



Support VoC

Adaptation requirements in Bulgaria to implement the Generic Plan/SOPs

Axis 1. Assessing Victims' needs

The objective of this axis is to receive and orientate the victim about their rights as a victim of crime, the actions that can be undertaken, the problems that could be faced during the criminal process, and their possible consequences. This orientation may be done face-to-face or through a phone service.

In addition, to minimise primary victimisation and contribute to the restoration of the victim's welfare, an individual assessment of the victim's needs should be elaborated as soon as possible after the crime as well as an individual assistance plan. A standardised risk test must also be made to avoid secondary victimisation and reprisals by perpetrators.

- Provision of information

The main barrier is that information about victims' rights is provided in writing, in a very formalistic way (standardised protocols - police), which does not guarantee that victims actually understand it.

The same applies to the information about victims' rights on the website of the National Council for Support and Financial Compensation for Crime Victims.

To ensure that victims understand their rights and legal procedures, professionals who are in direct contact with victims such as social workers, medical experts, etc. should be trained to provide basic information to victims.

As regards provision of information by phone, operators in the existing national helplines¹ should be regularly trained to be able to provide basic information about victims' rights.

More importantly, the National Council for Support and Financial Compensation of Crime Victims must ensure the operation of a free national helpline (116 006) informing about victims' rights. This is envisaged in the law (Article 7, para 3 of the Support and Financial Compensation for Crime Victims Act) but is not a fact.

Ideally crime victims' desks should be established and officers there should be trained to provide this information to victims in an appropriate manner, depending on different vulnerability factors such as age, gender, nature of the crime etc.

- Individual assessment of the victim's needs; individual assistance plan

Currently individual assessment of victims' needs and individual assistance plan are properly conducted only if victims attend specialised services such as crisis centres and day counselling centres for victims of human trafficking or domestic violence, for example.

This gap cannot be addressed in a consistent manner without a crime victims' desk. The new Social Services Act introduces individual needs assessment; however, it is aimed at establishing the psychological and social condition of the person and directing the social work (the individual support plan). The individual needs assessment is conducted by a multidisciplinary team of officers in charge of the social services provision. It is not targeted at victims of crime, though, and risk assessment and identification of protection measures are logically not part of the procedure. Thus, the legislation needs to be amended to make individual victims' needs assessment mandatory and introduce clear rules for establishing specific protection needs as soon as possible after the victim has been identified.

- Risk test; identification of protection measures

The available protection measures (Criminal Procedure Code, Protection of Persons Involved in Criminal Proceedings Act) are not linked to a risk test. Thus, one way to address this gap is to introduce a mandatory risk test to be conducted by the police when victims are identified.

One problem is that Articles 23 and 24 of the Victims' Rights Directive concerning witnesses with specific protection needs have not been fully transposed into the Bulgarian legislation. Assessment is done by an expert witness in the course of criminal proceedings, which is late as the assessment has

¹ In particular the National Helpline for Survivors of Violence (0800 18676) operated by Animus with the financial support of the Ministry of Justice, the National Helpline for Free Legal Consultations operated by lawyers with the National Bureau for Legal Aid (0700 18 250), and the national helpline 0800 20 100 for victims of trafficking operated by A21, an NGO.

to be done as soon as possible after the crime. In addition, children are not automatically considered victims with special protection needs as required by the Directive.

The legislation should therefore be amended to adequately transpose the respective provisions of the Victims' Rights Directive. This will not however offer a solution to the fragmented framework as the risk test is part of the personal interview/individual needs' assessment to establish not only the need of protection measures but other vulnerabilities and needs of the victims. Thus, a more consistent way to address this gap would be to establish crime victims' desks and offer a holistic service for victims of crime.

Axis 2. Ensuring comprehensive assistance

The objective of this axis is to ensure that victims receive proper legal advice, psychological assistance, referral to specialised services if required, socio-economic advice and referral to social services if necessary. Part of this comprehensive assistance is monitoring victims throughout the criminal process and for an adequate period after its conclusion.

A major obstacle is the fragmentation of the different services (legal aid, psychological counselling and assistance, and socio-economic advice), both in terms of their provision and financing.

The new Social Services Act provides for the possibility of integrated services. These, however, may be social and healthcare services. Legal aid does not fall under any of these tags.

