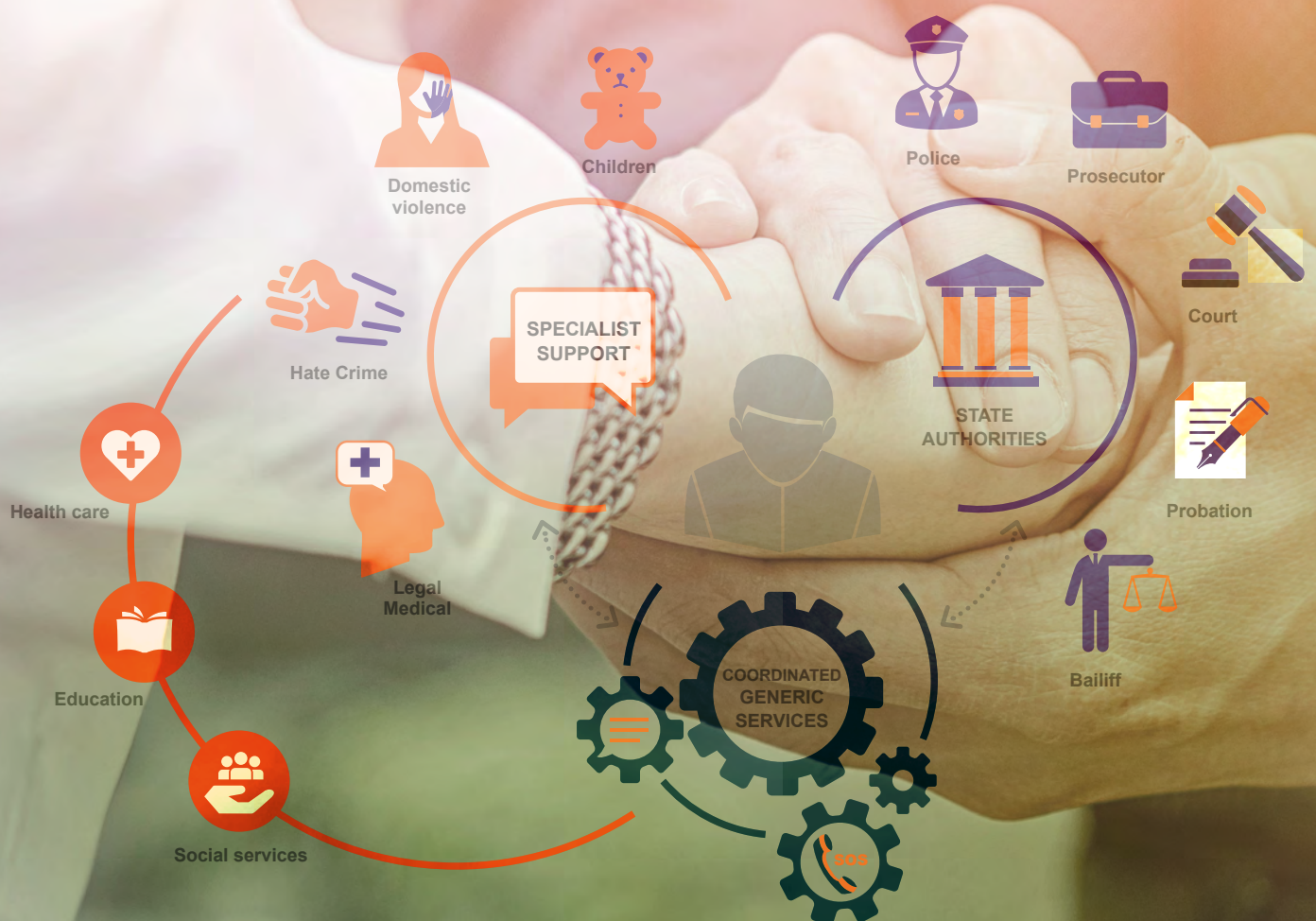


WORLD BANK GROUP

The role of civil society in the development of victims' rights and delivery of victims' services

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Executive Summary

In many European countries, victim support services originated in the non-governmental organisations (NGO) sector and have been successfully operated by non-state actors for decades. However, in other countries the victim support sector is still in development with NGOs taking up different roles.

Comparative practise, as well as the EU legislation indicate that for the provision of comprehensive victim support services, it is necessary to ensure that they involve a whole range of different actors both state and non-governmental. Moreover, to be efficient and effective, services also need to be: accessible and easily available for victims; comprehensive and adaptable to the changing victims' needs; and cost efficient. This report assesses the specific roles that NGOs play in victim support and explores the value that NGOs add to the delivery of victim support services. To that effect, a case study of the role governmental and non-governmental actors play in different systems of victim support in Europe was implemented through: survey of victims' rights NGOs and governmental institutions responsible for victims' issues; and more detailed cross-country research in Croatia, Hungary and Portugal.

All structures examined have different requirements for the involvement of NGOs. In Croatia, Hungary and Portugal organisations accede to different arrangements to ensure quality of services and to invest in continuing institutional development.

While both governmental and non-governmental actors take part in the provision of services, NGOs seem to dominate the sector. The survey indicates that the majority of generic and specialist services across Europe are delivered by NGOs.

Croatia, Hungary and Portugal all provide generic services to victims of crimes in their own unique ways. Croatia has a patchwork of counties in which the state is the predominant provider and others where services are provided by NGOs only. Hungary has two national providers of services for victims – one state and one non-state run. In Portugal only APAV, an NGO, provides comprehensive generic support services for victims of crimes.

In Croatia, the Ministry of Justice plays an important role in advancing the provision of services by NGOs, by securing limited funding for their operating costs. While quite limited and in need of improvement, this initiative encourages organisations to move forward with their work on victims' needs.

In Hungary, the government has introduced a state-run system, in addition to the already established NGO support. This recently brought into jeopardy the NGO funding, while at the same time gave little to victims. The governmental services are restricted by administrative requirements, structural lack of dedicated staff and a systemic failure to deliver important services that should be made available to victims.

It is apparent that to best support victims of crimes, both governmental and non-governmental actors must be involved in tending to their needs. This is best done in a coordinated and planned manner, which ensures cooperation and referral between different actors. To that effect, organisations may enter into different agreements, memoranda of understanding and protocols of cooperation.

APAV, the Portuguese national service provider, has entered into a number of agreements with different actors to ensure referral and cooperation. These arrangements ensure that staff have sufficient knowledge and confidence to best respond to a victim's needs.

The report indicates that non-state actors are better placed to deliver support to victims of crimes. Consultation with stakeholders, which involved more than 40 percent of state actors, concludes that on all aspects of delivery of services for victims, NGOs are in a far better position to deliver better care, than state actors.

NGOs are, hence, better at providing access to services for victims who might need support, and at adapting the way they provide service to respond to victims' needs. NGO providers are able, through reduced administrative barriers and by being able to provide mobile support outside of office hours, to ensure services, wherever and, for as long as victims might need them. The non-state sector can also provide services that better adapt to victims' changing needs and that are more cost-effective than those provided by government bodies.

NGOs also seem better at delivering services by dedicated staff and through recruiting volunteers. NGOs appear to be in a position to attract and engage with volunteers as well as appearing to be more able to provide appropriate training for both staff and volunteers.

In comparative practices, NGOs provide a number of different services to victims of crimes. Some of those services, such as emotional or practical support and legal aid, will usually be required by a majority of victims, while some others – like child care or emergency accommodation, may only be needed by a few.

While NGOs may be better placed to provide many of these services to victims in an accessible, flexible and cost-effective manner, it is still the responsibility of the state to create an environment in which NGOs can effectively operate. To ensure sustainability and stability of NGO work, it is important to secure stable sufficient sources of funding. Experience shows that even with a relatively modest investment much can be achieved; however, more sustainable funds can ensure a more comprehensive arrangement of services to support victims of crimes.

To ensure quality it is recommended to introduce a system of standards for victim support services including NGOs. This approach may provide assurances regarding the quality and consistency of services, and facilitate networking by organisations.

The report puts forward several recommendations for Serbian stakeholders to follow in their endeavour towards the introduction of victim support services. Namely, to make sure that future victim support services in Serbia capitalise on the existing work, expertise and dedication of the civil society sector, it will be necessary to:

- Ensure that the overall framework for the delivery of victim support services across the country includes both NGO and State run services which are effectively co-ordinated;
- Set aside a ring-fenced source of funding reserved for victim support;
- Encourage cooperation between state and non-governmental actors, including through active engagement on policies and a promise of stable funding, to collaborate to provide support to victims of crimes;
- Ensure that generic services are provided to the benefit of all victims of all crimes in Serbia; prioritising regions of Pirot, Zaječar, Subotica and Srem, as well as in Pomoravski and

Moravički administrative areas, but providing the same level of service in different parts of the country;

- Make sure that specialist services are also available for victims; specifically vulnerable victims, such as children or victims with disabilities, victims of domestic violence, the poor or the elderly;
- Put into place channels for communication and cooperation with other service providers, state authorities, law enforcement, judiciary and other actors, to ensure victims needs are provided for;
- Provide transparency and ensure broad stakeholders' and societal engagement in the forthcoming victims' rights strategy and action plan in Serbia.

1. Introduction

1. This report explores the interaction between states and non-governmental organisations (NGOs) in the delivery of support to victims of crimes. As Serbia is moving forward with its engagement to implement Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime (the Directive, Victims' Rights Directive), the question of who will provide support services for victims needs to be answered.

2. The present study is a part of a broader body of work the World Bank and MDTF have delivered since 2016 – which, taken together, presents a comprehensive background aimed at supporting Serbian stakeholders in making informed decisions about the future of victim support in the country.¹

3. This report is based on data collected through desk research, a survey and a comparative study to ensure combination of legislative and practical insight.

4. A survey was conducted, looking into experiences of both NGO and governmental actors working in the field of victim support². A total of 32 stakeholders from 18 European states responded, with NGOs consisting of 58 percent of respondents with the remaining 42 percent consisting of other entities primarily from the State³.

5. Practical experiences of European countries ensure that Serbian authorities could learn from their peers who already faced with challenges in implementation of victim support system. A comparative study looks at three countries – Croatia, Hungary and Portugal.⁴ These three countries were selected as each implements victim support differently: in Portugal, generic support is provided, almost solely, by one national NGO; in Croatia, NGOs and governmental support structures are present in different forms through different regions and cooperate in different ways; while Hungary has two, parallel, state-wide generic victim support organisations – one governmental, the other an NGO. A number of victim support experts were interviewed, to better understand the specific role that NGOs do, and may, play in the provision of victim support services.

6. The report looked into certain aspects of the provision of victim support services, aiming to establish the relevance and impact of the involvement of state and NGOs in responding to different needs of victims. The objective was to identify some of the key principles of delivering services

¹ Detail information are available on www.mdtfjss.org.rs

² Questionnaire was disseminated amongst the members of Victim Support Europe – the European network of victim support providers, mostly NGOs, as well as amongst the members of the European Network of Victims' Rights (ENVR), the network of EU Member State policy makers and professionals acting in the field of victims' rights – see more at: <http://envr.eu/index.php/about-us/>.

³ With a total of 32 participants from: Austria, Belgium, Croatia, Czech Republic, Finland, France, Hungary, Ireland, Italy, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Russia and the UK (England and Northern Ireland).

⁴ **Croatia** was selected due to territorial proximity with Serbia: the two countries share similar political attitudes, culture, values and legal history. Croatia joined the European Union in 2013, which implies that their experience in implementing the Victims' Rights Directive, as a newest EU Member State, might be relevant for Serbia. **Hungary** accessioned to the EU in 2004, and was selected for this report due to the presence of a state-wide governmental victim support system established in response to the directive, which co-exists with an experienced state-wide national NGO. **Portugal** was selected due to its history of country-wide victim support NGO services, and proven cooperation between NGOs and government in the provision of services to victims.

which make those services victim centric and as effective and efficient as possible. Those factors are derived from a combination of obligations and recitals in the EU Victims Directive, quality standards that have been identified in the other World Bank reports, and discussions with victim support organisations and victims on what makes a victim support service successful.

7. The analysis focused on several aspects of victim support: the availability of different most frequently required services; the flexibility of different actors to respond to different victims' needs and hence make services effectively available to victims (e.g. to respond at different times of the day and week or at different locations, as well as to be able to adapt to changing victims' needs); ability to motivate staff and recruit volunteers; engagement in training of staff and volunteers; as well as the cost-effectiveness of different types of services, depending on whether they are provided by the state or NGOs.

1.1. Early development of national victim support systems in Europe

8. Historically, victim support has come from a combination of grassroots' initiatives, scientific development of victimology⁵, and a rising governmental awareness of the consequences of crime on a victim. Criminal justice systems, previously directed mainly at the accused, were recognised to affect victims in various ways. Over time, governments started appreciating the value, and the importance, of victim support and started providing certain forms of support, both through direct action and a commitment to work with dedicated non-governmental actors.

