

**EUROJUST**

European Union Agency for  
Criminal Justice Cooperation

# Second Symposium on Victims' Rights, 2–3 April 2025

Identification and definition of victims  
in a cross-border context

Outcome Report

*Criminal justice across borders*





# Outcome report of the second Symposium on Victims' Rights, 2–3 April 2025

*Identification and definition of victims in a cross-border context*

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## Executive summary

With the growing role of the internet as a cyber-enabler, victims of crime are increasingly counted in the hundreds or thousands and are often located across multiple jurisdictions. Without proper identification, their rights to information, support and compensation are significantly undermined.

As a result, investigators and prosecutors often face difficulties in identifying victims and judges struggle to ensure that victims are heard in the criminal proceedings, particularly when they are located in other jurisdictions. To address the many challenges associated with the definition and identification of victims in a cross-border context, the European Union Agency for Criminal Justice Cooperation (Eurojust), under the auspices of the Polish Presidency, organised a dedicated symposium.

Over two days, 70 judicial practitioners from 28 countries and EU bodies gathered at Eurojust to exchange best practices and discuss common challenges. Focussed discussions on victims of trafficking in human beings, terrorism, migrant smuggling and online investment fraud enabled the identification of specific challenges and best practices to overcome them.

Practitioners shared experiences related to securing the identification and engagement of victims in order to build solid investigations.

It stems from the discussions that the identification and definition of victims is different depending on the type of crime they were subject to. As a result, the prosecutorial and judicial response has to adjust accordingly. For example, practitioners acknowledged that victims of cyber-enabled crimes are specifically hard to identify due to the complexity of such cases, which typically involve multiple jurisdictions and a large amount of data. In terrorism cases, the definition of victims is not always clear-cut. The procedural status of victims of trafficking in human beings can be blurred by the fact that, in some cases, victims turn out to be perpetrators. In migrant smuggling cases, the repeat victimisation of migrants is at times difficult to address by law enforcement authorities due to their reluctance to report the crime for fear of being deported.

Techniques to minimise the risk of secondary victimisation were presented by support services, alongside testimonials from victims themselves. Emphasis was placed on reducing under-reporting by proactively supporting victims and facilitating their engagement with law enforcement authorities.

Best practices to incentivise victims to report crimes, and contribute to prosecutions and investigations were presented. The [European Union Agency for Fundamental Rights](#) and the [European Institute for Gender Equality](#), and representatives of the European Commission contributed to discussions on how the identification of victims can be strengthened at the EU level, fostering victims' fundamental right to access justice. The European Institute for Gender Equality and Eurojust presented their joint report on the [European Protection Order](#), which is a judicial cooperation instrument that extends the application of national protection measures to individuals who decide to move from one EU Member State to another.

## 1. Introductory remarks

The President of the European Union Agency for Criminal Justice Cooperation (Eurojust) reminded participants that approximately 75 million people fall victim to crime every year. Eurojust supports numerous cross-border criminal investigations annually, helping to deliver justice to thousands of victims of all forms of serious crime. Proper identification of victims is key to ensuring that their rights to information, protection, support and compensation are fully respected.

In his recorded address to participants, the Polish Minister of Justice emphasised that the protection of victims' rights is a key priority for the Polish Presidency. Providing justice to victims is a precondition for building trust in society and in the rule of law.

The chair of Eurojust's working group on victims' rights reiterated Eurojust's commitment to strengthening the victims' rights dimension in both its operational and strategic work. To that effect, Eurojust set up a dedicated [working group](#) to bring together the agency's expertise in this field. Eurojust is uniquely positioned to facilitate the exchange of information on victims and help prevent and solve conflicts of jurisdiction while finding concrete solutions for victims across the EU.

## 2. Update on legislative and policy developments related to victims' rights

The legislative and policy landscape concerning victims' rights is evolving rapidly. Key stakeholders provided an update on past and forthcoming legal acts that have a direct impact on victims' rights in a judicial cooperation context.

The [European Commission Coordinator for Victims' Rights](#) emphasised that the current Directive on Victims' Rights ([Directive 2012/29/EU](#)) provides a robust definition of victims in Article 2(1)(a). It concerns natural persons who have suffered harm caused by a criminal offence, along with 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. Legal persons can also be considered victims, as provided in Article 16(1) of [Directive \(EU\) 2019/713 on combating fraud and counterfeiting of non-cash means of payment](#). Amendments to the Directive on Victims' Rights are being discussed by the European Parliament and the Council of the European Union. These include, *inter alia*, the enhanced use of videoconferencing, the recognition of Eurojust's role as a facilitator and increased protection for victims in cross-border cases. It is anticipated that the amendments will be adopted in the coming months. A new EU strategy for victims' rights is currently being drafted by the Commission. In preparation for the new strategy, the Commission is exploring, *inter alia*, the strengthening of cooperation within EU agencies, enhancing the protection of victims of core international crimes and the role of restorative justice for victims' rights.

