



Support VoC

Development of Generic Victim Support Services in Bulgaria in Implementation of Article 8 of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime

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This report has been elaborated by Diliانا Markova, lawyer, expert 'International Programs and Advocacy' at Animus Association Foundation, Sofia.

Animus Association Foundation is a Bulgarian NGO working for 25 years now to support victims of domestic violence and trafficking in human beings as well as children and families at risk. Animus provides direct support to victims of human trafficking: a helpline for survivors of violence, a crisis centre, psychotherapeutic and social support, access to legal aid and empowerment.

Animus Association Foundation is a founding member of La Strada International, a European NGO network working in the field of prevention against trafficking in human beings and support of trafficked persons.

In addition, it operates the National Helpline for Children 116111, a Community Support Centre for children and their parents and a Mother and Baby Unit for victims of domestic violence and trafficking in human beings with children under 3.

Introduction

Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (“The Directive”; “Victims’ Rights Directive”) was adopted on 25 October 2012 and entered into force on 15 November 2012. It requires Member States to ensure by 15 November 2016 access for victims and their family members to general victim support and specialist support, in accordance with their needs (Article 8). However, several Member States, among which Bulgaria, have not yet established generic victim support services in the country.

The SupportVoC project seeks to contribute to the promotion and protection of rights of victims of crime, with a particular focus on Spain, Greece, Italy, Bulgaria and Cyprus. Particularly, the project’s aim is to elaborate minimum standards for the creation of Victims Support Services (VSS) in the last four countries, according to art. 8 of the Directive 2012/29/EU.

In order to achieve this objective, the partnership has, firstly, carried out an analysis of the European and national legal frameworks regarding the rights and protection of victims of crime, as well as an ethnographic analysis on the perspectives of policy makers and professionals who work with victims. Additionally, the strengths and weaknesses of the design and implementation process of Victims Support Services (VSS) in Spain have been identified. The analysis of the implementation in Spain provides a critical view that serves as a point of reference for the other countries.

Based on the results of the analytical phase and a study visit in Spain including exchange of views and practices by practitioners working directly with victims of crime, a Generic Plan for the organisation and implementation of VSS has been elaborated.

On the basis of this Generic Plan, and against the findings of the Analysis of the Bulgarian Legal Framework on the Rights and Protection of Victims of Crime and the discussions of the focus group carried out with Bulgarian professionals and representatives of competent institutions, the current framework document has been elaborated. It proposes specific steps for the development of generic victim support services in Bulgaria in implementation of Article 8 of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

Development of Generic Victim Support Services in Bulgaria

The objective is for VSS to meet, at least, the minimum services outlined in art. 9 of the Directive 2012/29/EU:

- (a) Information, advice and support relevant to the rights of victims including on accessing national compensation schemes for criminal injuries, and on their role in criminal proceedings including preparation for attendance at the trial.
- (b) Information about or direct referral to any relevant specialist support services in place.
- (c) Emotional and psychological support.
- (d) Advice relating to financial and practical issues arising from the crime.
- (e) Advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation (unless otherwise provided by other public or private services).

In order to contribute to the organisation and implementation of Victim Assistance Offices (VAOs), **four strategic axes** have been established to ensure the compliance of the ten basic principles for the provision of Victim Support Services (VSS) (cf. Annex 1):

- 1. Assessing Victims' needs;**
- 2. Ensuring comprehensive assistance;**
- 3. Building network and cooperation;**
- 4. Providing training and communication.**

The first two axes comprise, amongst other, the minimum services established by art. 9 of the Directive 2012/29/EU. Axes 3 and 4 should be conceived as key requirements in order to ensure efficient, close and respectful assistance.

Starting point

The diagnosis carried out in Bulgaria shows that despite a series of legislative amendments aimed at the transposition of the Directive 2012/29/EU, there is still a lack of public support in providing basic assistance to victims of crime. Furthermore, the existing services for victims, mostly offered by private organisations, are addressed to victims of specific types of crimes (especially children

and women who have suffered gender-based and/or sexual violence, and human trafficking). The legal framework remains largely fragmented, thus guaranteeing rights and support for victims of crime mostly on paper.