9. In Europe, victims' rights and support initiatives started evolve in the 1950s and 60s. An increase in crimes, the establishment of state victim compensation schemes, the development of victimology, and the upsurge of women's movements, influenced the growing attention to the rights of victims, which led to the creation of policies to protect them. Among the first countries to start implementing victims support structures were France, Germany, the Netherlands and the United Kingdom. Comprehensive national victim support systems continued developing either within the governmental structures or outside of them (or both) through the late 90s⁶.

10. In the United Kingdom, for instance, the first organisation to support victims originated from an interagency discussion. Probation officers, who made great use of the community and volunteers, set up the first victim support service. This victim support organisation was born in 1974 in Bristol. Even though it originated from the concerns of civil servants, the organisation was set up as an independent, non-governmental structure. Over time, the initiative eventually grew and later turned to a federation able to cover all communities in England, Northern Ireland and Wales⁷. Nowadays, it is known as Victim Support (VS) and it is the leading non-governmental organisation (NGO) providing for the needs of victims in the United Kingdom⁸.

⁵ Victimology was mentioned for the first time in 1947. See e.g. https://us.sagepub.com/sites/default/files/upm-binaries/83271_Chapter_1.pdf

⁶ FRA – European Union Agency for Fundamental Rights (2014). Victims of crime in the EU: the extent and nature of support for victims. Luxembourg: Publications Office of the European Union, 2014.

⁷ Separate charities were set up in Scotland, the Channel Island and the Isle of Man.

⁸ See also : <https://www.victimsupport.org.uk/more-us/about-us>

11. In France, in the 1970s, victims started receiving more attention and as a consequence, the victim compensation scheme was implemented. However, no victim support or policy on victims' rights was established until 1981, when the Minister of Justice proposed the creation of a victim support network, which aimed to be: present, available, fair and accessible to all victims⁹. To achieve these goals, the Ministry set up an office for the prevention and protection of victims¹⁰. The office still exists but with some functional changes. This first initiative was reinforced through a dedication of financial resources by the Ministry, allocating them to NGOs, which were then able to arrange sustainable victim support services. Over the years, more victim support organisations spread throughout France's administrative departments, and a national organisation was set up¹¹ to include a network of existing NGOs. It grew to become today's France Victimes, a renowned source of support for victims and an important governmental partner, providing daily support services and crisis response¹². France Victimes has 130 members, who provide victim support across all French territories, including the remote islands of French Polynesia, helping around 342,000 victims every year¹³.

12. Finland, on the other hand, followed a different path to the same result. The country developed its victim support organisation (Rikosuhripäivystys-RIKU¹⁴) a little bit later, in 1991, when the "violence division" of the Parliamentary Advisory Council for Gender Equality, emphasised the need of a victim-centred support service. RIKU was based on the Swedish general victim support organisation, and involved many non-governmental actors and organisations in its creation. Over the years, the focus shifted from victims of domestic violence to become a nation-wide generic victim support organisation. This Nordic victim support provider is unique, as it does not have its own legal personality, but with the administrative help and through dedication of around 30 other legal entities, it remains a recognised brand name and provides important services to victims. RIKU works as an umbrella organisation with several partners, and it is mainly funded by the Finnish Ministry of Justice¹⁵.

⁹ *Ibid.*

¹⁰ Service for Access to Law and Justice and Victim Support, SADJAV See also: <http://www.justice.gouv.fr/actualite-du-ministere-10030/les-editions-11230/sadjav-quest-ce-quun-espace-de-rencontre-parents-enfants-17364.html>

¹¹ National Institute for Victim Support and Mediation, INAVEM. See also: <http://www.bdsp.ehesp.fr/reseau/inavem/>

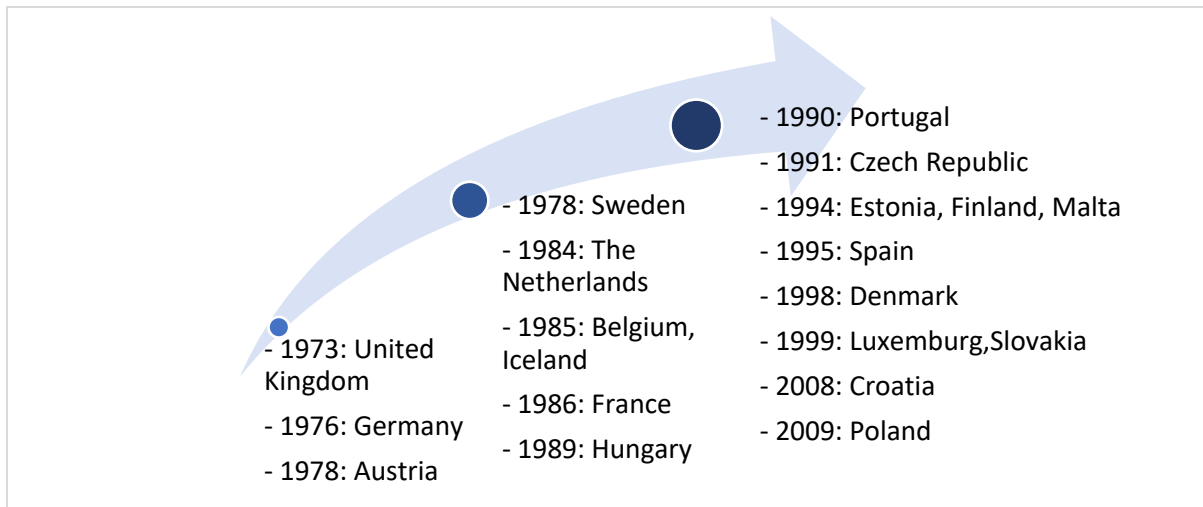
¹² A new name for a new concept: a professional network of general victim support that represents the services that its members provide to victims. Today, the network consists of 130 victims support organisations across, and outside, the country. See also: <http://www.france-victimes.fr/>

¹³ In 2016. See also: <http://www.france-victimes.fr/index.php/categories-inavem/122-federation-inavem/organisation>

¹⁴ See also: <https://www.riku.fi/en/victim+support+finland/>

¹⁵ Victim Support Europe Report (2017). Operating Networks for Victim Support Services, 2017.

Figure 1 Origin of generic victim support services¹⁶



1.2. Growing European concern for victims' rights

13. With the rising awareness of victims' issues, associated regulatory systems within the European Union began to develop in response. As the marginalised role of victims in criminal proceedings became recognised, awareness of the needs, as well as the rights, of the victims was also recognised. The protection of victims became a legislative priority in light of emerging debates, especially because of worries about the possible imbalance between the rights of the accused and concern for the victim.

14. The Treaty of Lisbon¹⁷ and the Stockholm Program¹⁸ officially gave the EU the competence to legislate, integrate and develop coordinated approaches on victims' rights, within the European Union. In 2011, a roadmap on strengthening victims' rights of protection¹⁹ was approved by the European Council, and the following year the Directive 2012/29/EU²⁰ establishing minimum standards on victims' rights (the Victims' Rights Directive, the Directive) - was adopted. The Directive represented a leap forward, as it required Member States to set up a system of protection for all victims (direct and indirect) of all crimes, as well as an integrated system of emotional, psychological, economic, medical, legal and linguistic assistance by ensuring access to a nation-wide net of victim support services for all victims.

¹⁶ FRA – NGOs as well as government initiatives, see European Union Agency for Fundamental Rights (2014), Victims of crime in the EU: the extent and nature of support for victims. Luxembourg: Publications Office of the European Union, 2014.

¹⁷ Treaty of Lisbon amended the Treaty on European Union and the Treaty establishing the European Community, signed in Lisbon, 13 December 2007

¹⁸ The Stockholm Programme – An open and secure Europe, serving and protecting citizens [Official Journal C 115 of 4.5.2010].

¹⁹ Resolution of the Council of 10 June 2011 on a roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings

²⁰ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

15. The Directive does not impose a single model for service provision on the Member States, and leaves it up to States to set up victim support as either a public service or an NGO²¹. It does, however, encourage the provision of services through a cooperation of the governmental and non-governmental sector. It opens space for synergy between the public and private sectors, in particular, through encouraging and working ‘closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime, especially in policymaking initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of crime’²².

16. The Directive mandates that it is the States’ responsibility to ensure a comprehensive system of victim support is put into place and that it functions. Traditionally non-governmental actors were leaders in providing many victim support services, even though some forms of support (such as protection, for example) inherently lay with the state actors. Nonetheless, the totality of support itself does not need to be delivered through governmental channels. Some countries successfully implemented a joint effort of NGOs and state bodies in the delivery of services to victims. In France, Finland and the Netherlands, for instance, governments have been dedicated in working with victim support NGOs, and the fruits of this healthy cooperation have matured into the most dynamic forms of victims’ support.

17. Despite the growing concern for victims’ rights and the adoption of the Directive, a number of European countries have yet to develop comprehensive victim support services. The 27 EU Member States have implemented victim support services differently, in terms of realisation, perspectives and organisational models²³. These different ways of executing the Directive²⁴ determine the nature and the scope of the services offered. For some countries, meeting the minimum standards of the Directive have been problematic, especially in guaranteeing that all victims of all crimes have access to support. Slovenia, Bulgaria, Greece, Lithuania, Romania and Latvia do not have a generic national support service at all²⁵ and the few generic services that are available are limited in scope, type of service and/or geographic coverage²⁶.

²¹ Article 8(4) of the Directive makes an explicit reference in this regard, stipulating that: Victim support services and any specialist support services may be set up as public or non-governmental organisations and may be organised on a professional or voluntary basis.

²² Victims Rights’ Directive, recital (62)

²³ FRA, 2015. Victims of crime in the EU: the extent and nature of support for victims. Published by FRA.

²⁴ Directive 2012/29/EU of the European parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

²⁵ FRA website: Data and Maps. Models of generic victim support organisations. See also: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/models>

²⁶ In Italy more is being done with the recent establishment of a national network for victim support – Rete Dafne, in July 2018²⁶. This initiative is an important first step, but as many other countries, Italy still has a long way to go to ensure comprehensive support for all victims of all crimes nation-wide. See e.g. *Nasce RETE DAFNE ITALIA*, available at: <http://www.retedafne.it/nasce-rete-dafne-italia/>

1.3. What is required from a victim support system

18. It is of lesser relevance whether services are provided by the state or NGOs, as long as they satisfy some key criteria. While government is normally in a better position to provide certain types of services, such as healthcare or child protection, and NGOs may be more able to assure emotional support or accompaniment at trial, whoever provides services, should ensure they meet several key criteria. The primary criteria to be taken into account are that services need to be accessible and easily available for victims; and comprehensive and adaptable to the changing victims' needs²⁷. Moreover, from the aspect of implications of any additional service on the state budget, services should aim to also be cost efficient.

19. Services need to be accessible and easily available for all victims. Accessibility needs to be understood in the broadest sense of the word and to mean that victim support services need to be easily reached or entered, be easy to obtain or use; and be easily understood or appreciated²⁸.

20. Services should be available for all victims irrespective of whether they report the crime or not, irrespective of the type of crime and irrespective of any personal characteristics or situation of the victim. Factors which may inhibit victims or groups of victims from seeking support delivered in particular contexts should be identified to ensure that services are as accommodating as possible for all victims.

21. Services should be easily found and understood to be offering support to victims. Where a support service is incorporated into a large organisation offering services to other client groups, visibility can be reduced, and the organisation must put in place measures to ensure victim support is easily identifiable. It also means that support should be available across the country, in both rural areas and cities and easy to reach by public transport.²⁹

22. Services need to be open with an expected frequency and duration. Therefore, the announced opening hours are to be respected and any departure from regular working hours should be announced in a transparent and timely manner. Importantly, there should be some level of flexibility in the availability of the service to cater for victims who may not be able to reach the service within normal working hours.

²⁷ While there is no single provision of the Directive which might indicate these criteria, it is the spirit of the Directive which reflect them. For example, recital 9 reads: "[A]ny service coming into contact with victims, such as victim support [...] the personal situation and immediate needs, age, gender, possible disability and maturity of victims of crime should be taken into account while fully respecting their physical, mental and moral integrity. Victims of crime should be protected from secondary and repeat victimisation, from intimidation and from retaliation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice." Recital 21 guarantees that: "Information and advice provided by [...] victim support services [...] should, as far as possible, be given by means of a range of media and in a manner which can be understood by the victim, [and] should be provided in simple and accessible language", while recital 37 provides that "Support should be available from the moment the competent authorities are aware of the victim and throughout criminal proceedings and for an appropriate time after such proceedings in accordance with the needs of the victim".

²⁸ See Cambridge Dictionary definition of accessibility, available at : <https://dictionary.cambridge.org/dictionary/english/accessibility>

²⁹ Services should in addition have a regular presence at a location where they are usually not available (e.g. regular field visits to remote areas), or where victims need them to be present for appropriate support (e.g. to leave the office and attend a meeting or a hearing with the victim).