The representative of the [European Union Anti-Trafficking Coordinator](#) explained that the revised directive on preventing and combating trafficking in human beings (THB) and protecting its victims ([Directive \(EU\) 2024/1712](#)) will enter into force on 15 July 2026. The new directive notably introduces new forms of exploitation: the exploitation of surrogacy, illegal adoption and forced marriage. In THB cases, the identification of victims is critical as their statements remain central in building strong investigations and evidence, despite the reiterated invitation by the directive to rely on other forms of evidence. Protection and assistance for victims cannot be separated. Emphasis was placed on the nexus

between victims of THB and their cooperation with law enforcement and prosecution. A reflection period is offered to give presumed victims of trafficking time to recover physically and psychologically, free from the influence of traffickers, and to make an informed decision about whether to cooperate with law enforcement authorities. It is a key safeguard in the context of temporary residence permits issued for the duration of criminal investigations. During this period, the individual cannot be removed from the country and is entitled to support services such as accommodation, legal aid and psychological counselling. A temporary residence permit may be granted only after the victim has voluntarily agreed to assist in the proceedings, for the duration of the investigation and any resulting legal processes, and even afterwards if necessary. Finally, participants were informed that the Commission will adopt a new strategy on combating THB in 2026 and begin targeted consultations in the second semester of 2025.

The representative of the Eurojust working group on judicial cooperation instruments presented the newly adopted regulation on the transfer of proceedings in criminal matters ([Regulation \(EU\) 2024/3011](#)). The regulation will enter into force in February 2027 in all EU Member States except Denmark. It was highlighted that the regulation will confer a series of new rights to victims both at the stage of the decision to request a transfer and at the stage of the decision to accept or refuse it. They include, for example, the right for the victim to propose the transfer or the right to a legal remedy in the requested state against a decision to accept the transfer. Overall, the regulation significantly strengthens the position of victims in transfers of proceedings. As such a role is not always envisaged in national law, there might be some challenges in terms of developing procedures to meet these requirements without reducing the efficiency and speed of criminal proceedings, which is also important for victims. Based on its expertise in this field <sup>(1)</sup>, Eurojust stands ready to assist national authorities in overcoming possible challenges.

[Regulation \(EU\) 2018/1805](#) was presented by the chair of Eurojust's working group on economic crimes. The regulation governs the mutual recognition of freezing and confiscation orders and provides, notably, a complete set of rules regarding victims' rights. For example, victims' rights to compensation and restitution take precedence over the executing and issuing states' interests, and compensation and returning confiscated or frozen property to victims should be prioritised over the disposal of frozen or confiscated property. However, in its implementation, practical and legal challenges were noted by Eurojust. For example, the full implementation of the regulation is impeded when there are several victims in different jurisdictions or by the fact that some jurisdictions use civil proceedings to process restitution and compensation claims. Eurojust published a [note on Regulation \(EU\) 2018/1805](#) in December 2020. In autumn 2025, Eurojust will release a report on the mutual recognition of freezing orders and confiscation orders.

Eurojust and the European Institute for Gender Equality presented their [Joint Report on the European Protection Order](#) (EPO). The EPO is an instrument of mutual recognition designed to protect individuals who already benefit from national protection measures when they decide to move to another Member State. The EPO is governed by [Directive 2011/99/EU](#). Based on a country-level online survey targeting representatives of the judiciary and victim support services, the report highlights that the EPO remains largely unknown among practitioners. However, it is an instrument that holds potential. To address the lack of awareness of judicial practitioners and support services, a [leaflet on the EPO](#) was presented to the participants. The leaflet offers essential information on what the EPO is, how it works and the various protection measures that are available.

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<sup>(1)</sup> See [Eurojust report on the transfer of proceedings in the European Union](#), January 2023.

### **3. Identification and definition of victims of specific crime types**

Participants were divided into four workshops. Each workshop focused on a specific crime type: THB, migrant smuggling, online fraud and terrorism. Discussions were prompted by discussion papers and case studies. The main highlights of the discussions are reflected below, while a more detailed account can be found in the annexes to this report, on page 10.

#### **3.1. Highlights of the workshop on victims of trafficking in human beings**

In THB cases specifically, a variety of situations can affect the definition, status and identification of victims.