The main bottlenecks/deficiencies that need to be addressed concern the following aspects:

- Formalistic approach to the provision of information to victims of crime about their rights and available services;
- Unclear procedure for the assessment of victims' needs at a late stage (pre-trial and trial phase of criminal proceedings);
- No mandatory risk test for victims of crime;
- No automatic access to legal aid for victims of crime, or at least for certain groups of victims;
- No mandatory training of different types of professionals working with victims of crime (police officers, prosecutors and judges, lawyers, social workers).

These bottlenecks that have been identified need to be addressed in a way that overcomes the basic obstacle to the provision of generic victim services, namely the fragmentation of the core set of services set forth for in Art. 8 of the Victims' Rights Directive among five different legal acts:

- Provision of information by the police, and general duty to monitor compliance with this obligation by the prosecutor - Article 6 of the Support and Financial Compensation for Crime Victims Act ("the Compensation Act");
- Needs assessment in view of applying specific protection measures - the Criminal Procedure Code (CPC) and the Protection of People Involved in Criminal Proceedings Act;
- Psycho-social support – Social Services Act and the Compensation Act;
- Legal aid – Legal Aid Act.

Establishing Victim Assistance Offices

Legal framework

The Support and Financial Compensation for Crime Victims Act ("the Compensation Act") is the appropriate legal framework for regulating the provision of generic victim support services.

Firstly, it provides for support to “victims who have sustained material and non-material damage as a result of publicly actionable criminal offences” (Art. 3(1) Compensation Act). Thus, its personal scope coincides with that of the Victims’ Rights Directive.¹

Secondly, it expressly stipulates a duty for the police, investigators and support organisation to provide information to victims of crime about their rights, including the right to compensation, access to support services such as medical aid, psychological counselling, and legal aid, their rights in criminal proceedings, and information about specialised support services (Art. 6(1) Compensation Act).

Thirdly, it provides for the core (minimum) set of support as prescribed by Art. 8 of Directive 2012/29/EU:

- Medical aid in emergencies;
- Psychological counselling and support;
- Free legal aid;
- Practical information, i.e. information about exercising their rights, about the risk of secondary and repeated victimisation, retaliation and revenge, advice about preventing such (Art. 11(2) Compensation Act);
- Shelter or other temporary accommodation in case of risk of secondary or repeated victimisation or retaliation (Art. 11(3) Compensation Act).

Fourthly, it stipulates that the free psychological counselling is provided by psychologists at the support organisations “in accordance with victim’s needs and psychological condition” (Art. 8(1) Directive and Art. 9(1) Compensation Act).

Fifthly, it stipulates that the support under the Act is rendered prior to the launch of criminal proceedings, during criminal proceedings and for an appropriate period of time after completion of the criminal proceedings (Art. 8(3) Compensation Act).

And finally, the support and assistance envisaged in the Compensation Act is public and is funded by the Ministry of Justice (Directive requirement for public funding of the support and assistance to victims of crime).

Thus, against the findings in the national report and the model for Generic Victim Support Services, we will outline the amendments and supplements that have to be made in the

¹ According to Article 2, ‘victim’ means a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence’.

Compensation Act and its Implementing Rules as well as in other laws to guarantee victim support services in compliance with the Victims' Rights Directive.

Geographical Scope and Funding of Support Organisations as Victims Assistance Offices

Pursuant to the Compensation Act, organisations for the support of victims of crime shall be legal not-for-profit entities set up under the Bulgarian law and registered in public benefit. They provide free assistance to victims of crime (§1 of the Additional Provisions to the Compensation Act).

The free psychological counselling and support shall be provided at the territory of each appellate judicial region in the country and shall be funded under the Public Procurement Act (Article 26 Implementing Rules).

There are five appellate judicial regions in the country. From the entry into force of the Compensation Act and its Implementing Rules on 1 January 2007, support organisations have been selected on a continuous basis only for the Sofia judicial region.² The reasons have been various, most frequently that applicant organisations did not meet the statutory requirements, or that no organisation applied at all. Therefore, despite the free psychological counselling and support and practical information and advice which the law envisages for victims of crime, in practice no such support has been provided in the larger part of the country. Another reason for the inefficient provision of such services is the mechanism for the selection of organisations and the funding of their work, that is under the terms and procedure of the Public Procurement Act.