The Crime Victims Act, on the other hand, provides for medical aid in case of emergencies; psychological counselling and support; free legal aid under the terms and procedure of the Legal Aid Act; and provision of information about victims' rights and risks of secondary and repeat victimisation. It should be possible, therefore, to ensure multidisciplinary support under this Act. To that end the Crime Victims Act and its implementing rules should be amended to optimise the selection of victim support organisations (currently under the Public Procurement Act). Furthermore, provision of information and legal aid should be prescribed as a mandatory part of the services these organisations provide (currently only psychological counselling and assistance). Legal aid lawyers registered in the National Register of Legal Aid may be 'attached' to these organisations. They should undergo specific training about working with victims of crime in general and victims of specific crimes (e.g. sexual violence, trafficking, etc.) in particular. The economic means test for victims of crime (or at least of certain types of crime such as sexual violence, rape, gender-based violence etc.) must be repealed. In addition, the network of such organisations must be expanded in all 28 regional centres in the country (currently such organisations operate in the six appellate court areas in the country).

A good practice that illustrates the generic services model is the Prevention of Violence and Crime Centre in Bourgas. It is a state delegated activity and is the result of the joint efforts of the Bourgas Municipality, Ministry of Interior, and Demetra (NGO service provider). A multidisciplinary team – a municipal officer, social worker, police inspector, lawyer, and psychologist provide holistic support and assistance to victims. There is a reception office and a space for confidential meetings and communication.

Axis 3. Building network and cooperation

Currently there is centralised information in the Social Assistance Agency about the licensed service providers that operate with state funding.

The new Social Services Act envisages a mapping of the needs of new services in the country. This should be done within 12 months as of the adoption of the law, i.e. by March 2020. Thus, a snapshot of the existing services will be available. On the basis of this mapping, new services will be established. That is to say that the Agency for Quality Control of the Social Services (a new body to be set up) will have centralised information about the operating social services. However, this is only in relation to the social services.

Else, the experience shows that where there are professionally working service providers, cooperation and network between stakeholders are gradually built.

Good practices concerning cooperation and concerted coordination are the National Referral Mechanism (NRM) for trafficked persons and the Coordination Mechanism for Work on Cases of Child Victims of Violence. The former has the status of a bylaw (adopted with a decree of the Council of Ministers), while the latter is regulated in the Social Services Act.

The coordination mechanism for child victims of violence or exploitation (or at risk of violence or exploitation) envisages that a multi-disciplinary team is set up with the Social Assistance Directorate. It comprises at the least a representative of the police, prosecutor's office, and municipality. Depending on the specific case, representatives of other institutions may be invited: the regional health insurance fund, the child's GP, representative of the regional education directorate and the school/kindergarten where the child studies, representative of a social services provider etc. The social worker leads the team.

A similar coordination mechanism has been elaborated for work on cases of domestic violence but has not been adopted yet. There are indications, however, that the Ministry of Justice has relaunched the consultation procedure for its adoption. As regards domestic violence in particular, in addition to (the lacking) coordination mechanism, a national body in charge of the organization, provision and supervision of support services for victims of domestic violence is strongly needed.

As regards a centralised online service for information on changes regarding the situation of offenders, the Ministry of Interior is building such a service (under a predefined NFM project).

Axis 4. Providing training and communication

A major challenge is the fragmentation of trainings that are provided for the different categories of professionals (social workers and psychologists, law enforcement authorities and judicial actors). Very often trainings are provided in the framework of various projects but not in a consistent and organized manner.

Another problem is that trainings are not mandatory (as in some countries where you have mandatory trainings for judges, prosecutors, police officers, social workers etc.).

As regards service providers, the new Social Services Act provides for mandatory training, to be supervised by the Agency for Quality Control of the Social Services.

Trainings for magistrates (prosecutors and judges) are not mandatory. Magistrates attend trainings provided by the National Institute of Justice out of their free choice. Same applies for lawyers who

choose whether to attend trainings organised by the Lawyers' Training Centre and which ones to attend. Trainings for both groups are free of charge.

Trainings for magistrates and free legal aid lawyers should be made mandatory by means of legislative amendments. This could be envisaged as a condition for career development for magistrates and condition for acting as free legal aid lawyer for these lawyers.

Likewise, the law may require law enforcement officers to undergo specialised trainings organised by the Ministry of Interior Institute.

If a national body on domestic violence is established, it could provide for mandatory trainings for different groups of professionals, following the model of the trainings that are provided by the National Commission for Combatting Trafficking in Human Beings as envisaged in its annual programme.

As far as information about the rights of victims of crime is concerned, this may be achieved through optimising the website and services provided by the National Council for Support and Financial Compensation of Crime Victims, and the work of the victim support organisations respectively.