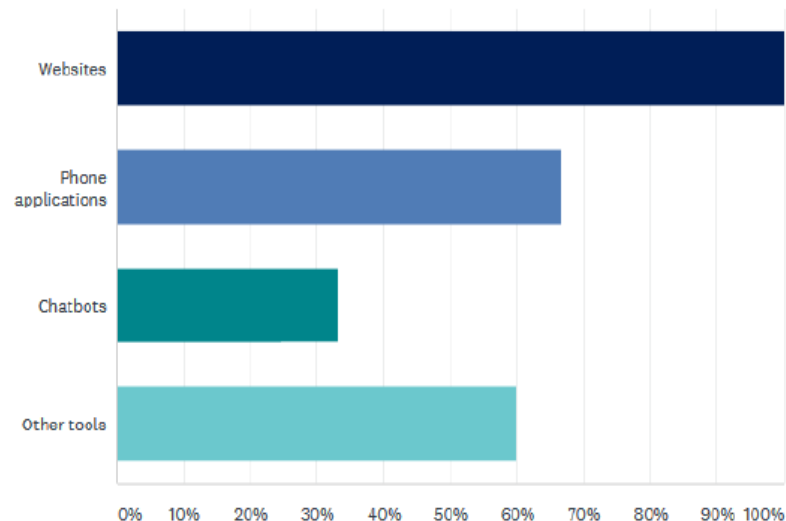
However, **sometimes national laws can be an obstacle to the use of digital tools**. For example, the adversarial/contradictory principle implies that the judges must base their decision on the direct testimony of witnesses and victims.

COMPARATIVE STUDY – INNOVATIVE TECHNOLOGIES AND VICTIM SUPPORT (1/2)

There is a **consensus** among Member States that **new technologies** are relevant :

- To **inform** victims about their rights;
- To **accompany** victims through procedures;
- To **protect** victims from secondary victimisation.

For instance, the study shows that **all respondent States** have at least **one website** dedicated to information and support for victims and that in second position come the **applications** to be installed on mobile phones.



COMPARATIVE STUDY – INNOVATIVE TECHNOLOGIES AND VICTIM SUPPORT (2/2)

BUT the comparative study also showed that, even if new technologies are used extensively to inform victims and to help them in the first steps to be taken just after having suffered a crime:

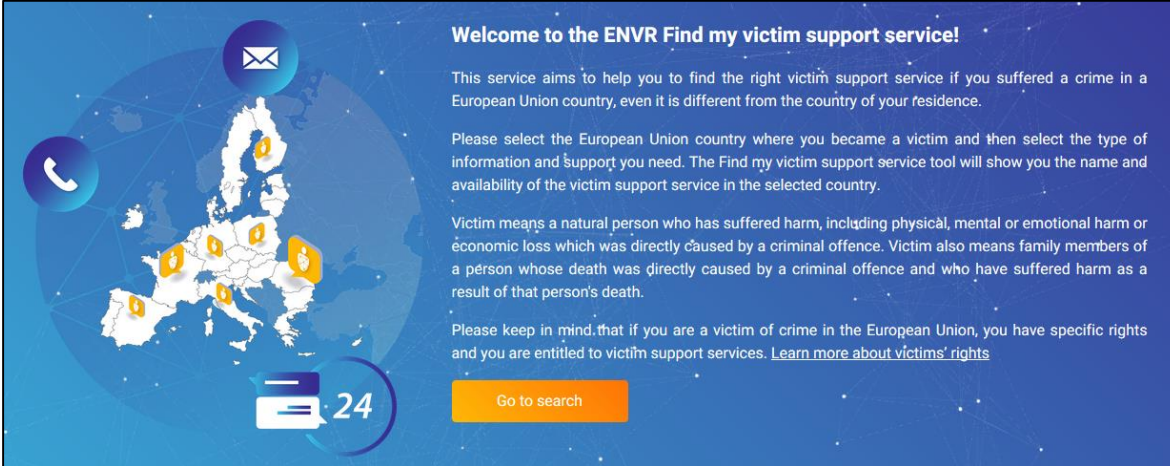
- They are used **much less to limit the risks of secondary victimisation** in the course of the procedure;
- They are also **not well developed to help victims obtain compensation**.

And the comparative study also highlights **some obstacles** to the use of modern technologies for victim support. For instance:

- This use may **run up against procedural rules and guiding principles of criminal law**, such as the adversarial principle;
- Some victims who do not have access to the Internet or victims who do not have the skills to use new technologies could remain **off the radar of the professionals** involved in victim assistance.

The ENVR's online tool for victim support

For information, the ENVR has developed an online tool for victims and professionals to enable cross-border victims to find the competent victim support service in the Member States where the incident occurred. This tool is called **"Find my victim support service"** and is available on the ENVR's website.



The screenshot shows a dark blue interface with a map of Europe on the left. The map has several yellow location pins. Above the map are icons for a telephone and an envelope. Below the map is a calendar icon with the number 24. To the right of the map, there is a white text area with a heading, two paragraphs of text, and a link. At the bottom right of the text area is an orange button.

Welcome to the ENVR Find my victim support service!

This service aims to help you to find the right victim support service if you suffered a crime in a European Union country, even if it is different from the country of your residence.

Please select the European Union country where you became a victim and then select the type of information and support you need. The Find my victim support service tool will show you the name and availability of the victim support service in the selected country.

Victim means a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence. Victim also means family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.

Please keep in mind that if you are a victim of crime in the European Union, you have specific rights and you are entitled to victim support services. [Learn more about victims' rights](#)

[Go to search](#)

THANK YOU FOR YOUR ATTENTION



- To write to us: envr@envr.eu
- To follow the ENVR's activity : LinkedIn
- To access the report of the seminar and the comparative study: www.envr.eu (under "events" and "research" after registration on the site)

