

MEANS OF PROTECTING VICTIMS OF CRIME AT EUROPEAN LEVEL

M. PALADE-ROPOTAN

Received 02.02.2025; accepted 26.02.2025

First online publication: 27.02.2025

DOI: <https://doi.org/10.55516/ijls.v5i1.250>

Mihaela PALADE-ROPOTAN

“Dunărea de Jos” University of Galati, Romania, Faculty of Law and Administrative Sciences,

Doctoral School of Social and Human Sciences, Romania.

E-mail: ropotan_mihaela@yahoo.com

ORCID ID: <https://orcid.org/0009-0003-1466-9688>

Abstract

In the last half-century, the crystallization of the European Union has also led to the gradual easing of border crossing conditions, so that, along with the possibility of more frequent travel for a large number of people, the phenomenon of crime has also increased, with extensions across the territory of two or even more states. Proportionally, the number of victims of these categories of crime has also increased, victims for whom it is still difficult to gain access to justice or obtain any other type of compensation as a result of the negative events they have experienced. Although considerable efforts are being made at legislative level to cover the rights that a victim should have and avail of, at operational level there are still shortcomings which reduce the chances that victims, especially vulnerable victims, will be able to benefit from specialized legal assistance, compensation for damages or a minimum level of protection.

Key words: transnational crime, vulnerable victims, European legislation, secondary victimization.

INTRODUCTION

As the phenomenon of crime has grown in scale, with its dimensions involving several European countries, the European Union has had to create a legal framework in which victims of crime can be properly supported. Specifically, judicial cooperation in criminal matters between Member States has also been stepped up, precisely so that this area can be covered, and victims are

aware of the benefits to which they are entitled, firstly, and then so that they can make proper use of them.

As there is nowadays a multitude of transnational crimes¹, victims of crime are of different categories. Whether we are talking about men, women, young people, children, the elderly, people of different nationalities, religious denominations, people with different disabilities, migrants, prisoners, etc., all need a strengthened protection system, tailored to the category to which they belong, so that the risk of secondary victimization can be avoided. Therefore, proceedings before a court or a criminal investigation body should be as non-traumatic as possible for the victim, providing a framework in which his or her rights are made known and then respected, and the degree of protection from the offender is increased, even after the criminal proceedings have been completed.

Given the technological realities we are living in, it is clear that the procedures by which victims can access justice should be facilitated and the possibility of information greatly improved, efforts which the European Union is making through its bodies. Moreover, “with regard to the Member States' domestic criminal law, it has been established at EU level that a pact is needed to find common definitions of offenses and the penalties that can be applied to them, mainly in relation to forms of financial fraud (money laundering, corruption), trafficking in human beings, drug trafficking, environmental crimes and cybercrime” (*Jacob, 2024, p. 92*). Thus, if we make a general analysis only of the above-mentioned crimes, we note “the diversification of the methods of action, organization and logistics, often perfect, of those involved in such events” (*Boroi, Rusu, Rusu, 2016, p. 7*).

Article 82(2) of the Treaty on the Functioning of the European Union regulates as a starting point rule on the procedural rights that victims can use, namely the possibility of establishing minimum rules that member countries can assimilate into their own legislation, being one of the main pillars from which other provisions on victim protection have derived. As far as Romania is concerned, it has been “considered both in terms of legislative and doctrinal concerns as being in the vanguard of those who have tackled the aspects of interstate cooperation to combat crime” (*Rusu, 2015, p. 99*).

¹ According to Article 3(2) of the United Nations Convention against Transnational Organized Crime, “a crime is transnational in nature if:

- (a) it is committed in more than one State;
- b) it is committed in one State, but a substantial part of its preparation, planning, direction or control takes place in another State;
- (c) is committed in a State, but involves an organized criminal group carrying out criminal activities in more than one State; or
- (d) is committed in one State but has substantial effects in another State”.