Therefore, firstly, the geographical scope needs to be revised so as to ensure that a victim support organisation is functioning in every administrative regional centre (28 in the country).

Secondly, the funding of these support organisations should be ensured under the Ministry of Justice budget, on a yearly basis, in the way the National Telephone Helpline for Children 116 111 is funded (by the State Agency for Child Protection) or the National Helpline for Survivors of Violence (by the Ministry of Justice respectively).

The Expert Commission with the National Council for Support and Financial Compensation for Crime Victims, which exercises control over the victim support organisations, is mandated with the selection of support organisations (Art. 9, item 11 of the Implementing Rules).

² Interview with the Secretary of the National Council for Assistance and Compensation for Victims of Crime, April 2019.

What to do if there are not enough support organisations operating in the country?

Under the Social Services Act (in force as from 1 January 2020) a mapping of the need for new services in the country shall be carried out. 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 and gaps will be available. On the basis of this mapping, new services will be established. Therefore, it should be possible to establish VAOs on the basis of the gaps and needs identified through the mapping.

However, the new Social Services Act envisages for the so-called integrated services, but only allows the “integration” of social and healthcare services. Legal aid does not fall under any of these tags. Besides, victim support services are funded by the budget of the Ministry of Justice, and so is free legal aid (the National Bureau for Legal Aid is a second-level budget spending unit with the Ministry of Justice), while social services are under the Ministry of Labour and Social Policy and the Social Assistance Agency respectively.

One way to proceed is to amend the Social Services Act to provide for the possibility that free legal aid (or even primary legal aid) which is envisaged for certain groups of people under other legal acts (such as the Compensation Act) may be provided as part of the integrated model for provision of services. In parallel, supplements in the Legal Aid Act should set the terms and procedure for the provision of free legal aid as part of the integrated model of services.

However, we believe that a better approach would be to regulate the Victim Assistance Offices / support organisations for victims of crime in the Implementing Rules of the Compensation Act.

The minimum services to be provided should be clearly enlisted in the bylaw.

In addition, professional standards for these minimum services should be endorsed.

[Free Legal Aid for Victims of Crime](#)

To comply with the Victims’ Rights Directive and provide for the basic minimum services outlined in art. 9 of the Directive 2012/29/EU, support organisations acting as victims’ assistance offices should comprise of **at least** a team of three different specialists: a social worker, a psychologist, and a lawyer.

Pursuant to Art. 8(1)(4) Compensation Act, one of the forms of support for victims of crime is the free legal aid which is extended under the terms and procedure set forth in the Legal Aid Act.

What problems does this provision create in practice?

There are two types of free legal aid under the Legal Aid Act: (1) the so-called primary legal aid consisting of consultations and preparation of documentation; and (2) legal representation. People of no financial means or clients of residential type of social services such as victims of trafficking, domestic violence or gender-based violence are in principle entitled to free primary legal aid. As far as legal representation is concerned, three cumulative conditions have to be met: victims must express their wish to be represented; victims avail of no financial means; and the interests of justice so require.

To access the primary legal aid, victims need to apply at the National Bureau for Legal Aid or to any of the 12 Regional Offices set up in cooperation with the local Bar Councils. For legal representation victims need to apply with the supervising prosecutor in pre-trial proceedings or the judge reviewing the case in trial proceedings respectively.

The legal aid that VAOs need to provide is of the first type, the so-called **primary legal aid** – advice, consultations, preparation of documents. Legal aid is in principle extended by lawyers registered at the National Register of Legal Aid Lawyers with the National Bureau for Legal Aid and paid by the Bureau itself.

The very nature of the victims' support and assistance requires that legal aid is part and parcel of the overall service they receive, since the holistic approach is introduced precisely to ensure that victims' rights are exercised in practice and victims are adequately protected before, during and after their involvement in criminal proceedings.

It should therefore be possible to allow that legal aid lawyers be appointed at the victim support organisations and paid by the budget of the National Bureau for Legal Aid. They will be mandated to provide primary legal aid and thus will be able to comply with the minimum requirements set forth in the Directive 2012/29/EU.