23. Moreover, any communication with victims needs to be ensured in a respectful, understanding and simple language and manner. Administration and bureaucratic requirements on the victim should be reduced to the absolute minimum whilst allowing the organisation to function effectively and to provide the necessary quality of service, to reduce the risk of discouraging the victims and of secondary victimisation. Finally, accessibility for persons with disabilities also needs to be ensured, either directly by the supporting organisation, or through referral and cooperation with organisations and institutions which can ensure this important aspect of service provision.

24. Services need to be comprehensive and adaptable to the changing victims' needs. This means that a wide range of different services are ideally provided within any single support organisation.³⁰ The more organisations a victim has to be in contact with, the greater the level of secondary victimisation. This must be balanced with ensure sufficient expertise to deliver the service. For example, referral might be necessary where lawyers or psychologists are not employed in-house.

25. As victims' needs change, the support service should be in a position to identify these changing needs and adapt services in response or refer the victim to the appropriate organisation.³¹

26. Overall, an organisation needs to be able to assess an individual victim's needs and address those needs, as well as evolve the services of the entire organisation over time to meet the changing demands of a victim population.³² To better adapt services according to needs, the organisation and support workers should understand the local context in which the victim is situated to help provide the most relevant support.

27. Services need to be delivered to a high quality and consistently across the country. The services should conform with specific and identified standards and that there should be consistency in those services across the country. Victims should not be faced with a 'postcode lottery' where they may get a better or worse service depending on where they live³³. To support the delivery of consistent services, organisations should be well co-ordinated and have effective referral mechanisms between themselves.

28. Quality standards should be clearly established and compliance monitored. Quality of service applies not only to the way a service is delivered but includes appropriate training for all persons working in the service with specific training for those in contact with victims. Finally, organisations should be in a position to continue improving their performance through exchange best practices with other services in country and abroad.

³⁰ For example, a single organisation offering information, emotional support, assistance on legal questions, practical support etc., as one service meets needs better than if these different services are provided by different organisations.

³¹ For example, when released from hospital, a support organisation should make follow up contacts to ensure the victim has both their health, as well as practical and emotional needs met. Similarly, the type of support a victim needs during criminal proceedings will change depending on the stage of proceedings, what decisions are made, and the participation of the victim. Prior to a victim's interview or testimony, needs are likely to be higher than during an investigation period where for the victim, the matter may be relatively quiet. Again where a perpetrator is due for release from detention or prison, not only does a victim have a right to be informed if they wish, they should have access to support as the release could trigger trauma, or in some case additional risk of harm.

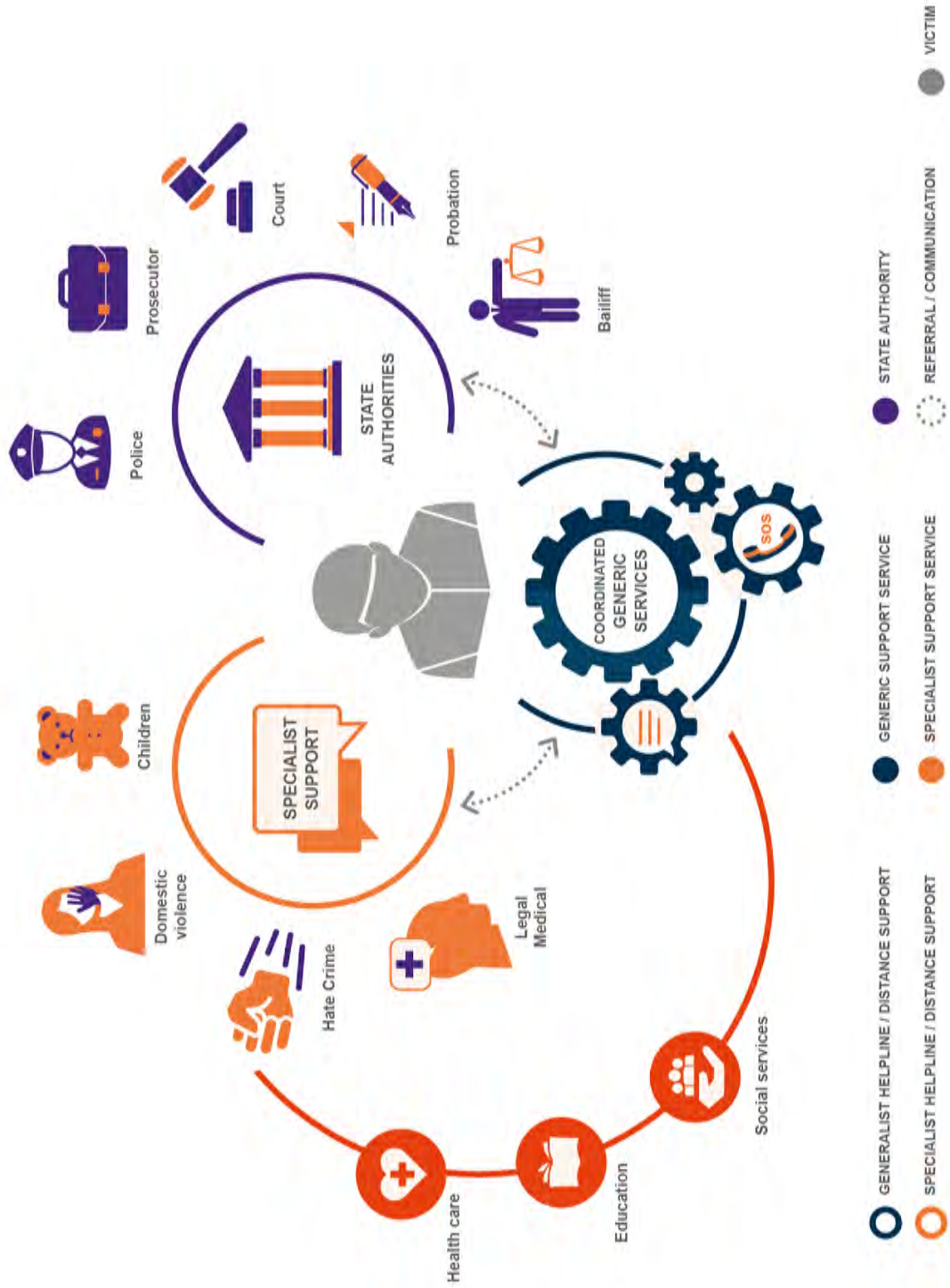
³² For example, a number of support organisations are now delivering services online, through messaging, chatlines, helplines and through mobile apps to take into account the new ways that people seek to access services. This in particular increases their accessibility to young people and often to men.

³³ The abovementioned report on Ensuring quality of victim support services in Serbia provides details on how to make sure that services to victims are provided with a consistent guarantee of quality across different services and regions.

29. Support services should to be delivered in a most efficient manner. With limited funding and resources to deliver support to large numbers of the population, efficient means for delivery should be used. Duplication of services should be avoided, synergies between different entities should be sought out and free or lower costs solutions as well as alternative sources of funding should be identified. Unnecessary administration which increases costs should be avoided and the large proportion of an organisations budget should be devoted to the frontline delivery of support to victims.

30. The framework for delivering a national system of support services to all victims of crime involves a multitude of actors operating in different spheres. Some of those actors will be focused on victim support only, while many others should incorporate victims services and polices to accommodate the needs of victims they come into contact with. The schema below illustrates some of the keys aspects of a national support system.

Figure 2: Schema for comprehensive victim support services



2. Comparative European experiences in delivery of victim support

31. The Directive leaves it to Member States to find the best mechanism to ensure victim support in their own countries, including how governmental and non-governmental actors are involved in the delivery of victim. Involvement of NGOs will depend on many factors, such as their size and the reputation, the geographic and demographic picture of the country, the structure of crime and victimisation, but ultimately also on official policies regarding the involvement of non-governmental actors in provision of services.

32. It is important to understand the role of governmental and non-governmental actors in comparative systems and to look into specific advantages their respective services can bring to victims of crimes. Knowing how different actors impact the provision of a critical service will be important for Serbian stakeholders, in moving from the current situation, in which there are few limited services available – towards a comprehensive Directive-compliant system of support for victims of crimes.

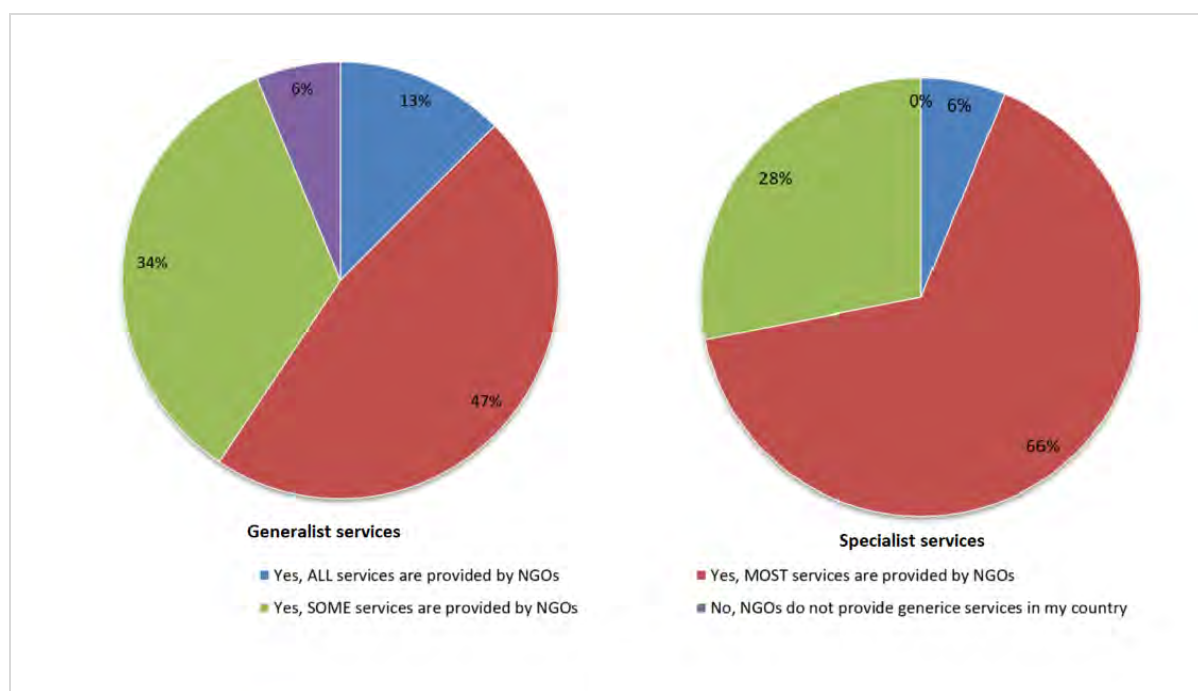
2.1. Who provides services to victims of crimes

33. Some types of victim support services are provided partly or fully by the state. Protection of victims, for example, inherently rests with the state: in the forms of restraint and protection orders. Access to justice can only be effectively provided by a functioning state apparatus – represented by a network of courts, prosecutors and law enforcement agencies. Nonetheless, even in here, NGOs can play an important role: protection may be ordered by the State but implemented by a NGO run shelter for victims; NGOs can provide access to justice by helping with legal aid, or by accompanying a victim during a trial.

34. In other spheres, victim support services are often delivered to a greater or lesser degree by non-governmental organisations. This is the case with different types of victim helplines, for example, where such services are predominantly, if not exclusively, provided by NGOs.

35. Victim support is seen as an endeavour best delivered through cooperation between state and non-state actors, and it would appear that is exactly how it functions in comparative practice. An overwhelming majority of respondents, 81 percent, to the survey believe that victim support is best delivered when governments and NGOs cooperate to deliver services to victims – a claim that proves to be present also in practice. Both generalist and specialist support are provided by a variety of different actors in all countries surveyed: generalist services are provided, solely or predominantly, by NGOs in 60 percent of the cases. The presence of NGOs in the provision of specialist services is even more important – with 72 percent of those services provided, only or mostly, by NGOs.

Figure 3: Who provides services in Europe?



36. The experiences of Croatia, Hungary and Portugal confirm survey findings, since in these countries victim support services are provided by a combination of state and non-governmental victim support services. In Croatia and Hungary, the provision of victim support is managed at a national level by the state, even though services themselves are provided by a combination of state and non-state actors³⁴. In Portugal, generic victim support is largely provided by the Portuguese Association for Victim Support (Associação Portuguesa de Apoio à Vítima, APAV), a national, private, charitable non-profit organisation and the only state-wide provider of generic victim support services.

37. Hungary is unique in that there are two main nation-wide providers of generalist victim support – one state-run and the other an NGO. Since 1989, the NGO Fehér Gyűrű, has been the pioneer of victim support in Hungary. Today they continue to provide services independently from, and in addition to, those provided by the government. Until the adoption of the Directive, they were the only provider of generic services in Hungary. The government adopted some early forms of victims’ protection in 2001, limited to compensation, but it wasn’t until 2006 that the core administrative tasks regarding compensation were set up. It was only with the adoption and implementation of the Victims’ Rights Directive that the State-run victim support services were set up, in response to Article 8 requirements.