MEANS OF PROTECTING VICTIMS OF CRIME AT EUROPEAN LEVEL

I. GENERAL FRAMEWORK OF EU MEANS FOR VICTIMS OF A CRIME

The first act in this direction was the adoption of Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings², the first EU regulation providing for “the protection of victims' interests in criminal proceedings”³, as well as provisions on assistance to victims of crime, with the aim of reducing the impact of crime on victims (*Diaconu, 2022, pp. 106-108*).

Directive 2012/29/EU of the European Parliament and of the Council of October 25, 2012, establishing minimum standards on the rights, support and protection of victims of crime⁴, which replaced Council Framework Decision 2001/220/JHA, updates the regulatory framework with a view to solidifying victims' rights by amplifying the provisions on the procedural, assistance and protection of victims. As the reality shows that this framework needs to be constantly aligned with the needs that victims actually face, a Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA was born in 2023.

In particular, the Report from the Commission to the European Parliament and the Council on the transposition of Directive 2012/29/EU in 2020 noted that there were numerous shortcomings in the transposition of the Directive's provisions into national law by Member States, with many Member States (26 in total) not fully transposing the Directive by the deadline of November 16, 2015, but only afterwards. The shortcomings concerned not only the incorrect implementation of the terminology of the Directive, but also procedural issues, i.e. the implementation of its Art.17(3)⁵, insufficient information, as well as difficulties in collecting data or providing adequate protection to victims with special needs.

In order to improve the implementation of the Directive, the Commission of the European Union adopted on June 24, 2020, its first strategy in the area of victims' rights, covering the period 2020-2025. The strategy followed two broad strands, namely Empowering victims of crime and Cooperation to protect victims' rights, with five sub-points analyzed:

² Published in the Official Journal of the EU of March 22, 2001.

³ Point 6 of the Preamble to the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings.

⁴ Published in the Official Journal of the EU of 14 November 2012

⁵ Article 17(3) of the Directive shall read as follows "(3) Member States shall ensure that the competent authority which registered the victim's complaint shall forward it without delay to the competent authority of the Member State in which the crime was committed, if the competence to initiate proceedings has not yet been exercised by the Member State in which the complaint was registered".

- Communicating effectively with victims and creating a safe environment for victims to report crimes;
- Improving assistance and protection for the most vulnerable victims;
- Facilitating victims' access to compensation;
- Strengthening cooperation and coordination between relevant stakeholders;
- Strengthening the international dimension of victims' rights.

In the first part of the Strategy, the Commission underlines the shortcomings faced by the EU area in terms of victims' rights, acknowledging that information is a key point in enabling victims to exploit their rights, as well as the need to fully transpose the provisions of the Directive into national legislation. Thus, “it is essential to empower victims of crime so that they can report the crimes of which they have been victims, participate in criminal proceedings, claim compensation and, last but not least, recover, as far as possible, from the consequences of the crime”⁶.

Even the Commission recognizes that most people who have the status of victim are not aware of their rights and therefore unable to take advantage of them.

As a first condition for the implementation of the rules and the Directive, the Commission mentions the need for States to ensure the safety of the environment in which the victim lives and carries out his or her activities. This can be done by the police authorities, which should be very familiar with the procedures in these cases and be able to provide information and effective help.

The Commission Report on the evaluation of the Directive of June 28, 2022⁷ also identifies, in addition to some notable improvements, a lack of homogeneity in the rules of the Directive and those transposed by some Member States, which makes it difficult or even impossible to provide the necessary support to the victim.

Among the problems reported are the lack of appropriate and adapted information provided by the competent authorities investigating offences, the lack of protective measures for vulnerable victims, the lack of cooperation between State institutions to provide support covering the full range of needs of vulnerable victims (psychological support, medical support, legal support), the difficulty of participating in legal proceedings, in particular due to the differences in the way proceedings are conducted between the State where the crime takes place and the State of origin of the victim and the lack of counseling to overcome these

⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - EU Strategy on Victims' Rights (2020-2025), p.5, available at <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52020DC0258>, accessed on November 12, 2024.