In some instances, individuals do not even consider themselves to be victims of crime. This could typically be the case when the 'lover-boy' technique is used by the offender. In other cases, the victim is instrumentalised by an organised crime group (OCG) as part of their modus operandi. Such individuals are then forced directly or indirectly to partake in criminal activities. This is often the case with 'Madames', who transition from being victims to becoming recruiters or managers in OCGs. In such situations, the distinction between victim and perpetrator becomes blurred and may have an impact on the design of prosecutorial strategies.

#### **3.2. Highlights of the workshop on cases involving illegal migrants**

While migrants illegally crossing the EU borders are generally subject to either administrative or criminal sanctions, they are often subject to repeated victimisation due to their vulnerable situation. They frequently fall victim to violence and exploitation.

In such cases, their identification is made more difficult, as migrants tend to refrain from reporting to law enforcement for fear of deportation. This situation is exacerbated in some cases by the fact that reaching out to migrants is made almost impossible due to their literacy level or language barriers. As a result, the fact that illegal migrants are deported or do not come forward to law enforcement sometimes makes the gathering of evidence more complicated for investigators and prosecutors. It was noted that migrants can be subject to two procedures in one country: an administrative procedure initiated due to their illegal stay in the country and a criminal procedure if they were involved in an OCG or identified as a victim of crime. These procedures often run in parallel.

#### **3.3. Highlights of the workshop on victims of online fraud**

Online fraud cases typically concern large numbers of victims, often located in different countries, and involve a large quantity of data. The identification of victims is challenging, mainly due to under-reporting, difficulties in linking various fraudulent schemes and emerging trends, such as call centres being located outside the EU.

Often, victims are unaware they have been defrauded, or for various reasons, do not report the crime, whether out of shame or because they invested money obtained fraudulently. In other instances, they do not want to engage in what appears to be a long and tedious process with no assurance that they will get compensation, let alone restitution, of the money defrauded.

### 3.4. Highlights of the workshop on victims of terrorism

During and in the aftermath of a terrorist attack, the mere identification of victims can be challenging. In one instance, the authorities did not have the full list of victims, as some individuals left the country immediately after the attack, making it difficult to identify, locate and contact them.

While victims of terrorism are defined <sup>(2)</sup> in Article 2 of the Victims' Rights Directive, read in conjunction with the definition of terrorism in [Directive \(EU\) 2017/541 on combating terrorism](#), some cases at Eurojust indicate that, in practice, the definition of victims varies from case to case and from jurisdiction to jurisdiction. For example, differences were identified regarding direct and indirect victims; notably, the status of first responders and whether legal entities can claim to have legal standing.

## 4. Support services and fundamental rights perspectives

[Victim Support Europe](#) (VSE) presented the main challenges related to the participation of victims in criminal proceedings. Specific emphasis was placed on being attentive to victims' needs for all victims and by all stakeholders. In particular, participants were reminded that, pursuant to Article 22 of the Victims' Rights Directive, Member States shall ensure that victims receive a timely and individual assessment. This assessment aims to identify specific protection needs and determine whether and to what extent they would benefit from special measures in the course of criminal proceedings, due to their particular vulnerability to secondary and repeat victimisation, intimidation and retaliation.

The phenomenon of under-reporting by some victims was analysed. A number of factors may influence a victim's decision not to come forward to law enforcement agencies. These include, for example, the victim's age, their relationship with the offender or their residence status.

Drawing on the traumatic experiences of victims of sexual violence, it was noted that only 4 % of victims of sexual violence actually report the crime, and just 0.3 % of victims of sexual violence see the perpetrator convicted. When a crime is reported, it was highlighted that a very small proportion of complaints result in an actual conviction. This gap highlights that, beyond conviction rates, access to justice from a victim's perspective is complex. VSE stressed that the length of proceedings, the distrust in the criminal justice system and the risk of secondary victimisation are some of the obstacles that discourage some victims from coming forward. The impact of judicial proceedings on victims was illustrated with a series of victim testimonies. These testimonies may resonate with members of the judiciary, allowing victims to gain the respect that they deserve. VSE reiterated the importance of a justice system that recognises that crimes are committed against victims, who ultimately bear the heaviest burden.

VSE concluded by highlighting that criminal justice and delivering justice for victims of crime are two distinct concepts. Having victims' needs taken into consideration by all stakeholders, including judges and prosecutors, and providing support, understanding and assistance throughout the judicial process could help bridge the gap between these two concepts. VSE emphasised that the focus should be first on victims' needs, then on victims' rights: when responding to victimisation, the support should be based on rights, but driven by needs.

The [European Union Agency for Fundamental Rights](#) (FRA), presented the nexus between victims' rights and fundamental rights. It was outlined that a victim is a person who should be recognised as the person

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<sup>(2)</sup> See in particular the handbook published by the [EU Centre of Expertise for Victims of Terrorism](#).