The economic means test in the Legal Aid Act applies in relation to free legal representation. As far as primary legal aid is concerned, for a number of groups of people no economic means test is applied such as clients of residential type of social services, or children in foster families, or children at risk. For victims of human trafficking or domestic violence, however, the economic means test does apply even for primary legal aid.³ The Legal Aid Law provides for the possibility that if the applicants for free legal aid do not demonstrate eligibility by means of furnishing the required documents, the National Bureau for Legal Aid shall have the discretion to assess

³ Article 22(1) Legal Aid Act.

eligibility by applying the so-called poverty line, which is set annually by the National Statistical Institute (BGN 348 for 2019).

Therefore, the Legal Aid Act needs to be amended to provide for free *primary* legal aid for *all* victims of crime.

In addition, the Legal Aid Act has to stipulate that legal aid lawyers may be appointed at the victim support organisations and paid by the budget of the National Bureau for Legal Aid.

Training Professionals and Increasing the Knowledge on the Rights of Victims of Crimes

Training provided for the different categories of professionals (social workers and psychologists, law enforcement authorities and judicial actors) is fragmented. Very often trainings are provided in the framework of various projects but not in a systemic and organized manner. Further, trainings are not mandatory.

The Victims' Rights Directive require Member States to ensure that officials likely to be first-point contact with victims of crime, such as police officers and court staff receive both general and specialist training to increase their awareness of the needs of victims and to enable them to deal with victims in an impartial, respectful and professional manner (Art. 25(1) Directive 2012/29/EU).

Likewise, practice shows that training of professionals is crucial in guaranteeing the rights of the victims.

It is therefore important to provide mandatory training for the different categories of professionals.

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.

However, trainings for magistrates (prosecutors and judges) are not mandatory. Magistrates choose out of their free will which trainings organised by the National Institute of Justice (the so-called continuous training for magistrates) to attend.

Lawyers, too, choose whether and which trainings organised by the Lawyers' Training Centre 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 to the Judicial System Act and Legal Aid Act respectively. Mandatory training should be made a condition for career development for magistrates and condition for acting as free legal aid lawyer accordingly.

Likewise, the Ministry of Interior Act should require law enforcement officers to undergo specialised trainings organised by the Ministry of Interior Institute, such as working with victims of specific types of violence (human trafficking, domestic violence, sexual violence etc.).

Taking It a Step Further: Specialised Free Legal Aid

Currently free legal aid lawyers are registered as civil, criminal or administrative lawyers. There is no further specialisation.

Practice shows, however, that specific groups of crime victims require specialised legal assistance and expertise, for example victims of human trafficking, domestic violence, sexual and gender-based violence, and children but to name a few.

Although this is not required *strictu sensu* for the proper implementation of the Victims' Rights Directive and for the protection of victims' rights, a legal regulation of the free legal aid whereby legal aid lawyers are encouraged to specialise through free public training into protecting the rights of particular groups of more vulnerable victims would definitely enhance their protection.

Thus, the Legal Aid Act or a bylaw (e.g. an instruction of the Chairperson of the National Bureau for Legal Aid and the Supreme Bar Council) could provide for the possibility to have pools of legal aid lawyers specialised in specific types of crimes, e.g. crimes against the personal integrity, sexual violence, or violence against children. Legal aid lawyers who have undergone a number of mandatory trainings would be entered in such pools and assigned (on a random principle) to cases with the respective profile.

Taking It Two Steps Further: A National Body on Domestic Violence

The experience of the Spanish partners under the project point out that a substantial number of the clients of generic victim support services (appr. 80 pct.) are victims of domestic violence.

In Bulgaria the phenomenon of domestic violence has escalated, triggering though mixed public attitudes. While roughly every two weeks there is a new murder case as a result of domestic violence, enhanced public attention goes hand in hand with strengthened opposition against the ratification of the Council of Europe Action for Preventing and Combatting Violence against Women and Domestic Violence (“the Istanbul Convention”). Public fears of legitimising same-sex partnerships, or teaching children in schools “how to be homosexuals”, or granting asylum seekers refugee status because of their sexual orientation are certainly irrational but widespread nevertheless.