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022SC0179>, accessed on November 12, 2024

MEANS OF PROTECTING VICTIMS OF CRIME AT EUROPEAN LEVEL

differences, the low possibility of obtaining compensation, and the significant shortcomings in the procedures for enforcing such decisions.

The Union's horizontal legislation on victims includes (together with the Directive on victims' rights and the rules on the European Protection Order⁸) and Council Directive 2004/80/EC of April 29, 2004, relating to compensation to crime victims⁹ which includes the procedure by which victims can obtain compensation. This legislative act calls for all EU Member States to cooperate in the same direction with a view to creating uniform procedures throughout the EU that are widely known to this category of persons and easy to apply. This directive was transposed in our country by Law No 211/2004 on some measures to ensure information, support and protection for victims of crime¹⁰, but the procedure for implementing the directive is still deficient.

This aspect can also be identified in our country, which, despite the transposition of the European legislation into national law, is still failing to make a large part of victims' rights accessible.

Specifically, following the Ministry of Justice's reply to the letter no. 64130/2024/21.10.2024, the Ministry of Justice reveals that too few victims of transnational crimes are aware that they are entitled to compensation under Law no. 211/2004 and Council Directive 2004/80/EC of 29 April 2004 on compensation to crime victims.

At the same time, in the period 01.01.2019 - 31.08.2024 NO financial assistance in the form of free legal aid is registered under Article 18 of Act No. 211/2004.

Also, in the form of financial compensation, in the period 01.01.2019 - 31.08.2024, pursuant to art.21 of Law no.211/2004 have been granted:

Pitești Court of Appeal - 6 victims were granted financial compensation totaling LEI 71795, in cases related to the crime of rape and sexual assault;

- Craiova Court of Appeal - 1 victim received financial compensation totaling 7.806 LEI, in a single case concerning the crime of assault;

- Ploiești Court of Appeal - 1 victim received financial compensation totaling 6.932 LEI, in a single case concerning the crime of murder.

- Then, in the period 01.01.2019 - 31.08.2024, the following amounts paid pursuant to Article 18 of Law no. 211/2004 are recorded:

- Bucharest Court of Appeal - 1 victim received financial compensation totaling 4.460 LEI, in a case related to human trafficking;

⁸ Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European Protection Order (Published in the Official Journal of the EU of December 21, 2011) and Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters.

⁹ Published in Official Journal of the EU of August 6, 2004

¹⁰ Published in Official Gazette No 505 of June 4, 2004, with subsequent amendments and additions.

- Alba Iulia Court of Appeal - 20 victims received financial compensation totaling 9,579 LEI, in cases concerning offenses related to trafficking in human beings.

Further, in order to grant the amount necessary for the enforcement of the court judgment awarding civil compensation to the victim of the crime, pursuant to the provisions of Article 19 of Law no. 211/2004, the following amounts were registered in the period 01.01.2019 - 31.08.2024:

- Bucharest Court of Appeal - one victim received an amount of 6690 LEI as compensation.

Then, as a form of advance from the financial compensation granted to the victim, in accordance with the provisions of Article 30 of Law no.211/2004, the following amounts were registered in the period 01.01.2019 - 31.08.2024:

- Pitești Court of Appeal - two victims received this type of compensation in the amount of 30,000 LEI, in cases concerning crimes such as rape and sexual assault;
- Bacău Court of Appeal - two victims received this type of compensation in the amount of 44,600 LEI, in cases involving the crime of murder.

Regarding the granting of financial compensation in cross-border situations in the period 01.01.2019 - 31.08.2024, the Ministry of Justice has not registered any request in this direction.