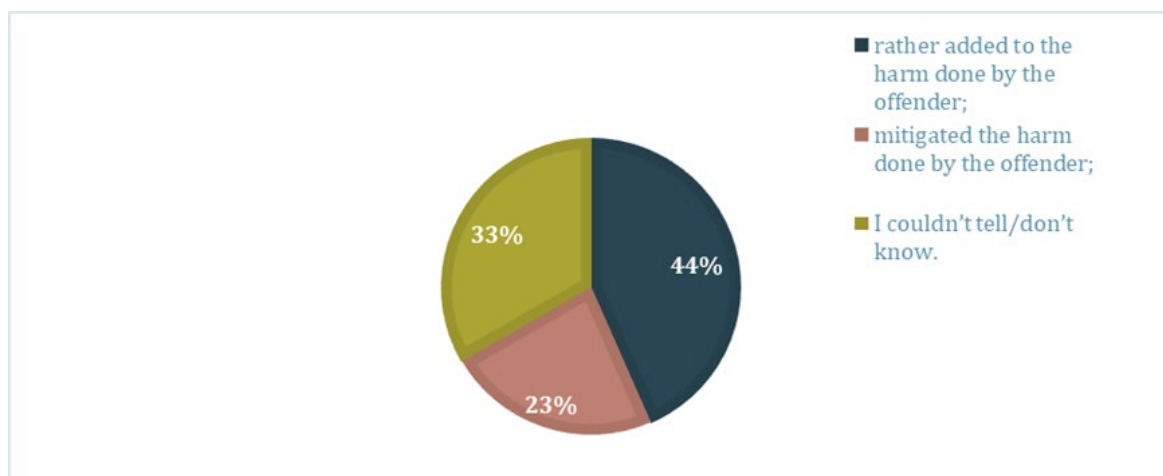
wronged by the offender, protected against secondary victimisation, granted access to justice and enabled to participate in criminal proceedings. FRA explained that the concept of victims has evolved over time: from someone reduced to a witness serving to deliver evidence in the public interest to, more recently, an individual recognised as a victim and also empowered to play a role as a party to the criminal proceedings.

The definition of individuals as being victims has an impact on the guarantees offered to them. However, equally important is the role afforded to victims by judicial professionals during proceedings.

Despite the fact that victims enjoy a series of rights at the EU level thanks to a comprehensive set of primary and secondary legislation and the accession of the EU to international conventions, victims often do not come forward. As indicated in the workshop on online fraud and by VSE, the feeling of shame or the lack of trust in the institutions are some of the many reasons why victims do not report crimes. To address the matter, FRA recommends the use of third-party reporting and proactive monitoring. To tackle the actual or effective lack of effectiveness of support services, FRA suggests enhancing coordination, putting in place accreditation systems and standardising referral mechanisms.

Informed by desk and fieldwork research <sup>(3)</sup>, FRA highlighted the impact of judicial proceedings on victims of crime and how the role of the victims in judicial proceedings is seen from both the victims' and practitioners' perspectives. For instance, victims were asked if they want to participate more in criminal proceedings. The majority replied positively while the practitioners replied negatively. Regarding the impact on the judicial proceedings on the victims, the research finds that the vast majority of the respondents negatively assess the impact. Indeed, to the statement 'Overall, what I experienced during the investigation and the court proceedings ...', respondents replied as shown in Figure 1.

**Figure 1.**



Participants suggested a number of measures to improve the identification of and support provided to victims of crime. For example, it was suggested to create a database of case law related to victims' rights and, subject to availability of resources, consider the publication of practical summaries to help practitioners navigate the national requirements related to victims' rights. This document could, for example, be similar to the European Judicial Network's *Fiches Belges*<sup>4</sup> for every country and would

<sup>(3)</sup> Four reports were published on 25 April 2019 in FRA's *Justice for Victims of Violent Crime*: part 1, 'Victims' rights as standards of criminal justice'; part 2, 'Proceedings that do justice' (procedural justice); part 3, 'Sanctions that do justice' (outcome justice); and part 4, 'Women as victims of partner violence'.

<sup>(4)</sup> The *Fiches Belges* is a tool that provides practical information on specific sets of measures that are covered by judicial cooperation in criminal matters.

explain the country-specific procedural rights of victims, and related pertinent information. One participant also raised the issue of the challenges associated with the identification of minors who fall victim to online sexual exploitation in non-EU countries, notably how to reach them and how to ensure they get compensation. More generally, one participant suggested that the presumption of victimisation should coexist with the presumption of innocence and should be treated independently from the outcome of any criminal proceedings.