38. Unlike Hungary and Portugal, Croatia does not have a unique nation-wide generic victim support organisation or institution in place. There is a centralised office in charge of ensuring support for victims with the Ministry of Justice – Service for Support to Victims and Witnesses (*Služba za*

³⁴ FRA (2014). FRANET: Victim Support Service in the EU: An overview and assessment of victims’ rights in practice Hungary, 2014 and FRA (2014). FRANET: Victim Support Service in the EU: An overview and assessment of victims’ rights in practice Croatia, 2014

podršku žrtvama i svjedocima), however it provides only limited services. Instead, the Service makes sure that support is provided through a combination of state and non-governmental providers.

Dual system of victim support in Hungary (a case study)

The administration of the State-run support in Hungary is quite complex and is divided between three governmental bodies. The Prime Minister's Office administers the regional Government Offices (HR, local coordination, appeal, compensation cases etc.), while the Ministry of Justice manages the policymaking, training, supervision. In practice, however, victim support services are under the auspices of the metropolitan and regional government offices (*Kormányhivatal*), which are supervised and administered by the Ministry of Public Administration and Justice (*Közgazgatási és Igazságügyi Minisztérium*). The Ministry of Public Administration and Justice may consult the Ministry of Interior (*Belügyminisztérium*), if tasks, roles of the police related to victim support are in question. The Ministry of Justice is also responsible for the national 116 006 helpline and the functioning of victims support centres. Finally, the Ministry of Human Capacities runs the specialised victim support services which are provided by the government.

The state services and Fehér Gyűrű make the same commitment in terms of the provision of services, however in practice there are significant differences in the type and quality of services provided.

Only state services are authorised to provide '**victim's certificate**' – a document needed for access to certain rights.

Both organisations provide financial support, albeit in different forms. The state service can pay victims an immediate financial relief to offset the consequences of victimisation. Fehér Gyűrű also gives out financial support, but mostly for funeral costs.

Emotional support is a service that both organisations commit to. Nonetheless, in practice, the state services appear to be underperforming in this regard.

Practical assistance and psychological support have been notably absent or less effective if provided by state services.

Similarly, while both state-service and the NGO can provide **accompaniment at trial**, in practice it is only

Fehér Gyűrű that actually provide this service in practice.

There has been no client satisfaction survey in Hungary regarding victim support and service providers. However, a drop in client numbers at state victim support has been noticed.

In general, the state support services are seen as dysfunctional. A recent report on the implementation of the Directive in Hungary found the following:

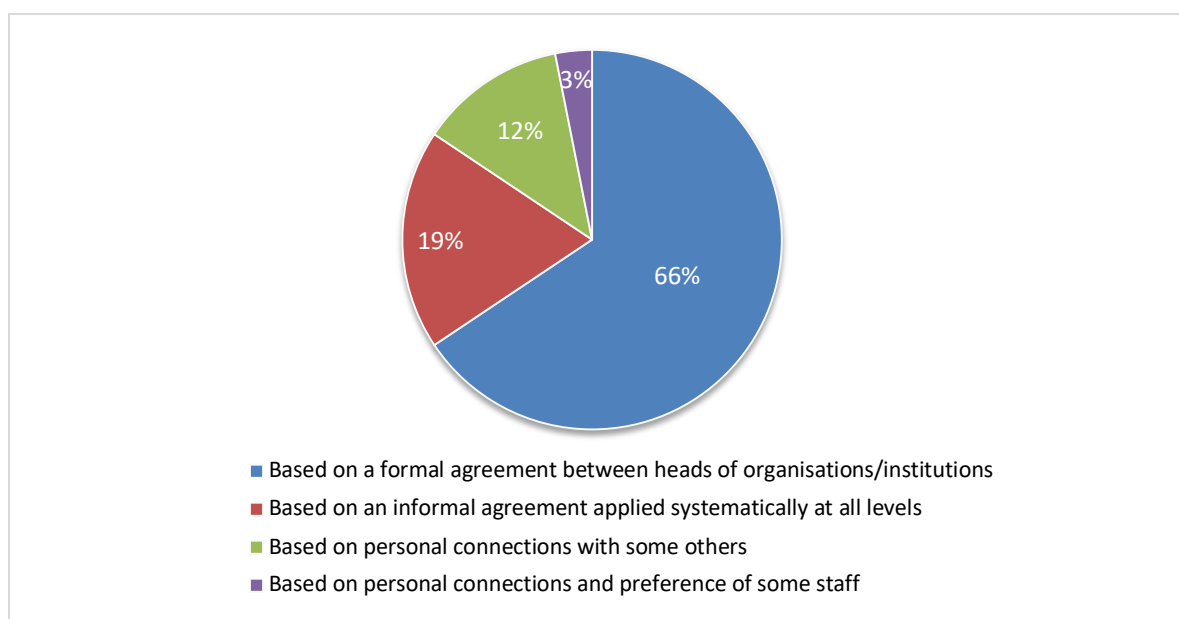
"Most victim support workers in state-run services act as usual office clerks. They are more mere administrators instead of being active supporters. Their attitude and approach is administration-based instead of being victim-focused, and many of them lack proper qualification. Since victim support is integrated into Guardianship Office, victims are retained from seeking help from them, because they are afraid of "going to the social services". Besides victim support, the staff usually have other duties as well (most of them are required to additionally or mainly provide legal aid services), therefore they lack the time and are not urged by their superiors to show such activity that would be necessary to improve client numbers. One might not even be wrong to suggest their interests are even reverse, because they could not handle a higher number of victims with so few professionals.

Because of the constant changes, it has been difficult for the police to keep track of whomever they should be in touch with when it comes to victims' issues. The police often do not get any information leaflets from state victim support, therefore they prepare their own ones to have at least that to hand over to victims. Common opinion among police officers is that victim support is currently dysfunctional, caused by constant changes and lack of professionals at state victim support, while NGO victim support is not available overall due to limited funding*." [Victim Support Europe, Victims of Crime Implementation Analysis of Rights in Europe (VOCIARE) – National Report for Hungary, 2018 (pending publication)]

2.2. Cooperation between different actors

39. To ensure best service to victims, and establish an efficient system, it is important to define how different victim support providers work together and alongside each other. This is particularly important regarding the cooperation between state and non-state actors. This cooperation is important to facilitate referrals, but it goes further than that. In many countries, victim support NGOs are invited, through different mechanisms of cooperation, to provide training to judiciary, police or public administration officials. They are consulted to contribute to the development of legislation or to take part in response to crisis situations.

Figure 4: How NGOs and governmental organisations cooperate



40. With many different actors involved in an activity as sensitive and important as victim support, it is indispensable to put into place protocols for referral and cooperation. This outcome from survey findings, states that in 66 percent of cases, organisations cooperate through a formal agreement or by an informal, yet systematically applied, cooperation.

41. Croatia, Hungary and Portugal have all declared commitment to victim support and cooperation with civil entities. Croatia has adopted a strategy for the development of a victims and witness support system, which explicitly recognises the need for the services offered by the non-governmental sector³⁵. In Hungary, a general deterioration between state and non-state sectors has been recently reported. Despite these circumstances, and regardless of the state predominance in the provision of victim support services, the state still declares commitment to engaging with Fehér Gyűrí and other, specialised organisations, as important victims' support providers. However, this commitment has not been reflected in providing sufficient funding for NGO support. In Portugal, there are a number of agreements and protocols with state authorities, other NGOs and the private sector, ensuring referral and cooperation.

³⁵ UNDP Regional Centre for Europe and the CIS (2014). Development of a Witness and Victim Support System Croatian experience: good practices and lessons learned

42. At the local level in Portugal, municipalities are increasingly involved in creating and financing support services. In addition, law enforcement and Public Prosecution offices are well embedded in assistance discourse. Police special task forces and specialised teams have been created and trained, to better investigate and manage specific crimes and specific victims. In addition, there is also the noteworthy presence of multidisciplinary teams, joined by social workers. The Public Prosecution Office is now supported by a team of psychologists and is specializing in issues of domestic violence and vulnerable groups.

43. In Croatia, both generalist and specialist support are fragmented between a number of state and NGO providers. Importantly – a single nation-wide generalised victim support service is still lacking. Rather, due to the '90s conflict, victim support has mainly evolved around victims of war, as well as to services for family violence victims and human trafficking. As a part of the process of EU accession and the implementation of the Victims' Rights Directive, a Service for Support to Victims and Witnesses (Služba za podršku žrtvama i svjedocima) was set up within the Ministry of Justice. However, the service itself provides only limited forms of support – information about the release of an offender, some support in cross-border cases, as well as administrative support in obtaining compensation.

44. The main service providers, in aiding victims in Croatia, are NGOs, which have taken steps to organise structured assistance and generic victim support. As previously mentioned, generalist victim support in Croatia is provided at the regional level, either through state-run services attached to regional courts (in seven counties), or through NGOs funded by the Ministry of Justice (in the remaining 14 counties). The Ministry of Justice does not fund victim support NGOs in regions where support is provided through courts; however, additional support is still needed, given that Victims and Witness Support Offices are not authorised to provide legal aid nor to provide expert psychological, psychiatric and/or psychotherapeutic assistance to victims. Nonetheless, NGOs, which aim to fill the gap in providing support to victims in counties where these services are established (notably in Zagreb, Vukovar, Osijek, Sisak, Rijeka, Zadar and Split counties) are faced with funding issues and problems with sustainability, as they mostly depend on donors and projects, with limited permanent commitment to ensure their continuous work. For example, Bijeli krug Hrvatske, from Split, depends on funding from local authorities and projects, even though they are working hard to close the gap created in the existing unbalanced Croatian victim support system.³⁶

³⁶ In 2018, Bijeli krug lost a grant that it had received from the City of Split, for the previous six years, with the explanation that their "project" was not innovative enough to be funded: regardless of the fact that an ongoing service is reliant on stable operational funds to be able to carry out its activities – catering to the needs of victims.

Patchwork system of victim support in Croatia (a case study)

Before the Ministry of Justice of Croatia (through Croatian Service for Support to Victims and Witnesses) allocated funding for victim support services, the support in many counties was very limited, if present at all. In 2016 the Ministry allocated funds to generic victim support for the first time. A call for proposals was announced by the Service to give funds to organisations to provide support to victims in the 13 counties. Only seven organisations applied and only five had qualified to receive funds. Even though limited, this funding encouraged a number of NGOs to extend their services to some new professional and geographical areas, and ensured sustainability of for at least a certain period of time.

To encourage networking of victim support organisations and to further expand victim support services, in 2017 the Service for Support to Victims and Witnesses changed approach and published a call for proposals to fund a network of organisations, rather than to give separate grants to a number of individual recipients. This boosted cooperation between different NGOs and a

network was set up with one coordinator and ten other partner organisations, who are now formally coordinating their work to provide victim support services in the 13 counties.

For 2017, Croatian Ministry of Justice allocated around 1,5 million HRK (200.000 EUR) to ensure support to victims through selected NGOs. For 2018 this was increased to a bit over 2 million HRK (270.000 EUR) and it is planned to further increase the funding for victim support to 2,2 million HRK (almost 300.000 EUR) in 2019.

According to organisations which receive grant from the MoJ, funds allocated are far from sufficient and they need to rely on further support from other governmental sources, funds allocated from local government, as well as on project work, to be able to deliver services to victims

The biggest shortcoming of the Croatian system is that in counties where courts provide (very limited) support services, no funding is provided to NGOs to close gap.

45. Formal cooperation agreements between NGOs and state actors at all levels, have proved to be a good practice to follow. Fehér Gyűrű has signed a number of memoranda of understanding³⁷ with the national police, other enforcement agencies, universities etc. In Croatia, official cooperation is limited to the framework contract that the Ministry of Justice has with grant recipients. These recipients, and other Croatian victim support organisations, are encouraged by the Ministry of Justice to establish a more formal network of victim support, to ensure nation-wide coverage and ease of referral. Apart from cooperation with the ministries, there is evidence of at least limited cooperation also with the local authorities in Croatia, Hungary and Portugal.

46. Successful cooperation and effective referrals are not necessarily determined by the existence of protocols and agreements between governmental services and NGOs, nonetheless

³⁷ Act CXXXV of 2005 on Crime Victim Support and State Compensation. Chapter IV, Section 9, (3).

cooperation and referral protocols are a necessary precondition. In Portugal there is a lack of adequate protocols for referral to victim support services. Victim support professionals view this as an obstacle to effective referral and cooperation between the governmental and non-governmental sectors. In Croatia, the activities and coordination of state bodies, public institutions and NGOs are regulated by an abundance of protocols³⁸. However, in practice, these protocols do not result in the smooth referral and provision of services, due to the afore-mentioned fragmented system and limited capacity of victim support organisations.