The Commission's general and specific objectives reveal the need to improve all the issues raised above, as well as a strengthening of the main legislative framework, but also of the sectoral one, in order to cover specific problems with appropriate solutions, objectives that cannot materialize without effective cooperation between Member States and the establishment of common minimum standards on the justice system. Moreover, the establishment of common minimum standards ensures mutual trust between Member States in their national rules and domestic criminal justice systems, which is the basis for the correct interpretation and application of the provisions on international judicial cooperation in criminal matters (*Lorincz, Stancu, 2022, p. 122*).

II. CATEGORIES OF PROTECTED VICTIMS

II.1. The Situation of Female Victims

In many cases, women who have been physically or sexually abused do not turn to law enforcement because of fear of the perpetrator or fear that the situation will not be dealt with by state representatives and will be treated superficially. “The protection of sexual freedom and integrity, as essential components of a harmonious social life, is, in this context, one of the aspects of respect for the fundamental right to dignity; indeed, «dignity» is enshrined in Title I of the Charter of Fundamental Rights of the European Union” (*Lorincz, 2023, p. 21*).

MEANS OF PROTECTING VICTIMS OF CRIME AT EUROPEAN LEVEL

As situations of gender-based violence have been very numerous in recent years, especially during the pandemic, with domestic violence against women amplifying to an alarming level, a Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence was born in March 2022 which, after two years of updates, gave birth to Directive (EU) 2024/1385 of the European Parliament and of the Council on combating violence against women and domestic violence¹¹.

This Directive criminalizes physical, psychological, economic and sexual violence and sexual assault, whether online or offline. The legislation touches on topics such as cyber-violence, genital mutilation, perfecting the framework in which this category of victims can seek help, with options to report their experiences, even online.

In its preamble, the directive points to another serious problem, perhaps less dealt with so far, namely the situation of children who have witnessed or have themselves been victims of domestic violence, who, in their development towards adulthood, suffer psychological or emotional trauma and are vulnerable not only to certain mental but also to physical disorders.

The directive also points to other categories of violence against women, which are particularly sensitive because of the religious connotations they have in many countries of the world, such as forced marriage or genital mutilation. The latter is defined in point 15 of the preamble to the directive as “an abusive and exploitative practice performed on the sexual organs of a woman or girl for the purpose of maintaining and asserting dominance over women and girls and exercising social control over the sexuality of women and girls”. Following the same legal reasoning, the directive emphasizes the need for this type of violence to be expressly prohibited by the criminal legislation of each country, and for reasonable limitation periods to be laid down to enable perpetrators to be held criminally liable, especially since many of these types of aggression occur when women are still minors.

Another category of aggression whose legislation is to be welcomed is cyber-violence, the scope of which is much wider, updated to the current level of technological development, bringing to the forefront situations such as those in which artificial intelligence is used to produce “deepfake” material, cyber-stalking using the victim's devices, the use of keylogging or geolocation software, but also situations involving crimes in which incitement to hatred or violence is carried out through the use of information and communication technology.

Moreover, cyber-bullying is taking on a new dimension, emphasizing the psychological consequences of bullying for victims, even going as far as suicide, and “cyber-flashing” as a form of cyber-bullying is yet another type of violence

¹¹ Published in the Official Journal of the EU of May 14, 2024

that is being legislated to protect the increasing number of victims who suffer from such online activities.

In the regulations, the directive emphasizes the need for Member States to establish sufficiently severe penalties to stop and mitigate these types of violence against women and even lists aggravating circumstances that would call for a more severe penalty, for example, cases where the violent crime was repeated, the crime was committed against a child or a child was present at an act of violence, caused the death of the victim, etc.

And perhaps the most important chapter of the Directive is the chapter on victim protection and access to justice, which recognizes the right of victims to report crimes also through online means, including the right to communicate evidence through this procedure. Particularly significant is also the Directive's finding that, "prosecution of rape should not be dependent on the victim or the victim's representative reporting the rape or on the victim or the victim's representative making a complaint. Similarly, criminal proceedings should continue even when the victim withdraws her complaint".