## 5. Best practices

Best practices related to investment fraud and cyber-enabled crime in general were presented, highlighting specific issues.

Indeed, such cases are emblematic of criminal activities taking place across various jurisdictions and concern a large number of victims. As such, they are difficult to stop, let alone investigate and prosecute. Prevention campaigns and education of the general population or target groups can help prevent these crimes from occurring or minimise their impact. Best practices from the Netherlands, Poland and Norway were presented, illustrating the importance of setting up public/private partnerships and incentivising victims to report crimes.

In the Netherlands, a series of public information campaigns to raise awareness on fraud schemes were launched by the Dutch Banking Association. The material developed provides an overview of the types of fraud brought to the attention of various target groups last year and early this year within the campaign 'Recognise fraud. Prevent fraud'. The campaign is planned to continue in the summer of 2025. The video clips (in Dutch) can be found on this website: <https://voorkomfraude.nl/videos/>.

A similar initiative was launched by the Polish Bank Association. The campaign organised by the association aimed to raise awareness of investment fraud scams and encourage victims to report them to the authorities. It resulted in a significant number of unsafe domains and websites being reported.

In Norway, a specific effort was made to prevent cyber-enabled crimes, in light of the recent rapid development of digital platforms and discussion fora. Public information campaigns were launched to educate specific target groups, such as young people, about the fact that certain behaviours are criminal acts. Such campaigns are associated with outreach initiatives aimed at prompting discussions in families and schools. This was, for example, the case with a campaign highlighting the added-value of police being online to prevent and stop cybercrime such as sharing illegal content, grooming or sextortion. The campaign advertises that it is possible to report directly to social media and gaming platforms: <https://www.youtube.com/watch?v=75tNpSHfLeI>.

## 6. Conclusions and the road ahead

The discussions highlighted that complex cross-border investigations and prosecutions exacerbate the difficulties practitioners face in identifying victims, particularly when they are located in different jurisdictions.

The proper identification of victims can be facilitated by Eurojust. The agency can, for example, play a critical role in compiling lists of victims in different jurisdictions, detailing the amount and nature of their loss or the damage done to them, along with their location.

While checking the status of investigations in several countries, Eurojust can help identify cases where an individual initially considered a victim is later found to be a perpetrator, as was exemplified in some THB cases. This determination can influence the prosecutorial strategies, as the fact that the individual was initially recruited as a victim may allow for mitigating circumstances at trial, or even lead to prosecutions being dropped altogether.

The very definition of victims in terrorism cases is not always consistent. This is, for example, the case for first aid responders. Eurojust, through its facilitation role, can help promote a more standardised approach, hence contributing to the equal treatment of individuals in similar situations. Through operational support to national authorities and its expertise, Eurojust can also facilitate the identification of foreign victims, provide information to them and help minimise the risk of secondary victimisation.

Under-reporting of crime can be addressed by encouraging victims to come forward through dedicated portals or ensuring that expenses incurred during the trial, such as daily subsistence, accommodation and travel costs, are reimbursed to the victims. Such good practices, aimed at prompting the identification of more victims, in order to build solid investigations, can be disseminated by Eurojust.

In light of this, participants invited Eurojust to continue engaging in the protection and promotion of victims' rights, notably through the organisation of dedicated symposiums. It is suggested that Eurojust dedicates at least two other symposiums to specific aspects of victims' rights: the first on procedural rights of victims in a cross-border context, and the second on the right to compensation for victims. This would complete a trilogy whereby the main aspects of victims' rights could be mapped throughout the judicial process.

## Annexes

### Annex 1. Outcome of the workshop on victims of trafficking in human beings

**Main issues discussed.** In THB cases specifically, the procedural status of the victim varies from case to case. In some instances, victims do not even consider themselves to be victims of crime. This is, for example, the case when the lover-boy technique was used by the offender. In other cases, the victim is instrumentalised by an OCG as part of their modus operandi. Such individuals are then forced – directly or indirectly – to participate in criminal activities. This is typically the case of a ‘Madame’, who, although initially a victim, becomes a recruiter or manager within the OCG.

Ensuring that victims of THB benefit from procedural safeguards and protection measures during and after proceedings – so as to secure their cooperation and encourage them to come forward as reliable witnesses – was identified as a critical element.

The protection of victims in smaller countries may be jeopardised if it is difficult to place them in a protective environment. The situation is sometimes exacerbated in cases where the victim is a resident or national of another country, due to the lack of support mechanisms in the country where the criminal proceedings take place. In addition, some participants emphasised that gathering evidence concerning victims is sensitive, particularly in cases where victims do not want their domestic authorities to be informed of the crime committed.