2.3. How NGOs operate in comparative practices

47. National legislation defines how NGOs are set up and how they operate. In all three countries observed, the right of association is guaranteed by the constitution, while specific mechanisms for the incorporation and the functioning of associations (NGOs) is further specified through legislation and bylaws³⁹. In general, NGOs are always required to go through formal registration for the establishment and dissolution of an association⁴⁰. In order to engage in specific activities, competent state bodies may be required to authorise, monitor and supervise the work of the NGOs⁴¹.

48. In general, registering to provide generic victim support does not require NGOs to go through specific licensing processes in Croatia, Hungary or Portugal⁴². Nonetheless, some support elements may be liable to specific requirements – e.g. to provide psychological support, organisations need to employ licenced psychologists. However, the degree of specificity of the license varies across countries. In Portugal for instance, there is no need for licenced psychologists to be specifically trained

³⁸ The Protocol on the Treatment of Family Violence, the Protocol on the Treatment of Sexual Violence, the Protocol on the Treatment of Child Abuse and Neglect, and the Protocol on the Identification, Assistance and Protection of Victims trafficking in human beings

³⁹ Hungary: ACTCLXXV of 2011 Section 3 Subs. (1) on the Freedom of Association, on Public-Benefit Status, and on the Activities of and Support for Civil Society Organisations.

Croatia: The latest **Law on Associations** was adopted on June 6th, 2014 and came into force on October 1st, 2014.

Portugal: NGOs are the major providers of victim support services, and most (not all) are organisations with IPSS³⁹ status (Instituições Privadas de Solidariedade Social³⁹). IPSSs are regulated under Decree n^o119/83 of the 25th of February.

⁴⁰ The Hungarian registry for NGOs is held with courts. In Croatia, this responsibility is with the county department of the State Administration Office for Cooperation, which is available at: <http://www.usig.org/countryinfo/laws/Croatia/Croatia%20Law%20on%20Associations%20in%20English.pdf>. In Portugal, it lies with the Institute of Registries and Notaries, IP (IRN, IP) (*Instituto dos Registos e do Notariado*), a public institute with administrative autonomy that is integrated in the indirect administration of the State.

⁴¹ According to stakeholders and victim support professionals. For instance, in Hungary if an NGO is found to have broken a law, then association may be closed down.

⁴² Licensing for certain professions should not be confused with accreditation of victim support services. Many occupations require specific forms of education, professional qualifications or membership in professional associations. This varies from country to another and may be heavily regulated with quite demanding entry requirements. Whenever a license is required to provide a certain type of service (e.g. membership in bar associations to represent a client/victim before the court), or to provide certain types of specific support (e.g. psychotherapists in the provision of specific types of psychological support or a drivers' license to drive a victim to the court), such requirements should be met in order to provide a service that is not only of the best quality, but that is also in line with the requirements of the domestic legislation.

on victimisation⁴³, while in the Republic of Croatia there is no standardisation and verification system for experts in civil society organisations⁴⁴.

49. Victim support organisations are subject to quality standards, even when they are not expected to go through a licencing procedure⁴⁵. In all three countries, the main victim support organisations are members of VSE⁴⁶, and liable to VSE's standards for accreditation. In Croatia there is a ruling on the provision of social services⁴⁷, which recommends the minimum conditions that associations working with victims and witnesses should put into place⁴⁸. At the same time, NGOs supporting victims and witnesses self-regulate – adopting a number of policies and other internal documents to ensure quality of their services, or they subject themselves to strict externally developed quality standards. For example, APAV implemented a code of conduct and technical procedures to ensure that victims are treated with dignity and respect by its volunteers and employees. It also underwent the ISO 9001 standardisation for its quality of management.

50. Some specific forms of support may be liable to higher scrutiny and more exhaustive criteria. One such service is, for example, shelters for victims of violence, which are heavily regulated in all three systems. Many professional services, which are frequently provided to victims of crimes (e.g. legal aid or psychological support) are scrutinized through both governmental regulations and professional associations.

2.4. How NGOs and governments deliver services to victims

51. To provide assistance to as many victims as need it, victim support services must be accessible⁴⁹. This accessibility will be reflected in a number of ways: availability in both urban and rural areas; housed in soothing and pleasant offices; the provision of privacy and anonymity to victims. 80 percent of respondents found NGOs fully, or mostly, able to provide services to victims in an accessible manner, and 56,6 percent respondents found the same to be applicable to governmental services.

⁴³ Regulation n.º747/2016, article 1.

⁴⁴ According to stakeholders and victim support professionals, the non-fulfilment of standards set out in the Ordinance on the minimum conditions for the provision of social services, does not lead to a ban on doing business

⁴⁵ For an analysis of mechanisms for ensuring quality standards and accreditation of services, see: MDTF JSS, VSE, *Ensuring Quality of Victim Support Services in Serbia*, MDTF, 2018, available at: http://www.mdtfjss.org.rs/en/mdtf_activities/2018/how-to-ensure-quality-of-victim-support-services-#.W_0DQ_ZFw2w

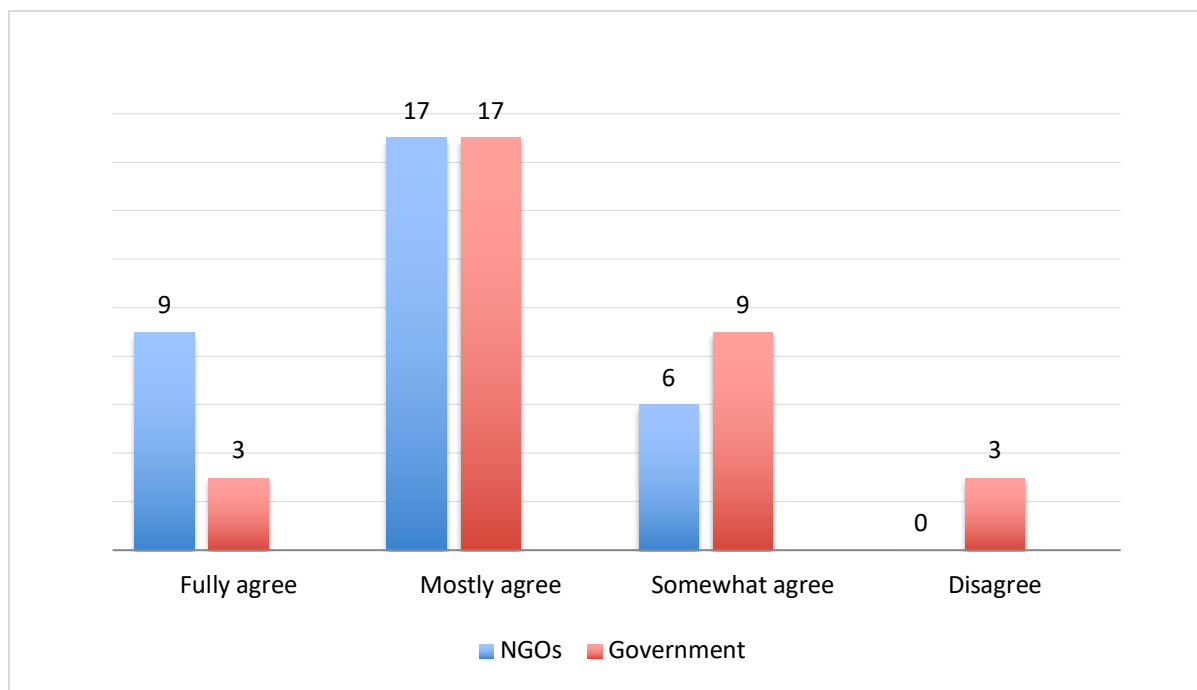
⁴⁶ Portugal; Portuguese Association for Victim Support (APAV) – Croatia; Bijeli Krug (the White Circle of Croatia Association)-Hungary; Fehér Gyűrű Közhasznú Egyesület/White Ring Association

⁴⁷ *Pravilnik o minimalnim uvjetima za pružanje socijalnih usluga*, Official Gazette Nos. 40/2014, 60/15

⁴⁸ Also other associations.

⁴⁹ For the purposes of the present report, accessibility is understood more in the sense of approachability of services, their general openness to victims, rather than within the meaning of accessibility as required by persons with disabilities, for example.

Figure 5: Accessibility of services, depending on the provider



52. Victimization is a unique, personal experience with victims’ needs evolving over time and dependant on personal and environmental factors⁵⁰. These needs may be conditioned by a victim’s individual situation – belonging to a vulnerable group, prior trauma or specific personal circumstances. Providing adequate generic, as well as specialist, support is essential to safeguarding victims’ basic needs: for respect and recognition, support (including information), protection, access to justice and compensation⁵¹.

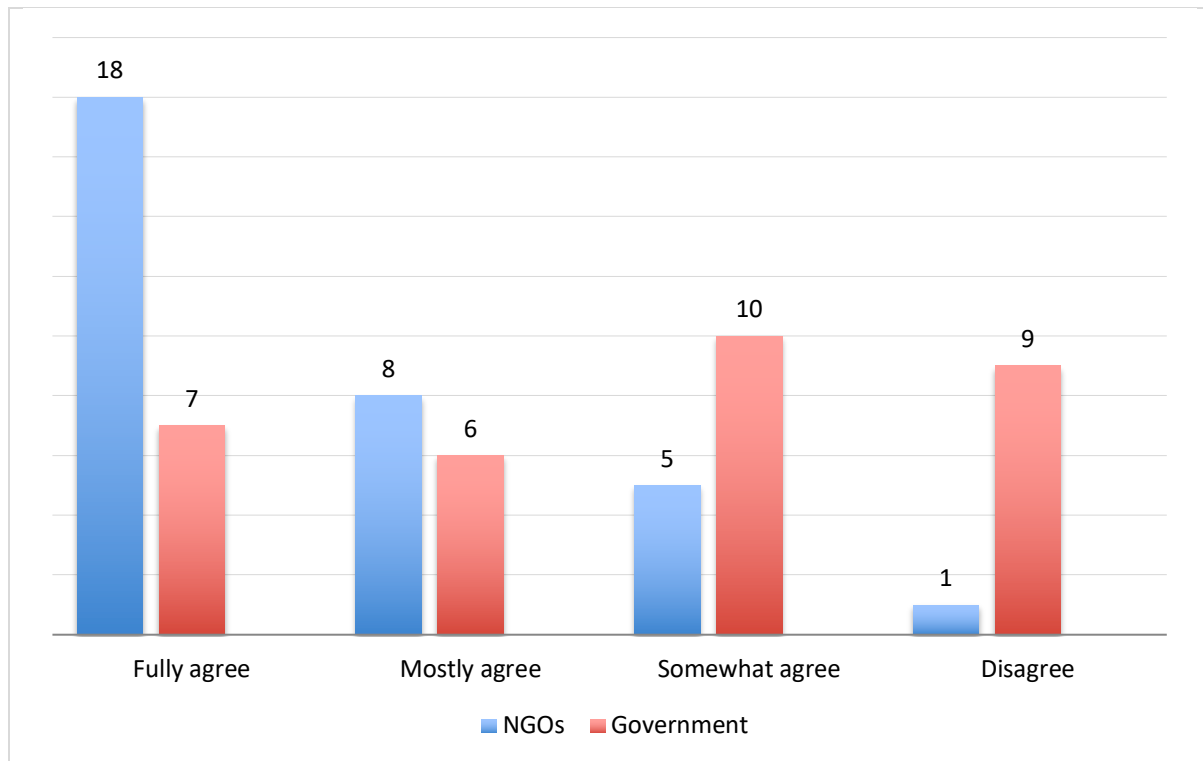
53. The ability of organisations and institutions to respond to victims’ individual situations is a crucial requirement, which can help especially vulnerable victims seek, and receive, support. It is important that services are responsive, by being: available outside traditional office hours; able to provide their services outside fixed offices; responsive to the provision of assistance depending on developing victim’s needs. The survey indicates that NGOs are in a position to respond to victims’ needs in a flexible manner, in several aspects. NGOs are able to provide services at different times of the day, including over the weekend, with 72 percent of respondents finding NGOs provide services at times outside of conventional office hours, and 53 percent finding governmental institutions unable to do so. Even though NGOs do not appear to be very flexible in terms of providing services outside their location, in almost 90 percent of cases they are able to provide some assistance outside a fixed location. At the same time, in 62,5 percent of cases, governmental services are completely unable to provide services to victims outside their official site. NGOs also appear to be better positioned to change their approach as time passes and the victims’ needs change: 90 percent of respondents found NGOs fully, or mostly, able to adapt to changing circumstances, while only 44 percent thought the same of governmental victim support providers.

⁵⁰ Directorate-General for Internal Policies, 2017. How can the EU and Member States Better Help the Victims of Terrorism? Study for the Libe Committee.

⁵¹ Ibid.