Despite this agnostic environment, the executive and legislature have acknowledged the deficient support and protection of victims of domestic violence and adopted a number of legislative amendments in the Criminal Code providing for aggravated sentences for criminal offences committed in the context of domestic violence.

This being said, professionals working directly with victims of domestic violence have acknowledged the need of setting up a national body on domestic violence. Its mandate will be to ensure protection against domestic violence and support for its victims by mainstreaming national policies, providing guidance, statistics, and mandatory trainings, conducting research and analyses, overseeing support services etc. This national body on domestic violence could copy the structure and organisation of the (Secretariat of the) National Commission for Combatting Trafficking in Human Beings, or likewise these could be the two arms of a single public body.

Professional Standards for Victims’ Assistance Offices

Step 1 Reception and Orientation of the Victim

The first step is reception and orientation of the victims to inform them 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 reception and orientation can be done

face-to-face at the Victims' Assistance Office or through the creation of a specially designed helpline for victims of crime.

When done face-to-face, professionals charged with this task should use a clear and simple language, taking into account the personal characteristics of victims, such as age, gender, administrative status, etc.

As regards provision of information by phone, 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 as envisaged in Article 7(3) of the Compensation Act.

Operators at the existing national helplines⁴ should be regularly trained to be able to provide basic information about victims' rights, too.

Step 2 Individual Assessment of the Victim's Needs. Individual Assessment Plan

To minimise primary victimisation and contribute to the restoration of the victim's welfare, an individual assessment of the victim's needs has to be made. It should be carried out through a personal interview and should inter alia consider:

- The needs expressed by the victim, by respecting their physical, mental and moral integrity.
- The personal characteristics of the victim, such as their age, gender, ethnicity, religion, sexual orientation, health, residence status, communication difficulties, relationship to or dependence on the offender, and previous experience of crime.
- The type and the circumstances of the crime such as whether it is a hate crime, a bias-based crime or a crime committed with a discriminatory motive, sexual violence, etc.
- The assessment should be elaborated as soon as possible after the crime.

Based on the individual assessment of the victim's needs, a detailed plan that includes legal, psychological and social measures should be elaborated. This individualised assistance plan should include coordination measures with the specialised services needed in each case.

The individual assessment of the victim's needs and the individualised assistance plan are conducted jointly by the social worker, legal advisor and psychologist working at the VAO.

⁴ 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.

Step 3 Standardised risk test and identification of protection measures

To avoid secondary victimisation and reprisals by perpetrators, a standardised risk test should be conducted. This test is aimed at measuring the importance of the primary victimisation, and the risk of experiencing secondary victimisation, intimidation and reprisals. This test should be conducted during the personal interview, as part of the individual assessment.

In accordance with the results of the test, protection measures should be identified for each phase of the criminal proceeding, in accordance with the victim and the victim's legal counsel if the victim is taking any kind of legal action against the offender or participates in the judicial process with their own attorney.

The standardised risk test and identification of protection measures shall be carried out by the legal advisor and psychologist working at the VAO (jointly with competent authorities for the adoption of protection measures).

Step 4 Provision of information

Victims of crime need to be provided, without unnecessary delay, with information adapted to their personal circumstances and conditions, as well as the nature of the crime committed and the damages experienced.

Thus, in addition to the individual assessment and risk test, during the interview information will be provided on:

- How to make the complaint and the procedure for its filing.
- Specialised services and resources, regardless of whether a complaint has been made.
- Assistance and support measures (medical, psychological or material) available for the victims and the procedure to obtain them, including, when appropriate, information on the possibilities of obtaining alternative accommodation or shelters.
- How to obtain legal advice and defence and, where appropriate, conditions in which it can be obtained free of charge.
- Accompaniment of the victim, throughout the process, if necessary to trial and/or to the different criminal procedures.
- Possibility and procedures of requesting protection measures.