**Judicial response / Eurojust’s role.** Cross-border cooperation is usually triggered by the need to avoid *ne bis in idem* situations. As a result, in most cases, cross-border cooperation, notably through Eurojust, leads to better identification of parallel investigations and, consequently, a more accurate identification and location of victims and perpetrators. This, in turn, supports the work of investigators and prosecutors in securing victims’ participations in criminal proceedings.

Organising judicial video hearings was identified as a means of securing reliable and accurate testimonies, notably by providing the victims with a respectful, dignified and victim-centred environment. It was also suggested that, when appropriate, victim/witness protection or custody measures could be implemented abroad.

Sometimes, the dual status of the individual (victim versus perpetrators) is taken into consideration during criminal proceedings. The coercion imposed on the victim is often raised in court as a mitigating circumstance (with a view to shorten the sentence) and, in some jurisdictions, may lead to a decision not to prosecute. Eurojust, by bringing together parallel investigations, is instrumental in determining the status of the suspect/victim.

Procedural safeguards and protection measures during and after the proceedings can be granted to ensure the protection and security of the victim. This is, for example, the case when a victim is offered the possibility to provide a witness or victim statement during pre-trial proceedings, before a judge, in the presence of the defence lawyer, or with any other procedural guarantees required.

Some jurisdictions offer the possibility of providing a temporary residence permit in the country where the criminal proceedings take place, after a period of reflection and recovery is granted to the victim. Finally, ensuring that victims are reimbursed trial-related expenses – such as daily subsistence, accommodation and travel costs – may encourage them to come forward.

## Annex 2. Outcome of the workshop on cases involving migrants

**Main issues discussed.** Migrants who cross EU borders illegally are subject to either administrative or criminal sanctions, including misdemeanours, in the countries represented in the workshop. Penalties vary, depending on jurisdiction and the specific circumstances, and may range from a fine or administrative sanction for an illegal border crossing to charges such as participation in an OCG or document fraud. Migrants who are victims of crime will be protected as victims. However, this does not necessarily prevent deportation. In some countries, express deportation procedures are implemented under certain conditions, leaving no time to identify potential victims.

It was generally acknowledged that migrant smuggling cases are complex to investigate and prosecute. While it is relatively easy to prosecute small facilitators, the lack of cooperation with some non-EU countries, combined with the sophisticated modus operandi and agile nature of the OCGs, makes it difficult to prosecute the leaders.

As a result, the identification of migrants who are victims of crime is made more complex, as they are often reluctant to report to law enforcement. This situation is exacerbated in some cases by significant obstacles in reaching out to migrants, such as low literacy levels or language barriers. Many migrants, especially while in transit countries, avoid contact with law enforcement, as they pursue their routes to destination countries. Consequently, the deportation of illegal migrants or their reluctance to come forward can at times complicate evidence gathering for investigators and prosecutors.

Participants also reported that minors are subject to a specific protection regime, which includes, for example, dedicated detention facilities. Participants also acknowledged that determining an individual's age might at times be problematic, despite the availability of forensic techniques.

The discussions also addressed the issue of individuals assisting migrants on humanitarian grounds. In most countries represented, such individuals are not subject to prosecution provided that their actions are genuinely humanitarian. However, in practice, the situation is sometimes unclear, notably when non-governmental organisations provide such assistance.

Some participants acknowledged that a migrant may be subject to two procedures in one country: an administrative procedure initiated due to their illegal stay in the country and a criminal procedure if they are involved in an OCG or identified as a victim of crime. These procedures are often run in parallel.

**Judicial response / Eurojust's role.** The design and implementation of victim-centred protocols to identify and protect victims of crime at the prosecutorial level was mentioned as a best practice by one participant. This could include the appointment of specialised prosecutors trained to work with vulnerable victims and respond to their specific needs. This is notably the case for minors and victims of domestic violence or sexual abuse.

Such practices can contribute, in some cases, to identifying the most relevant victims and witnesses in order to build solid investigations. In return, some migrants can be granted a residence permit, under special conditions. Other migrants may benefit from protection, subject to a vulnerability assessment.

The use of video-recorded testimonies could support evidence collection, in particular when the migrants have been deported. After deportation, migrants could also testify via videoconferences. One participant mentioned that a migrant could be interviewed by a police officer, who may then be called as a witness if the migrant is no longer available to appear before a court of law.