54. Generic services in Croatia and Hungary both report better flexibility of NGO services as opposed to those offered by the government. As mentioned previously, Croatian state provided services are limited to court proceedings only: they do not offer features such as legal and psychological support. In Hungary, however, despite official commitment, full support is rarely provided. In Portugal, the state provides no generic services.

Figure 6: Ability to provide services in the long term



55. To provide adequate services and to respond to long-term victims’ needs, support organisations need to ensure their long term provision, that is not limited in time. It is important to note that it is not uncommon for victim support organisations to face problems with funding while the, often erroneous, view of funders is that victim support can be sustainably provided through projects, rather than through long-term commitments. NGOs have the advantage in comparison with state provided support, as being better able to provide services to victims who need support in the long-term – with 69 percent and 50 percent of the respondents respectively, finding NGOs and the state fully or mostly able to provide support in the long term.

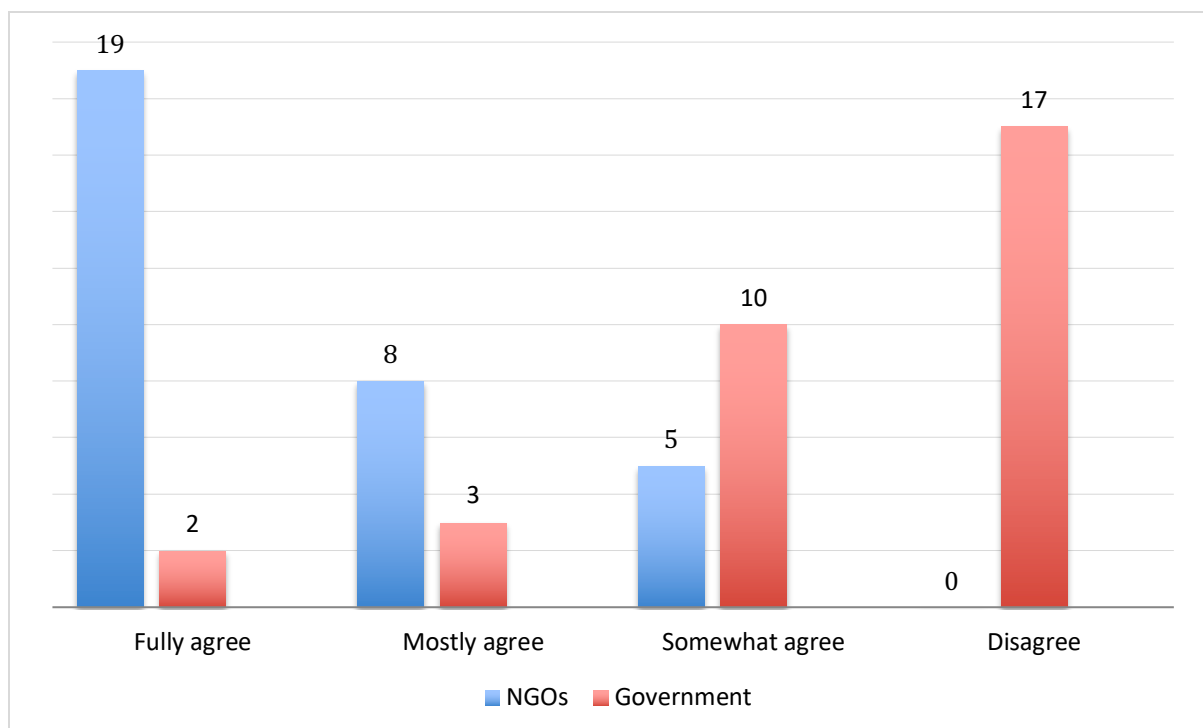
56. The long-term provision of services is questioned when services are delivered through, and in relation to, a victim’s participation in criminal proceedings. Many forms of state support, as in Croatia, are reliant on the victim’s participation, and testimony, in criminal proceedings: once the trial is over the support ends. NGOs, on the other hand, can provide unconditional services for an unlimited period of time – as long as the victim needs support. It is not to say that specific services related to trial are not needed or that governmental services cannot be provided in an unconditional manner. However, such an approach to state services is less common, and even when it is set up, as it seemingly is in Hungary, many services remain structurally unavailable and their provision is conditional to the formal recognition of victim status and legal residence in the country.

57. Closely linked to flexibility and the ability to engage volunteers, is the ability of victim support organisations to provide services with a minimum delay. The survey confirmed that NGOs are seen as better able to respond to victims' needs promptly and within the shortest possible delay. 87,5 percent of respondents believe that NGOs are fully, or mostly, able to provide services with a minimum delay, while only 34 percent think the same of the governmental service providers.

58. Finally, it is important also to understand the cost-effectiveness of NGO and state-run services. A detailed cost-benefit analysis of victim support services is provided in a separate report⁵², assessing the actual value for money of victim support in Serbia. While it has not been possible to conduct such an analysis for comparative practices, it is important to know the stakeholders' views on cost-effectiveness. It appears that 81 percent of stakeholders – victim support professionals, policy makers and other stakeholders, find NGO provided services fully, or mostly, cost-effective. Only half as many – 40,5 percent, found that the governmental services were also cost-effective.

59. To adequately respond to victims' needs, the recruitment of volunteers is not only recommended, but indispensable for the provision of victim services. Volunteers can contribute to the work of an organisation not only through dedicating their time and skills, but also through supporting change and sustainability, and often bringing their commitment combined with a wealth of expertise and experience. Again, it would appear that NGOs are better positioned to attract and recruit volunteers than governmental services, with almost 85 percent of respondents finding NGOs fully, or mostly, capable of involving volunteers in their work, and more than 53 percent of them seeing governmental institutions as incapable of doing so.

Figure 7: Ability of services to use help from volunteers

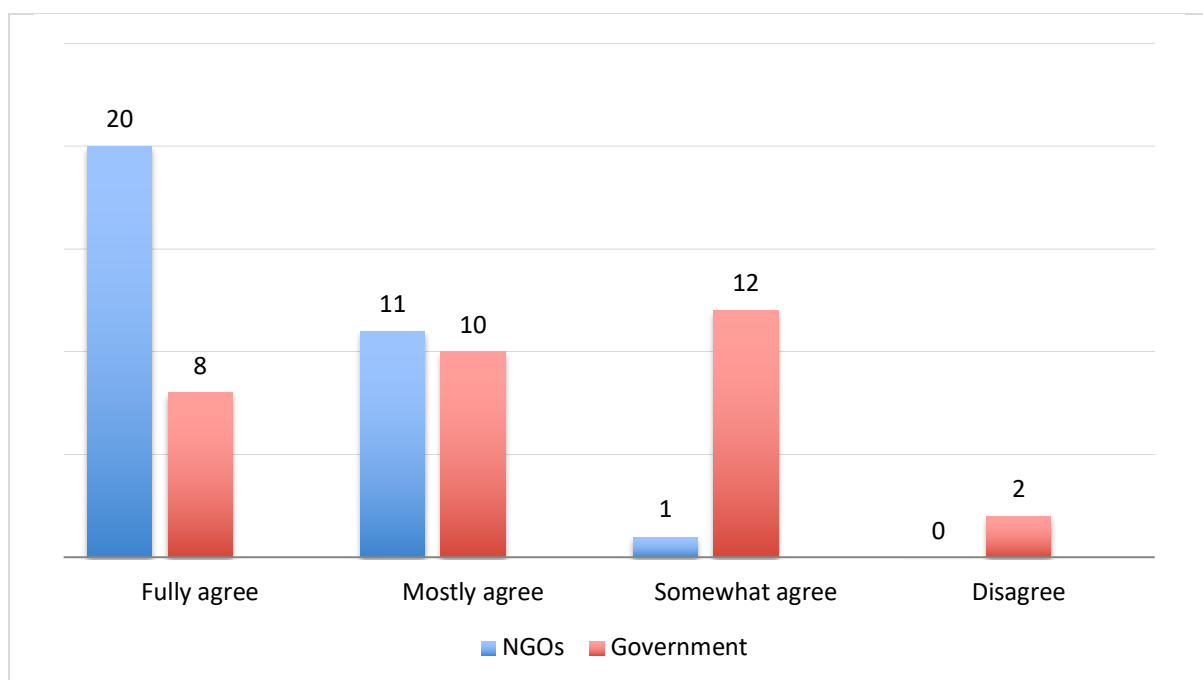


⁵² Full report is available at: www.mdtfjss.org.rs

60. The ability to recruit volunteers and use their support in their work is observed also in the Croatian, Hungarian and Portuguese systems. In Hungary, most Fehér Gyűrű staff are volunteers, though the organisation also cooperates with a number of lawyers who provide legal aid to victims on a voluntary basis – which is not the case for the state-operated services. In Croatia, while volunteers are also recruited by the state institutions, non-governmental organisations engage greater numbers of volunteers in their work. In Portugal too, involvement of volunteers helps ensure the appropriate and efficient provision of services to victims in NGOs.

61. To provide services of the highest quality and to respond appropriately to victims’ needs, it is necessary for staff and volunteers to not only be well trained, but also to be committed to victims’ needs and to respect their rights. Non-governmental victim support providers appear to be quite ahead of their colleagues in state organised services, regarding the perception of their dedication to supporting victims. Almost 97 percent of respondents fully, or mostly, agree that NGO staff are dedicated to their work with victims, while 56 percent think the same of publicly employed victim support professionals. At least part of the reason for this can be seen from the example of Hungary, where staff employed by governmental institutions are civil servants, who see themselves more like clerks who issue certificates to their clients – victims, and less like persons of trust who provide assistance and support to a vulnerable person in the time of need.

Figure 8: Dedication of staff in victim support services



62. Continuing investment into the development of staff skills and knowledge is a necessity in order for any victim support provider to adequately respond to needs of victims. This is mainly done through training and personal development of both paid staff and volunteers. Despite their limited resources, NGOs are still perceived as more able to guarantee trained staff and volunteers. 87,5 percent of respondents see NGOs as fully, or mostly, able to provide adequate training to their staff and volunteers, while 56 percent felt the same for governmental services. This finding may be

particularly important for Serbia, given that training for staff and volunteers was seen to be a significant shortcoming in the services currently being provided⁵³.

63. In Croatia, Hungary and Portugal, NGOs invest in the provision of training for their staff, however, initiatives regarding training of governmental officials have been reported. In Hungary, the Legal Academy of Justice Services (within the Ministry of Justice)⁵⁴ actively provides training for the staff of district victim support offices. It is a legal requirement in Portugal that professionals, whether state or non-state employees or volunteers, who provide specialist services must undergo intensive training: the completion of such training is a pre-condition for the receipt of public funding. Additionally, public prosecution in Portugal, in the field of domestic violence and abuse against vulnerable groups (elderly, children, in some cases also on the needs of people with disabilities), is becoming increasingly specialised, therefore prosecutors receive appropriate training to work with vulnerable victims. APAV and Fehér Gyűrű are regularly asked to provide training to public institutions – police, judiciary and others.

64. The general perception, across Europe, is that non-governmentally provided victim support services are generally seen as more cost-effective than those provided by the state. This may be due to the ability to engage more volunteers, but also to the greater dedication of the staff.

2.5. Availability of NGO services

65. There is a whole range of services, generalist and specialist, that need to be developed to tend to victims' needs. Services that are often provided by NGOs include: helplines; emotional, practical, administrative and psychological support; legal aid; and accompaniment. Because of the nature of these services, effective outcomes will depend on their availability and accessibility as well as the capability, aptitude and attitude of staff who engage with victims. Cost-efficiency is an important element of any organisation. Decisions on how the service is provided and who will provide it may often depend on financial implications thereof.

66. Survey results reveal that services being provided by the non-governmental sector have an 'added value'. Unlike governmental structures, which are highly regulated and legislated, NGOs are adaptable and responsive to change. NGOs are independent from government, committed to supporting victims' interests, and drawing their strength from the community by employing voluntary support. This separation from state politics is an important feature, since NGOs, with their less officious position elicit greater trust from victims, who are often seeking confidentiality and anonymity. Victim support NGOs, therefore, connect with more people through their reliability and accessibility.