Equally, it calls for the obligation to provide legal assistance to victims in the event of such crimes, and this imperative has already been fulfilled by the Romanian state, by enacting Law no.272/2024 for amending and supplementing Law no. 211/2004 on some measures to ensure information, support and protection of victims of crime¹². At the same time, emphasis is placed on the individual assessment of the victim, speeding up investigation procedures and increasing the possibilities of victim support by directing victims to specialized institutions in this direction, but also on the adoption of preventive and intervention measures consisting, as provided for in Article 32 (2) of the Directive, "research and education programs aimed at raising awareness and understanding among the general public of the different manifestations and root causes of all forms of violence against women and domestic violence, the need to prevent and, where appropriate, the consequences of such violence, in particular on children".

It is clear that cooperation between the Member States is needed to reduce violence against women, i.e. to have a uniform practice in the process of penalizing violence and protecting victims.

Other forms of protection for victims include emergency injunctions, restraining and protection orders, and there is the possibility of transnational recognition of this type of protection under Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European Protection Order¹³.

¹² Published in Official Monitor 1103 of November 5th, 2024.

¹³ Published in the Official Journal of the EU of December 21, 2011.

MEANS OF PROTECTING VICTIMS OF CRIME AT EUROPEAN LEVEL

Specifically, whenever a person's life, physical or psychological integrity, dignity, personal liberty or sexual integrity is "endangered by a criminal act"¹⁴, measures could be taken by the issuing state against the offender to protect the victim, which may be maintained by the executing state. The order must take the form set out in Annex I to the Directive and must be transmitted between the competent authorities of the issuing and executing States.

Here again, at national level, Romania has adopted Law 26/2024 on the protection order¹⁵, a legislative act which has been updated in this legal area and which increases the authorities' concern in relation to violent events in which women are victims. The updating of the legislation is welcome in the context of the fact that the definition of protection order given by the Directive "implies the need for a prior protection measure issued on the basis of the domestic law of the issuing State and, always, only at the request of the protected person" (Vâlcu, 2023, p. 95).

However, the European Court of Human Rights has recorded enough cases in which Member States' legislation failed to protect the victim - *Case Y and Others v. Bulgaria* (Application no. 9077/18) - in which the Court found in its judgment of March 22, 2022 the failure of the Bulgarian State to protect a woman killed by her husband, although she had previously made several complaints concerning domestic violence¹⁶; *Case Landi v. Italy* (Application no. 10929/19) - in which the Court found in its judgment of April 7, 2022 that the State had failed to take preventive measures in relation to acts of domestic violence which led to the attempted murder of the applicant by her cohabitant and the death of their children¹⁷; *Case C v. Romania* (Application no. 47358 /20) - in which the Court found in its judgment of August 30, 2022 the failure of the authorities to protect the applicant's personal integrity in relation to a crime of sexual harassment in the workplace¹⁸; *Case Vieru v. Republic of Moldova* (Application no. 17106/18) - in which the Court found in its judgment of November 19, 2024 the failure of the authorities to protect the applicant's sister from the domestic violence systematically perpetrated by her ex-husband, which led to her death¹⁹.

¹⁴ Article 2(2) of Directive 2011/99/EU of the European Parliament and of the Council of December 13, 2011 on the European Protection Order.

¹⁵ Published in Official Gazette 172 of March 3th., 2024.

¹⁶ The ECtHR Judgment of March 22, 2022, document available online at <https://hudoc.echr.coe.int/?i=001-216360>, accessed on October 27, 2024.

¹⁷ The ECtHR Judgment of April 7, 2022, document available online at <https://hudoc.echr.coe.int/?i=001-216854>, accessed on October 27, 2024.

¹⁸ The ECtHR Judgment of August 30, 2022, document available online at <https://hudoc.echr.coe.int/?i=001-218933>, accessed on October 27, 2024.