Judicial cooperation between countries of origin (including non-EU countries), transit countries and destination countries is key to identifying migrants who were victims of crime in the EU or during their

journey. The use of dedicated contact points could greatly facilitate such identification. Eurojust's facilitation role in this regard was highlighted. It was noted that Eurojust recorded a steady increase of migrant smuggling cases and in 2023 dealt with the highest number of migrant smuggling cases in the agency's history. The speedy and effective exchange of information, in line with what is being developed within the context of the [European Judicial Organised Crime Network](#), was also stressed.

### Annex 3. Outcome of the workshop on victims of online fraud

**Main issues discussed.** More than 80 % of all online investment fraud starts with advertisements on social media platforms. Online fraud cases typically concern large numbers of victims, often located in different countries. The amounts defrauded range from petty money to substantial amounts but overall generate huge revenues for OCGs. The identification of victims is challenging, mainly due to under-reporting. Often, victims are unaware they have been defrauded, or for various reasons choose to not report the crime, whether due to the feeling of shame or because they invested money obtained fraudulently. In other cases, they do not want to engage in what appears to be a long and tedious process, with no guarantee of compensation or restitution of their losses.

In a number of cases, the dispersion of call centres outside of the EU complicates judicial cooperation, especially when those call centres are located in non-cooperative countries. Artificial intelligence (AI) is used by OCGs to lure victims and identify those that are most prone to fall into the 'trap'.

Online fraud cases are also hard to manage from investigation, prosecution and court management perspectives, notably due to the large volume of data and victims involved. Generally, it is very difficult to link the different 'events'. Due to data protection rules, there is no central database gathering information on the various fraudulent schemes taking place in EU (such as the names of investment schemes) which would facilitate connecting similar 'events' and ultimately help identify the suspects behind the fraudulent schemes. Another challenge is preventing victims from making further payments. Sometimes victims are aware they have been defrauded, but as the perpetrators make false promises of recovering their money, victims continue to make additional payments.

These difficulties are amplified by the general lack of resources to investigate and prosecute such cases, and sometimes insufficient training focused on victim support. As a result, the financial and psychological impact on victims and their families or friends is often minimised and not recognised well enough.

**Judicial response / Eurojust's role.** Online fraud investigations and prosecutions prove successful when coordinated swiftly at all levels. In such cases, prompt action from law enforcement is often required to stop the scam. To enable this, practitioners emphasised the need to detect links between cases, for example through the facilitating role of Eurojust. Another best practice is to centralise, to the extent possible, the process of victim identification, investigation, prosecution and compensation. This enables a better management of the case from the beginning until the end, with the victims receiving restitution. In this context, it is critical to improve the exchange of data between authorities, to identify which victims were defrauded through the same fraud scheme. In this regard, the role of Eurojust in linking cases was highlighted, along with the importance of cooperating with third parties, such as private companies, to collect relevant data.

Prevention is key. Developing a strong public-private partnership with telecom companies, social media platforms and banks is essential for this type of fraud, and usually improves the prevention of crime and identification of victims. In this context, data sharing and data analysing between law enforcement and the private sector must comply with personal data protection regulations. Participants emphasised that, given the complexity of online fraud cases, the best response from law enforcement authorities is to prevent victims from being lured in the first place. To that effect, prevention and information campaigns serve to educate and raise awareness on specific fraud schemes.



Providing appropriate support to victims was also mentioned as paramount. Participants raised, for example, the importance of managing victims' expectations regarding financial recoveries. It was highlighted that some victims feel ashamed of having been lured and may be reluctant to report that they have been defrauded.

The use of AI was also identified as an asset to support law enforcement authorities in combating this type of crime more effectively. In line with the rule of law and data protection regulations, it would be of great benefit to explore how data could be collected and analysed through AI tools, including for the purpose of identifying victims.

## Annex 4. Outcome of the workshop on victims of terrorism

**Main issues discussed.** While victims are defined<sup>(5)</sup> in Article 2 of the Victims' Rights Directive, read in conjunction with the definition of terrorism in the Counterterrorism Directive, some cases at Eurojust indicate that, in practice, the existing legislation has certain limitations in complex cases involving a very high number of injured and deceased persons.

Based on two case presentations by the French and Belgian authorities, participants discussed a wide range of issues, including the legal basis laying down the definition of victims, their identification, the recognition of their status, the difference between direct and indirect victims, and how to address individuals who have been affected but are not formally recognised as victims. Discussions also focused on the cross-border dimension, when victims of terrorist attacks are of different nationalities. This concerned, for example, the rights of national victims versus those of foreign victims, and specific issues related to the support provided to foreign victims, such as information, legal aid and representation, participation in proceedings, and compensation.

Practitioners acknowledged that the recognition of an attack as a terrorist attack is sometimes neither immediate nor straightforward. This consequently affects the recognition of individuals as victims of a terrorist attack. In addition, a terrorist attack often constitutes an open crime scene, which makes investigations particularly challenging.