67. Administrative burdens can often discourage victims from reaching for support or can risk overwhelming them. Knowing that prohibitive formalities with lengthy and complicated procedures not only discourage victims from seeking support, but can lead to secondary victimisation, it is of utmost importance to minimise the administrative burden for victims. As anticipated, survey findings indicate that non-governmental organisations, providing victim support, have less demanding administrative requirements. 78 percent of respondents found NGOs to be fully, or mostly, able to

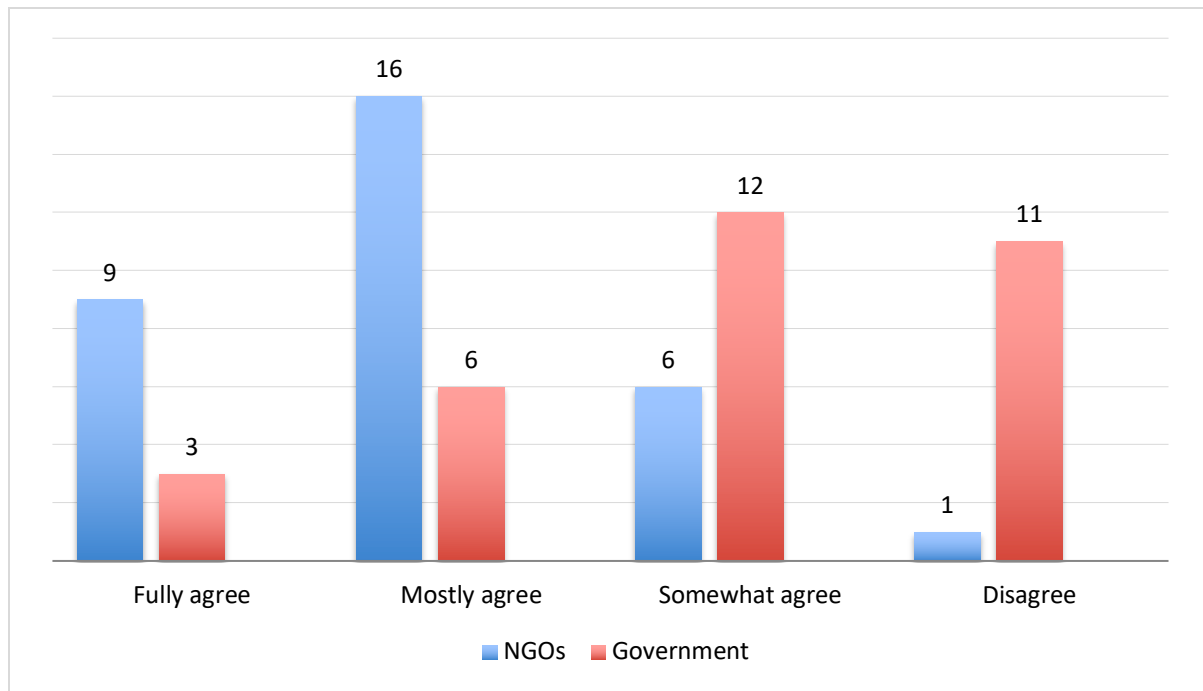
⁵³ MDTF JSS, VSE, Overview of existing victim support services in Serbia, 2017, available at:

http://www.mdtfjss.org.rs/en/mdtf_activities/2017/victims-access-to-support-services-in-serbia#.W_LRfZFw2w

⁵⁴ <http://jogakademia.gov.hu/>

provide services in a simple and straightforward manner, while only 28 percent thought the same of the governmental providers. This holds true also of Croatia and Portugal, but is particularly true of Hungary, where the governmental offices provide support only to victims who are certified as such by the office.

Figure 9: Ability to provide service with minimum administrative requirements



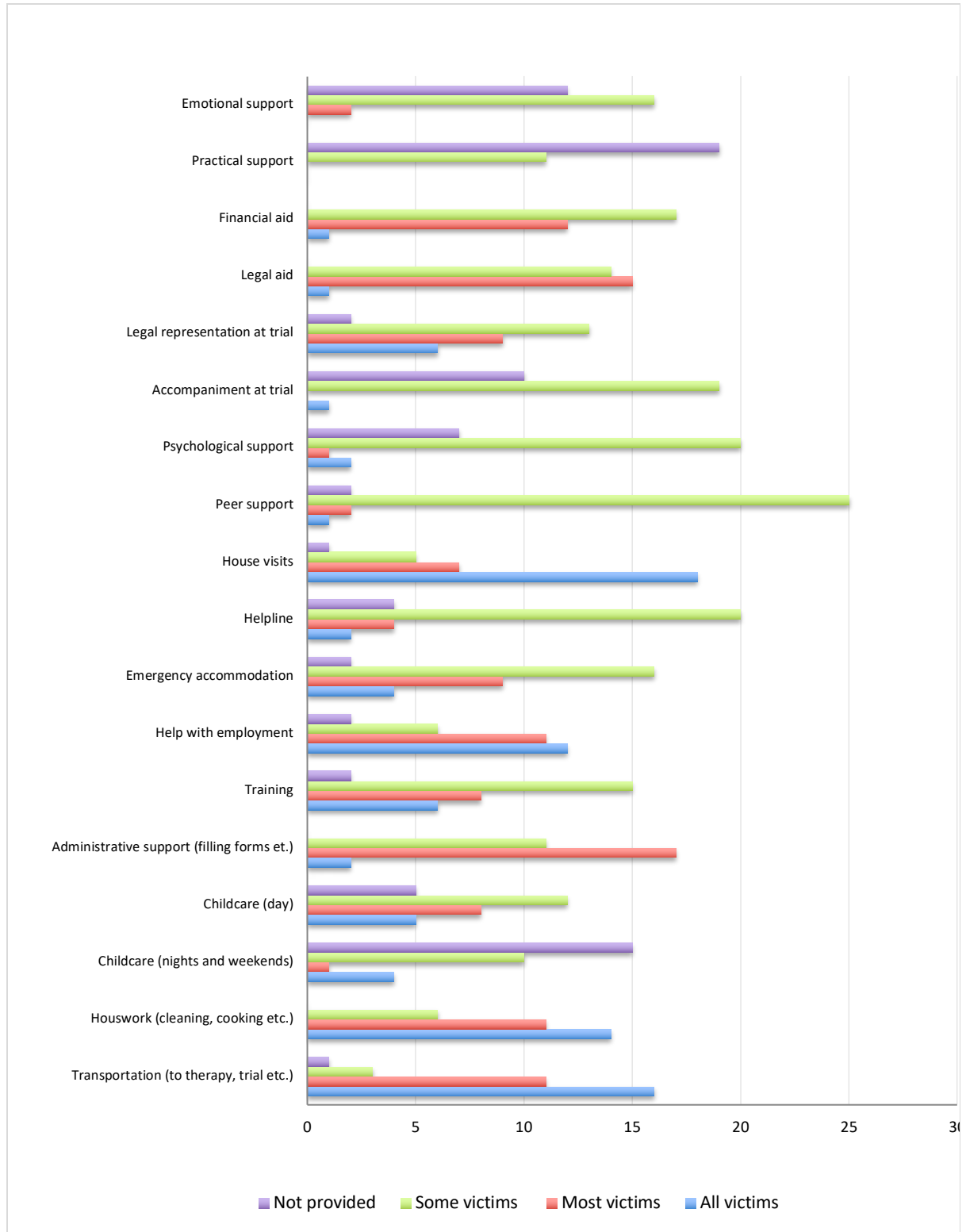
68. The availability of different types of services will influence victims’ recovery and their ability to re-establish their lives. It is, therefore, important to put into place a variety of different types of care. While the survey could not capture the full scope, it aimed to examine a sample of most important services: looking at their availability across Europe; and the role NGOs play in their provision.

69. Certain specialist services are limited to victims with specific needs and their broad availability is not expected. However, services must exist for those who need them. As research shows, specialist assistance such as emergency accommodation (victims’ shelters), or peer support, is available to a limited amount of victims – 50 and 78 percent respectively. This finding is expected, given the nature of these services: shelters are provided for victims of violence, mostly women and children as victims of domestic violence, or for victims of human trafficking; but perhaps not for a victim of arson who has lost his/her house. Similarly, peer support is mainly available through help groups for victims of specific crimes (e.g. rape or terrorism).

70. Some services, like financial aid or help with employment, are less frequently provided by NGOs, due to the specific resources entailed. Financial aid, in this sense, does not mean victim compensation, but rather an emergency financial intervention to help victims deal with the immediate effects of victimisation (e.g. to pay a hospital bill or buy a ticket to go back home). This service is, in many systems, limited to a means test and obviously represents a financial burden that NGOs cannot afford. Help with employment, on the other hand, may require access to general schemes for facilitation of employment, which are in many countries dominated by the government.

71. Some specific services, such as training, housework, childcare or transportation appear to be generally scarce. However, when they are available, they will often be more easily provided by NGOs, for a number of reasons, including the ability of NGOs to better engage with volunteers.

Figure 10: Type of services provided by NGOs



72. Many of these services are available in Croatia, Hungary and Portugal. In all three countries, emotional support is considered a form of primary support⁵⁵, however, access could be limited if the courts are providers. In Croatia and Portugal, both state bodies and NGOs are involved in providing this primary service. For instance, in Portugal, the specialised multidisciplinary law enforcement teams have a victim-oriented approach to their work and are equipped to provide emotional assistance to victims: victim-focused training and the development of specific skills results in better support for victims. In Hungary, however, despite some attempts to achieve similar results, state bodies are still not successful in systematically providing emotional support to victims: emotional support is mostly provided to victims via NGO-run hotlines. In Croatia, those who turn to the victim support services will receive emotional support; however, there is concern regarding access to emotional (or any other form of) support for victims in counties where this is provided through the courts, as emotional support is only reserved for victims of reported crimes for the duration of criminal proceedings.

73. Similarly, practical support is provided in all three countries, by both NGOs and state bodies. Practical support consists of, for example, helping victims complete official forms, make requests for psychological or legal assistance etc. In Hungary, state and generic NGOs help with practical issues, while specialised NGOs assist victims access their services. In Portugal, municipalities are directly involved in the provision of this type of service, however, NGOs will also assist at the victim's request. Where the state sub-systems deal with very specific issues related to their appointed sphere of action (e.g. social welfare, request for legal aid), NGOs help victims with the administrative support. This joint approach, with separate and pre-determined functions, may ensure division of tasks and avoid overloading case-workers. In Croatia, practical support provided by the special offices for victim and witness support at the county courts is limited to only victims who are appearing in criminal proceedings: the practical support offered is limited to helping victims find their way around the court building etc.

74. Legal aid is provided by both NGOs and state bodies, however delivery of this service differs between countries. In Hungary, legal aid is provided by the state-run service only when certain conditions are met, and it is subjected to a means test; however, the eligibility standards are relatively high compared to the average salary. Victims who qualify have the right to request a lawyer, supplied by the Ministry of Justice, free of charge⁵⁶. In contrast, Feher Gyuru provides legal aid, using both pro-bono or hired attorneys to assist by phone, email or by representing the victim at court. In Portugal, it is the social welfare agencies who assess applications and allocate benefit payments, while the state offers legal counselling, support for court costs⁵⁷ or legal representation⁵⁸. Yet, unlike Hungary, it is not the victim who chooses his/her lawyer from a list, it is the social welfare agencies who contact the Bar Association, which then appoints a legal representative. In Croatia, depending on the needs of victims and witnesses, competent state authorities or NGOs oversee the provision of legal assistance⁵⁹. However, to maintain impartiality, Victims and Witness Support Offices are prohibited

⁵⁵ Primary support includes emotional support: in the context of support in communication with judicial institutions, which seeks to mitigate the intensity of emotions affecting bodily functions and cognitive abilities, and facilitates testimony, decision-making and functioning, and, in addition to conversation, includes person tracking and accommodation in special rooms during a stay in the institution (waiting room), while in relation to other assistance and support services it includes the empowerment of victims to re-take control of their own lives.

⁵⁶ Or reduced fee, according to the income assessment.

⁵⁷ Victims of DV are exempted.

⁵⁸ After applicants have been subjected to means tests.

⁵⁹ It is important to mention that in this country there is a lack of standardization and verification systems for NGOs.

from offering legal advice to clients. Croatian NGOs employ licensed experts to offer victims these forms of assistance. Legal aid involving court representation must be approved by the State Administration Office: this creates challenges for many beneficiaries, who eventually remain without legal aid and legal representation. To overcome this issue, the Victims and Witness Support Services set up the National Office of the Judiciary, which allows victims to get additional legal support from a qualified court-witness counsellor. Nevertheless, victim support professionals are concerned by a recent increase in requests, putting constraints on this service, which has resulted in many victims losing access to support⁶⁰.

75. In Croatia and Portugal, financial aid is provided by the state only, while in Hungary both the state and NGOs share the burden of financial support. The difference in the two sources of financial support can be seen in the increased flexibility of NGO provided support. Where state services are formal and limited in scope, the NGO provided funds, while still quite modest, can be allocated with much less formality (e.g. providing support under more flexible terms, when there is evidence of victimisation, rather than following strict deadlines⁶¹) in providing emergency aid to victims (especially funeral expenses).

76. In Croatia and Portugal, the accompaniment at trial is provided both by State and NGOs, while in Hungary it is a task carried out solely by NGOs. Theoretically state bodies are entitled to accompany victims at trial, but in practice it is NGOs who deliver this service. In Croatia, logistical support consists of organising accommodation at the location where the proceedings are to take place, organising travel for the victims/witnesses, assistance with legally recognized expenses, assistance with financial assistance provided for by law, etc. In Portugal, this support is almost always carried out by NGOs: probation services do sometimes accompany victims of crime to trial⁶².