- Advice on economic rights related to the process, in particular on the aids and compensation for the damages caused by the crime and, where appropriate, the procedure to claim them.
- Resources that can be used against resolutions that are considered as contrary to the victim's rights.
- Contact information of the authority in charge of the criminal procedure and channels to communicate with them.
- In which cases a person can obtain reimbursement of court costs and, if applicable, the procedure to claim it.
- Right to be informed without unnecessary delays of the date, time and place of the trial, as well as the content of the accusation against the offender.
- The legal situation of the offender, especially when he has a restraining order or is in jail.

Step 5 Basic psychological assistance and referral to specialised services when necessary

The psychological assistance that VAOs offer to victims will be based on:

- The evaluation and treatment of the most vulnerable victims to counteract a possible psychological crisis derived from the crime; techniques to face the judicial process; the accompaniment throughout the process; and strategies to strengthen the capacities and skills of the victim to achieve recovery.
- A psychological support plan for especially vulnerable persons (elaborated in Step 2). This plan will be elaborated with the general purpose that the victim follows the criminal process without feeling anguish, to strengthen their self-esteem and decision-making and, in particular, to avoid revictimisation.

Step 6 Socio-economic advice and referral to social services, when necessary

Economic advice includes information and advice on how to access the economic aid and compensations established by law. In this case, VAOs will focus on providing assistance for the application process. In addition, VAOs should refer victims to social services and institutions for ensuring safe housing, medical attention, financial assistance etc.

Step 7 Monitoring throughout the criminal process and during an adequate period of time after its conclusion

Monitoring is established for the appropriate time after conclusion of criminal proceedings. It is aimed at monitoring the protection measures and providing information to the victim about the situation of the offender (in jail, paroles, permits, conditioned/unconditioned release, etc.).

This service may only be ensured jointly by VAO officers and law enforcement, penitentiary and judicial authorities.

Recent amendments to the Criminal Procedure Code envisage the victims of crime are informed when perpetrators are freed from prison or else an effective detention measure is replaced by a lighter one.

Conclusions

The Support and Financial Compensation for Crime Victims Act (“the Compensation Act”) is the appropriate legal framework for regulating the provision of generic victim support services in Bulgaria. It has identical personal scope with the one of the Victims’ Rights Directive and provides for the core set of support as prescribed by art. 8 of Directive 2012/29/EU.

To ensure victims support services in line with the Victims’ Rights Directive, the following amendments and supplements need to make in a number of laws and bylaws.

- *To guarantee full geographical coverage*

Amend Art. 26(1) of the Implementing Rules of the Compensation Act to ensure that a victim support organisation is functioning in every administrative regional centre in the country.

- *To improve the funding mechanism for support organisations*

Amend Art. 26(1) of the Implementing Rules of the Compensation Act to ensure that funding of support organisations within the meaning of the Compensation Act is provided under the Ministry of Justice budget, on a yearly basis, in the same way as the National Telephone Helpline for Children 116 111 is funded (by the State Agency for Child Protection) or the National Helpline for Survivors of Violence (by the Ministry of Justice respectively).

- *To ensure availability of victim support by support organisations in every administrative regional centre*

Amend the Social Services Act to provide for the possibility that free primary legal aid (legal counselling and preparation of documents) which is envisaged for certain groups of people under other legal acts (such as the Compensation Act) may be provided as part of the integrated model for provision of services.

In parallel, supplement the Legal Aid Act to lay down the terms and procedure for the provision of free primary legal aid as part of the integrated model of services.

Or, in the alternative, regulate the Victims Assistance Offices (support organisations) in the Implementing Rules of the Compensation Act. Expressly provide for the minimum (core) services to be provided and endorse professional standards for these minimum services.

- *To ensure free primary legal aid for all victims of crime*

Amend Article 22(1) of the Legal Aid Act to provide for free primary legal aid for all victims of crime.

Supplement the Legal Aid Act has to provide for the possibility that legal aid lawyers be appointed at the victim support organisations and paid by the budget of the National Bureau for Legal Aid.

- *To ensure easy access to information about victims' rights*

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 as envisaged in Article 7(3) of the Compensation Act

Train regularly operators at the existing national helplines to be able to provide basic information about victims' rights.

- *To ensure professionals' up-to-date knowledge and expertise*

Provide for mandatory training for magistrates and free legal aid lawyers by means of amendments and supplements in the Judicial System Act and Legal Aid Act respectively.