¹⁹ The ECtHR Judgment of November 19, 2024, document available online at <https://hudoc.echr.coe.int/?i=001-238017>, accessed on January 2, 2025.

II.2. The Situation of Child Victims

The situation for child victims is also bleak, with a huge number of abused children in the EU. In this situation, in addition to state bodies, to which these categories of victims are unlikely to turn without the support of a guardian in the event of a crime, teachers or persons supervising them should also have a minimum amount of training or information in this area, in order to identify and offer real advice and support to children who are abused or mistreated.

Thus, Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse, sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA was adopted²⁰. In this direction, due to the many cases recorded at European level in which child victims are children, a wide-ranging reform has been envisaged, already under consideration since 2020 in the EU Strategy to combat child sexual abuse more effectively by the European Commission and in the EU Strategy on the Rights of the Child (2021-2024), with a proposal for a new regulation on combating child sexual abuse being drafted, the sexual exploitation of children, but which finally materialized in early 2024 with the Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA. The proposal is in the process of adoption, having received a favorable opinion of the European Economic and Social Committee on 23.10.2024²¹.

The Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU²² establishing minimum standards on the rights, support and protection of victims of crime also talks about the need to establish a strategy on children based on the Barnahus system. This is an Icelandic model of inter-institutional cooperation in which children benefit from the services of the authorities in the legal field, the support and supervision of child protection services and in the medical and mental health field, cooperating and jointly assessing the child's situation, and only then taking decisions on the next steps to be taken.

These new regulations take very much into account the fact that more and more children are online, prone to crimes in cyberspace, and the institutions responsible for their protection and supervision should take more drastic measures to prevent crimes against children. Terms such as “virtual child pornography”²³,

²⁰ Published in the Official Journal of the EU of December 2011, 2024..

²¹ https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=OJ:C_202401592, accessed on October 25, 2024.

²² <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52023PC0424>, accessed on October 25, 2024.

²³ According to Art.4 point 4.4 of the Opinion of the European Economic and Social Committee regarding the Proposal for a directive of the European Parliament and the Council on combating

MEANS OF PROTECTING VICTIMS OF CRIME AT EUROPEAN LEVEL

“pseudo-photographs”, “processed facial images”, etc. are increasingly being used, as well as concerns about the vulnerability of children with various disabilities, who may fall victim to crime more easily because of their reduced understanding of the reality they experience.

Countries such as Belgium, Spain, Sweden, Bulgaria and Denmark, as well as Romania, have revised a number of offenses in the criminal rules on child sexual abuse and sexual assault, toughening penalties, updating the provisions to the technological reality in which we live and redefining certain parameters in which such actions would take place. Criminal procedures have also been revised with the aim of minimizing the trauma to children and helping them get over the negative event.

At the same time, the form in which victims' rights are communicated is extremely relevant, with the need to adapt the language according to the age group being spoken to, but above all to communicate in a language that the victim knows, if we are talking about victims of other nationalities or those with disabilities.

II.3. Situation of victims of human trafficking

2011/36/EU of the European Parliament and of the Council of April 5, 2011 on preventing and combating trafficking in human beings and protecting victims²⁴, of such trafficking and replacing Council Framework Decision 2002/629/JHA is also part of the comprehensive, updated set of Union measures. Since trafficking in human beings is one of the most common crimes with transnational ramifications, with the number of victims exceeding 7000/year, according to the European Commission Reports, on December 19, 2022, the European Commission has made a proposal to revise Directive 2011/36/EU²⁵.

As the forms of exploitation of victims have evolved, with new technologies being tools for recruiting victims, it is necessary that the framework for combating it should also follow the same direction. It should be noted that the largest number of victims of sexual exploitation are women and young girls, with men being the most oppressed when we talk about labor exploitation²⁶, and in recent years, children as well. The Commission's proposals are aimed at tightening up the pre-existing legal framework and harmonizing the domestic legislation of all Member States in order to reduce the number of trafficked persons. The need to revise the legal framework also arose from the Commission's

sexual abuse of children, sexual exploitation of children and materials containing sexual abuse of children, "Virtual child pornography refers to computer generated images (CGI), drawings, paintings and cartoons that present a sexual representation of children".