Practical problems arose in the identification of victims after the attack in Zaventem. The authorities did not have a complete list of victims, as some had departed after the attack, making it difficult to identify, locate and contact them.

One major challenge relates to establishment of criteria for granting victim status. Examples of such criteria include a direct link between the harm suffered and the terrorist act, geographical proximity and the exposure to danger. Regarding the latter, it excludes the 'unfortunate witness' who may have been in the vicinity of the attack but for whom the status of victim was not recognised. The status of first responders was also discussed. In this respect, discussions revealed differences between Member States. For example, in Belgium, first-line responders were eventually recognised as victims, whereas in France, they were not, as they were considered to have been carrying out their duties.

The recognition of victim status might be problematic when there are differences between Member States. These differences may generate adverse consequences for the victims, particularly regarding their rights to compensation and their standing in filing civil legal proceedings.

Contact and engagement with foreign victims raise a number of specific challenges, including the timely provision of translation and interpretation services. Practitioners emphasised the difficulty of maintaining continuous contact and keeping victims engaged when they are located in a country other

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<sup>(5)</sup> See in particular the handbook published by the [EU Centre of Expertise for Victims of Terrorism](#).

than the one in which the investigation is being conducted. Eurojust was mentioned as a useful mechanism to mitigate this challenge. Practitioners also identified as a challenge the differences stemming from differing rights between the country of nationality and the country in which the attack took place.

One participant noted that challenges related to foreign victims are sometimes amplified by privacy rules and regulations. It was noted that, in cross-border cases, such rules have the potential to limit the sharing of information on victims between judicial authorities. An example given was the impossibility of accessing a coroner's report, even through European Investigation Order, after an attack in one Member State.

**Judicial (and other forms of) response / Eurojust's role.** Coordination at the national level, along with judicial and consular cooperation, plays a key role in overcoming some of these challenges. Continuous cooperation and collaboration among all national services can be exemplified by the setting up of an incident tracking system <sup>(6)</sup> to register victims and ensure continuous updates to the list of victims, as was done after the attack in Zaventem. This also enables national authorities to provide foreign victims with general information on the national procedural system and on their rights. Other examples include the establishment of victim support units (including at the prosecution service), the determination of single points of contact and the setting up of family assistance centres. The role of embassies and consular services as key facilitators to information exchange was also stressed.

Discussions also revolved around the recognition of victim status. For example, following the Paris attack, three people died approximately eight years after the attack (due to suicide and worsening of health conditions). Those individuals were recognised as direct victims. Participants indicated that it is critical for national and foreign victims to be treated equally. Additionally, in Belgian procedural law, victims are granted the same procedural rights as perpetrators/suspects, such as access to the file, participation in the investigation, the right to speak in court, and the right to translation and interpretation.

Regardless of the victims' residence or nationality, it was emphasised that ensuring that the victims are informed in a language they understand and can speak to the prosecutor is critical. Communication to victims includes initiatives to reach out to them, such as setting up a dedicated web radio or allowing testimonies to be given in video format. Restorative justice was also mentioned as a way to address victims' remediation.

The nexus between the definition of victims and compensation was discussed. For example, it was recommended that relatives of victims of terrorism should be entitled to compensation regardless of whether the victim has died or survived. Specific attention should also be given to the harm suffered by indirect victims stemming from anxiety and uncertainty about the fate of their loved ones. The involvement of civil courts was also discussed as another avenue for compensation. In this respect, the admissibility of civil action is considered independently from the list of identified victims in the criminal proceedings. For example, France created a fund dedicated to the application for compensation before civil jurisdictions. A civil law structure, JIVAT<sup>7</sup>, has been established to deal with the compensation of victims of terrorist attacks, including in cases of disputes with the victims' guarantee fund (e.g. where compensation has been refused by the fund).

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<sup>(6)</sup> The incident tracking system set up by Belgian authorities allows for quicker recording of victims, as it registers them in a centralised system which consolidates identities and cross-matches data.

<sup>(7)</sup> JIVAT : 'Juge d'Indemnisation des Victimes d'Attentats Terroristes'



The added-value of international cooperation, including through Eurojust, was highlighted as critical. As was illustrated in the past, Eurojust can provide immediate assistance following an attack and continue to provide support throughout the entire process. Through operational support to national authorities and its expertise, Eurojust can, for example, facilitate the identification of foreign victims, provide them with information and help minimise the risk of secondary victimisation. At the trial stage, Eurojust can also support the participation of foreign victims in judicial proceedings, facilitate information exchange on compensation, and explain or bridge differences in legislation and procedural laws in national systems.



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