Make mandatory trainings a condition for career development for magistrates and for acting as free legal aid lawyer.

Amend the Ministry of Interior Act to require law enforcement officers to undergo specialised trainings organised by the Ministry of Interior Institute, such as working with victims of specific types of violence (human trafficking, domestic violence, sexual violence etc.).

- *Introduce specialised legal aid to improve protection of victims' rights*

Provide for the possibility to establish pools of legal aid lawyers specialised in specific types of crimes, e.g. crimes against the personal integrity, sexual violence, or violence against children. This may be achieved by a joint instruction of the Chairperson of the National Bureau for Legal Aid and the Supreme Bar Council, for example. Legal aid lawyers who have undergone a number of mandatory trainings would be entered in such pools and assigned (on a random principle) to cases with the respective profile.

- *To provide for a comprehensive support and protection of victims of domestic violence*

Set up a national body on domestic violence with a mandate to ensure protection against domestic violence and support for its victims by mainstreaming national policies, providing guidance, statistics, and mandatory trainings, conducting research and analyses, overseeing support services etc. This national body on domestic violence could copy the structure and organisation of the (Secretariat of the) National Commission for Combatting Trafficking in Human Beings, or likewise these could be the two arms of a single public body.

ANNEX 1. BASIC PRINCIPLES OF THE OPERATION OF VICTIMS' ASSISTANCE OFFICES

As mentioned above, VAOs should be created following 10 basic principles. These basic principles could be considered as the basis from which to develop indicators that allow for the assessment of VAOs based on a measurable methodology.

Principles:

1. Public assistance

- Budget compromised to fund VAOs yearly.
- Multidisciplinary staff hired.
- Basic assistance covered by VAOs.

2. Universality

- Number and profile of people contacting VAOs.
- Detection of exclusion factors in contacting VAOs (age, gender, legal status, disabilities, etc.)

3. Proximity

- Establishment of common criteria for deploying VAOs.
- Number and location of VAOs.
- Territory covered.
- Distance to VAOs from remote locations.

4. Professional specialisation

- Interdisciplinary staff, including, at least, a social worker, a legal advisor, and a psychologist.
- Training courses offered yearly.
- Inclusion of training in the staff curricula and selection process.

5. Confidentiality

- Forms provided.
- Respect of EU Data Protection Standards.
- Measures taken to ensure the privacy of victims in the VAOs.

6. Trust

- Assignment of a contact person amongst the staff for each user.
- Maintenance of the same contact person throughout the assistance process.

7. Individualisation

- Individualised Assessment of the victim's needs.
- Individualised Assistance Plan.

8. Immediacy

- Lapse of time to carry out the needs assessment.
- Lapse of time to establish protection measures.
- Lapse of time to provide comprehensive assistance.

9. Inter-agency coordination

- Mapping of the assisting organisations.
- Identification of gaps and duplicities.
- Assistance network managed by public authority that manages VAOs.
- Centralised online service.

10. Communication

- Web page.
- Phone service.
- Information leaflets.
- Downloadable booklets.
- Awareness-raising campaign.

RISK ASSESSMENT FOR VICTIMS OF CRIME

File number:

Nature of the offence:

Date of the offence/last offence:

Assessment Date:

Note: these questions are for guidance and should not be read out in questionnaire style to the victim.

The victim agrees for an evaluation to take place: Yes No

PERSONAL CHARACTERISTICS OF THE VICTIM

General information

Name:

Gender:

Date of birth/reported age:

Nationality (legal/illegal residence):

Contact:

Address:

E-mail address:

Phone number:

Lawyer/contact person:

Socio-professional status (may select more than one response):

- Employed
- Unemployed
- Retired
- Student

⁵ This model is based on the “EVVI Project-Victim’s assessment for special measures”. Cf. Ministère de la Justice-Republique Française (coord.). *EVVI. Evaluation of Victims*. Co-funded by the Criminal Justice Programme of the European Union. http://www.justice.gouv.fr/publication/evvi_guide_en.pdf.

Specific observations (clarify if necessary):

PERSONAL VULNERABILITY

Child

Pregnant

Disability (please clarify if necessary):

Mental

Physical

Victim of a crime in the last two months?