²⁴ Published in the Official Journal of the EU of April 15, 2011.

²⁵ <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52022PC0732>, accessed on October 28, 2024.

²⁶ According to Eurostat data, which can be queried on the website <https://ec.europa.eu/eurostat/web/main/data/database?etrans=ro>

findings in the EU strategy to combat trafficking in human beings 2021-2025, which called for a multi-pronged approach, with an emphasis on procedures to prevent the commission of this category of crime, protect victims and hold offenders criminally liable.

On January 24, 2024, the European Parliament and the Council ordered the amendment of Directive 2011/36/EU by Directive (EU) 2024/1712 of the European Parliament and of the Council, published on June 24, 2024, in the Official Journal of the European Union.

The new Directive updates the way this form of organized crime is regulated, bringing to the forefront, as the other new regulations on victims, the increasing use of information and communication technologies by criminals in the process of recruiting victims, which requires updating the legislative framework of each country in this direction, but also amplifying it by adding aggravating circumstances and higher penalties to crimes already legislated.

The preamble to the amending directive refers to “the establishment of formal referral mechanisms and the designation of a national focal point for cross-border victim referrals are essential measures to strengthen cross-border cooperation”²⁷, which should be clear, easy to put into practice and quickly achievable in terms of early detection of this category of crime. Most importantly, these mechanisms need to have the victim at their center and need to be organized in the form of a set of procedures²⁸ or cooperation agreements established between the States involved in order to provide cross-border support to the victim, with, where appropriate, recommendations for specialized support and counselling centers.

At the same time, the amendments also concern the non-prosecution and non-application of penalties to victims who have committed certain acts while being subjected to trafficking, which can be subject to criminal, administrative or financial liability, with the aim of encouraging victims to report this type of crime and increasing confidence in public authorities.

As this is still a widespread phenomenon, it is recommended that Member States monitor and accurately count the development of trafficking in human beings, both by collecting statistical data, training government officials and implementing action plans by July 15, 2028, to combat trafficking in human beings.

²⁷ Point 15 of the Preamble to the Directive.

²⁸ The Procedure for identifying victims of human trafficking plays an informative role in the development of these activities,

<https://anitp.mai.gov.ro/ro/docs/Proiecte/ISF01/Brosura%20PIVTP.pdf>, accessed on October 28, 2024.

MEANS OF PROTECTING VICTIMS OF CRIME AT EUROPEAN LEVEL

CONCLUSION

Through the European Judicial Training Network and the European Union Agency for Law Enforcement Training, the Commission aims to be able to train judicial staff in contact with victims by improving the information spectrum.

In concrete terms, information is one of the key areas where Union legislation on victims of crime is trying to improve, not only through a thorough public consultation process, but also through direct consultation of those affected by crime. There is even a platform at the moment, implemented by the European Commission²⁹ which can be consulted in order to make victims and others aware of their rights and needs, and which has directly helped in the revision of Directive 2012/29/EU, by victims explaining the difficulties they face in the legal reality of the countries from which they come. At the same time, the constant updating of European rules to the changes that are currently taking place in society is also welcome. The information environment is developing at a level that no one could have anticipated, and criminals have understood the mechanisms in this virtual space that would help them to recruit victims and enhance the effects of the crimes they commit. They are also aware that the authorities have shortcomings in terms of cooperation with authorities in other countries in order to catch them, so the whole of the EU must participate in improving the means by which people who commit these types of crime are detected and punished.