No

Yes (please clarify and assess if the victim still has problems with that victimisation)

Mother tongue:

Difficulty speaking:

Yes (please clarify if necessary)

No

Difficulty reading:

Yes (please clarify if necessary)

No

Other communication difficulties (please clarify):

Dependent children:

Yes (number and age):

No:

Are you (or your children) supported by a social worker or other agency?

No:

Yes (please specify which):

Other vulnerabilities (please clarify, i.e. health problems, alcohol, drug dependence, etc.):

RISK OF HARM

Type or nature of crime (may select more than one response)

- | | |
|---|--|
| <input type="checkbox"/> Human trafficking | <input type="checkbox"/> Gender-based violence |
| <input type="checkbox"/> Hate crime | <input type="checkbox"/> Sexual violence |
| <input type="checkbox"/> Organised crime | <input type="checkbox"/> Child abuse or exploitation |
| <input type="checkbox"/> Violence in a close relationship | <input type="checkbox"/> Terrorism |

Circumstances of the crime

Does the victim have a personal connection with the suspect? Yes No

Does the victim fear further harm from the suspect? Yes No

Does the suspect have previous offending history against the victim? Yes No

I hereby certify that the information given above is accurate.

Signature of the evaluator:

Signature of victim:

Date :

VICTIMS' ASSESSMENT FOR SPECIAL MEASURES

File number:

Nature of the offence:

Date of the offence/last offence:

Assessment Date:

Please fill this section if:

- the offence is one of the crimes specified above or;
- you have answered 'yes' to any of the questions under circumstances of the crime or;

- you consider it appropriate, taking into account any identified vulnerability.

Note: these questions are for guidance and should not be read out in questionnaire style to the victim.

The victim agrees for an evaluation to take place: Yes No

CURRENT SITUATION	Yes	No
1. Has the current incident resulted in injury? If so, please clarify.		
2. Is the victim frightened?		
3. Does the victim have relatives/friends/community resources (cultural, religious, other) to support her/him?		
4. Does the victim feel isolated?		
5. Is the victim feeling depressed or having suicidal thoughts?		
6. Is the victim in contact with the suspect? If so, please clarify.		
7. Does he/she try to intimidate the victim?		
8. Does the victim live with the suspect?		
9. Is there any conflict over financial issues? (if applicable)		
10. Is there any conflict over children? (if applicable)		
11. Has the suspect ever committed acts of violence against others within the family (children, relatives, etc.) or against pets?		
12. Is the victim still able to access his/her personal documents/money?		
13. Is the victim free to move around in and/or leave her/his house?		

OFFENCE HISTORY	Yes	No
14. Has the suspect ever threatened or committed acts of violence against the victim? If so, please clarify.		
15. Has the suspect ever used a weapon against the victim? If so, please clarify.		
16. Has the victim ever filed a complaint against the suspect?		
17. Has there been an escalating series of incidents?		
18. Are other persons potentially at risk? If so, please clarify.		
19. Has the victim been threatened by any other person? If so, please clarify.		

SUSPECT	Yes	No
20. Is the suspect identifiable?		
21. Is the suspect a child (under 18 years old)?		
22. Does the suspect have access to weapons? If so, please clarify.		
23. Has the suspect ever been convicted of any offence against the victim? If so, please clarify.		
24. Are there any outstanding court orders against the suspect? If so, please clarify.		
25. Has the suspect ever been convicted of any serious offence? If so, please clarify.		
26. Does the suspect have/had the suspect had problems with drugs and/or alcohol? If so, please clarify.		
27. Does the suspect have/had the suspect had mental health problems? If so, please clarify.		
28. Has the suspect ever threatened or tried to commit suicide?		

Additional information regarding victim/suspect:

Views of the victim on what support they require during criminal proceedings:

I hereby certify that the information given above is accurate.

Date:

Signature of victim:

Recommendations of the evaluator regarding victim's needs assessment (TO BE COMPLETED IN ALL CASES)

a) Victim's protection needs (needs related to victim's protection and/or related to improving the quality of the evidence):

b) Support referral needs (counselling legal services, community services...):

Identity of the evaluator:

Date :