BIBLIOGRAFIE

1. Boroi, Alexandru, Rusu Ion, Rusu Minodora-Ioana, *Tratat de Cooperare judiciară internațională în materie penală/ Treaty on International Judicial Cooperation in Criminal Matters*, Ed. C.H. Beck, Bucharest, 2016.
2. Diaconu, Nicoleta, *Legal Protection of Victims of Crime in the European Union*, SARA Law Research Center International Journal of Legal and Social Order, No. 1 (2022), pp. 106-108; doi: <https://doi.org/10.55516/ijlso.v1i1>.
3. Iacob, Oana-Elena, *România și implicațiile normelor de Drept penal European/ Romania and the implications of European Criminal Law norms*, in *Evoluții și Perspective în Dreptul Contemporan/ Developments and Perspectives in Contemporary Law*, Adriana Iuliana Stancu & Anca-Lelia Lorincz (co-eds), Ed. Pro Universitaria, Bucharest, 2024, p. 92, DOI: <https://doi.org/10.52744/978-606-26-1958-9>.
4. Lorincz, Anca-Lelia, *The Criminal Policy of the Romanian State regarding the guarantee of sexual freedom and integrity*, New Perspectives on Multiculturality: Literature and Dialogue. Social Sciences, Iulian Boldea, Cornel Sigmirean, Dumitru-Mircea Buda (coord.), Ed. Arhipelag XXI Press, Tîrgu-Mureș, 2023.

²⁹ Victims' rights in the EU, a platform that can be accessed at https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/victims-rights-eu_en?etransnolive=1&prefLang=fr

5. Lorincz, Anca-Lelia & Stancu, Adriana Iuliana, *Qualification of the request to take over criminal procedure in the context of international judicial cooperation*, Proceedings of 9th SWS International Scientific Conference on Social Sciences - ISCSS 2022 9, no. 1 (2022): 115-122; DOI: <http://dx.doi.org/10.35603/sws.iscss.2022/s02.015>.
https://ssalibrary.at/sgem_jresearch_publication_view.php?page=view&editid1=4887.
6. Rusu, Minodora-Ioana, *Asistență judiciară în materie penală la nivel European/ Legal assistance in criminal matters at European level*, Ed. Universul Juridic, Bucharest, 2015.
7. Vâlcu, Elise, Nicoleta, *Dreptul Uniunii Europene. Instrumente legislative unionale și de transpunere privind cooperarea judiciară unională în materie penală. Comentarii/ European Union law. Union legislative and transposition instruments on Union judicial cooperation in criminal matters. Comments*, Ed. C.H. Beck, Bucharest, 2023.
8. United Nations Convention against Transnational; Organized Crime, adopted by the General Assembly of the United Nations on 15 November 2000.<https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf> (accessed on October 20, 2024).
9. Directive (UE) 2024/1712 of the European Parliament and of the Council of June 13, 2024, amending Directive 2011/36/UE on preventing and combating trafficking in human beings and protecting victims of such trafficking. https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=OJ:L_202401712 (accessed on October 23, 2024).
10. Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA. <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52023PC0424> (accessed on October 23, 2024).
11. Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA. <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52023PC0424> (accessed on October 23, 2024).
12. Opinion of the European Economic and Social Committee on “Revision of the Victims' Rights Directive”. https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=OJ:C_202401592 (accessed on October 25, 2024).
13. Proposal from the Commission amending Directive (UE) 2011/36/UE <https://eur-lex.europa.eu/legal->

MEANS OF PROTECTING VICTIMS OF CRIME AT EUROPEAN LEVEL

content/RO/TXT/PDF/?uri=CELEX:52022PC0732, (accessed on October 28, 2024).

14. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - EU Strategy on Victims' Rights (2020-2025). <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:52020DC0258> (accessed on October 25, 2024).

15. Commission Report on the Evaluation of the Directive 2012/29/UE of June 28, 2022. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022C0179>, (accessed on November 12, 2024).



This work is licensed under the Creative Commons Attribution-NonCommercial 4.0 International License.