77. In Portugal and Hungary, NGOs are the main providers of psychological support, while in Croatia the state bodies and NGOs are both involved. In Croatia, the competent state body or NGO oversees the need of any required psychological treatment for victims and witnesses. However, Victims and Witness Support Offices and Departments, are not authorised to provide this or other types of specialist support – and can only refer victims to adequate services. In practice, this leaves only NGOs as competent to employ licensed experts from the different fields (human rights, psychology, social work, educational rehabilitation) to offer these forms of assistance. In a number of Hungarian regions, NGOs provide on-site psychological support services with staff traveling to survivors in those areas where on-site support is lacking. In Portugal, APAV provides psychological support victims within their support centres and shelters, while others are assessed and referred to specialist services. In all three countries, psychologists who provide support to victims need to be licenced according to the general rules applicable to psychologists.

78. In Hungary and Portugal both state bodies and NGOs provide help lines. However, in Croatia this service is only provided by NGOs. Croatia and Portugal offer the harmonised European victim support helpline 116 006⁶³, this service is provided by NGOs in both countries. In Portugal, it is

⁶⁰ According to stakeholders and victim support professionals.

⁶¹ E.g. the state provides emergency support only if the request is made no more than 5 days after the event. Feher Gyuru accept these requests even later, based on evidence of need.

⁶² This seems to be so because of their pre-existent role of doing so with offenders. There appears to be a lack of understanding by the RNAVVD, for the need of separation between the two activities. Some charities, and municipality services, that dispense care in victim support centres, also provide support to the perpetrators of domestic violence.

⁶³ See also: <https://victimsupport.eu/news/workshop-on-116006-helplines-for-victims-of-crime/>

provided by APAV, and in Croatia by the Association for Support to Victims' and Witnesses. In Hungary, there is a free of charge, national helpline, which is available 24/7. The helpline is provided by the Ministry of Justice (Victim Support Line) and specialised NGOs (missing children, or children and young people in need of support, care, and protection, sexual violence and maltreated women and children). Additional helplines are available in all three countries, – providing support either certain types of victims (e.g. in Portugal, Commission for Citizenship and Gender Equality provides a 24/7 helpline for victims of domestic violence) or to victims of a certain region⁶⁴.

79. Both state structures and NGOs provide training to professionals on victims' needs to ensure quality of service. In Hungary, the main focus is on the training of police officers and is provided by state victim support. However, the training is not compulsory, rather the support service needs to be asked by the police to provide them with the specific training. On the other hand, Feher Gyuru regularly provides training to students of the police academy. In Portugal, training on domestic and other forms of gender based violence is primarily provided in-house by the Commission for Citizenship and Gender Equality. For other types of violence and other forms of victimisation, APAV has a training centre that provides specialised training on victim support to different groups of professionals, including judiciary and law-enforcement. Similarly, Croatia provides continuous training of persons working with victims, to strengthen their organisational capacity, efficiency and visibility. Significant activities are related to the implementation of specialised education for representatives of competent bodies and institutions dealing with victims of sexual violence, domestic violence and trafficking victims.















80. General information, covering all victims' needs – recognition, support, protection, access to justice and compensation, is provided by both state bodies and NGOs. In Hungary, even though most services are available to victims regardless of a formal complaint, most victims receive information about state victim support from the police, when making a formal complaint. In all three countries analysed, law enforcement has duty to inform all victims of crime about the organisations and services where they can seek support. In Portugal, the Commission for Citizenship and Gender Equality provides some direct assistance, through an information helpline, that is limited to domestic violence. For example, when victims in Portugal are given their victim status certificate, they are also provided with an annex sheet that lists all relevant victim support organisations: an automatic nationwide referral system for all victims of crime does not exist⁶⁵. In Croatia, the Victim Support Network, NGOs commissioned by the Ministry of Justice to provide support to victims in the counties where there is no support service with the court, routinely provide victims with technical and practical information. The Victims and Witness Support Department has the authority to provide practical information, information on the rights of victims, and emotional support. According to procedural protocols: professional and police, social welfare, healthcare, state attorney's offices, and county court operational teams have to provide support to victims and witnesses, which includes the provision of information. NGOs provide information on rights and procedures on their websites.

⁶⁴ E.g. Bijeli krug provides helpline to victims from Split and the Dalmacija region.

⁶⁵ In Lisbon, there is also a support team of psychologists working with the public prosecution office, to assist prosecutors with risk assessments as well as to provide information and emotional support, when needed, to victims.

81. The availability of different services provided by different actors can be reviewed in the following table:

Figure 11: Types of support per country

SERVICE	Provided by NGOs	Provided by the State	Provided jointly
Emotional Support			
Practical Support			
Financial Aid			
Legal Aid			
Accompaniment at trial			
Psychological Support			
Helplines			
Emergency Accommodation			
Training			
Information			

82. In all three countries the provision of generic and specialist victim support is heavily reliant on short-term initiatives, which put the sustainability and quality of services at risk. Even with well-functioning services, as appears to be the case in Portugal, victim support organisations experience problems regarding the sustainability of their funding. This is especially obvious in the case of Croatia and Hungary.

83. With the patchwork of victim support organisations in Croatia, there is a fear that some people may not get the assistance they require. The Ministry of Justice does not fund NGOs, providing support, in areas where the state engages with victims through county court offices. These offices dispense a limited scope of service (e.g. they do not provide legal advice or psychological support) and only work with victims who take part in criminal proceedings: victims who prefer not to file criminal charges are excluded.

84. In Hungary, even though both state and NGO services are provided nation-wide, there is concern about the availability of services to all victims. In order to be eligible for support, a victim must be granted victim status, which should be related to the initiation of criminal proceedings. It is explicitly stated in law that support will be given only legal residents: legal foreign residents or tourists visiting the country with a valid visa (or without one if it is not required) will still be provided support. However, this support will not be provided to undocumented migrant victims, for example.

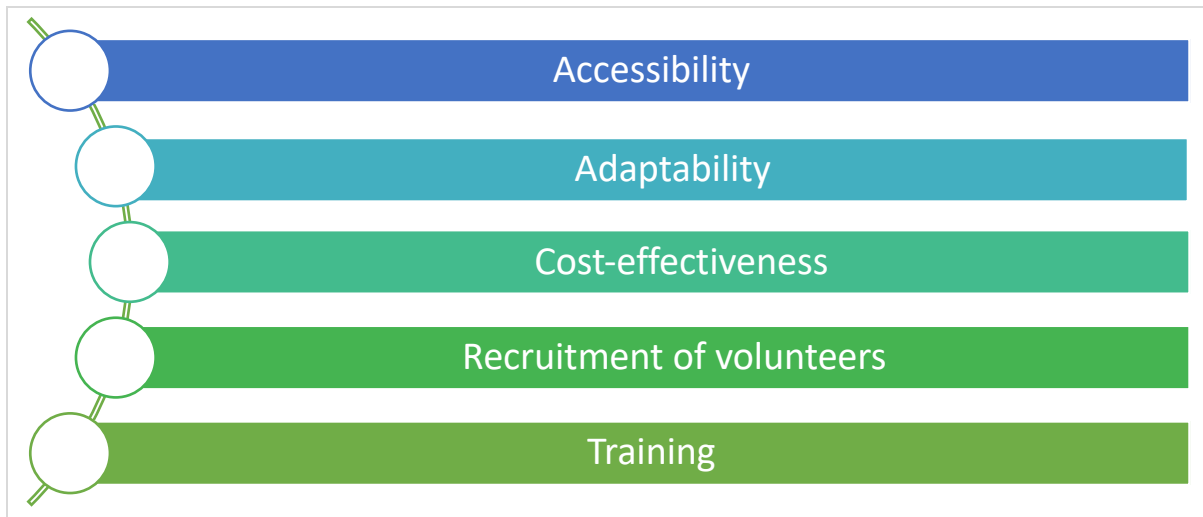
85. In Portugal where generic services are provided nationwide by civil society, similar concerns have not been recorded. While APAV is the go-to organisation and the main generic provider of services for victims of crimes, some support is available through the criminal justice system. In 2006, the police introduced a victim support task force that complements APAV's work by mainstreaming victims' issues in the work of the Portuguese police⁶⁶.

86. It follows from the research that NGOs seem to be more able to provide a range of services. NGOs are also uniquely placed to advocate for victims' interests in the public arena, working hard to

⁶⁶ Equipas de Proximidade e Apoio à Vítima – EPAV, introduced by the Strategic Directive nº 10/2006 of the Public Security Police. Also, Polícia de Segurança Pública, PSP.

ensure that policies have a victim-oriented approach, enabling a multiplication of victims' voices. This is not always easy to achieve for governmental institutions, which are a part of the official discourse. Another advantage of non-profit organisations is that they appear to offer effective services at a lesser cost. Indeed, their use of volunteers, in addition to lower administrative requirements, enhances the organisations' human resources, and decreases the overall costs⁶⁷.

Figure 12: Strengths of NGOs in providing Victim Support.



⁶⁷ Data from 12 EU Member States on expenses for generic support services - even though it is difficult to compare the widely diverging support systems, ways of budgeting, and GDP-levels - point to an average of some € 3,000,000 per year (2012 or in some cases 2011 figures – *FRA report on VS*).

3. Role of civil society in the provision of victim support services in Serbia

87. A 2017 report on existing victim support services⁶⁸ found that, in Serbia, while there are some state-run schemes that offer limited services, the majority of support is still provided by NGOs. Significant gaps remain in the provision of generic services and several regions of Serbia are devoid of most services. As a more recent report - on the cost-benefit analysis of victim support in Serbia - indicates, the state is not capitalising on NGO availability, even though relatively modest funding would enable geographic expansion and increase in the quality of services provided to victims of crimes. Such an investment would benefit not only victims, but also the state⁶⁹.

88. A comprehensive system of support for victims of crimes in Serbia currently does not exist and to establish one, a range of service providers, both state and non-governmental, need to be brought together. However, to do so, it will be necessary to strengthen the existing services and introduce new ones - both generic and specialist. Moreover, the quality of such services should be ensured through a system of standards and potentially also a process for accreditation of services. This will further require a system of coordination between different service providers, case-management, monitoring and evaluation, as well as a well-developed system of training of professionals and their supervision.

89. A relatively modest investment would enable geographic expansion and increase in the quality of services provided to victims of crimes. Such an investment would benefit not only victims but also the state⁷⁰. As research indicates, spending into victim support is providing a multitude of benefits to society as a whole. In the chain reaction between the state, victim support organisations and victims themselves, victim support organisations become full partners in the criminal justice system. Investing into victim support results in increased victims' satisfaction and decreased secondary victimisation, while it also encourages victim to reach out for support and report crimes. Moreover, there are indications of multiple financial benefits of victim support.

90. Certain systemic issues were identified as obstacles to the establishment of an adequate, generic, nation-wide system of victim support in Serbia. Referral mechanisms, which would ensure that victims are directed to an appropriate source of support, are lacking. Regardless of some instances of cooperation between state and NGO actors, the existing climate of general mistrust between the civil and the governmental sector jeopardises the provision of victim support. Victims are not given adequate information regarding their rights and the services available, further reducing opportunities for support. The most notable impediment is that State support services are limited in scope and resources, while the available NGO sector is not encouraged to engage in a sustainable and systemic manner.

⁶⁸ MDTF-JSS, VSE, *Overview of existing Victim Support services in Serbia, Victim Support Europe*, 2017

⁶⁹ MDTF-JSS, VSE, *Cost and benefits of victim support in Serbia*, 2018, available on www.mdtfjss.org.rs

⁷⁰ *Ibid.*

Figure 13: Main issues identified in relation to the provision of victim support services in Serbia⁷¹

Gaps in the provision of victim support services in Serbia	Systemic lack of generic victim support
	Absence of a referral mechanism
	Insufficient cooperation between the State and NGOs
	Quality and availability of Information for victims
	Absence of services in large parts of the territory
	Insufficient funding for NGOs
	Lack of training for staff and volunteers

91. A general prohibition on new employments in the public sector in Serbia, in force since 2015, additionally impedes the protection of and support for the most vulnerable victims. This prohibition, even though initially intended to ensure maintenance of the required minimum number of staff in public services, often resulted in the reluctance of public institutions to employ replacement staff for vacancies following departure of incumbents. According to a recent report of the Ombudsperson, this resulted in serious staff shortages in social work centres and their inability to provide statutory support to the most vulnerable – children victims of violence⁷². While the gap in the important work that social work centres deliver cannot be simply offset by a transfer of responsibility to civil society, the gap in the provision of services by NGOs becomes more prominent in such circumstances.

92. Undeniably, more generalist victims’ services, together with a further development of specialist support for some vulnerable categories, would allow access to support for more victims. In addition, this will bring the Republic of Serbia closer to compliance with the Victims’ Rights Directive. Significant coordination between the state bodies and the NGOs’ services is needed to maximise compliance with the European Victims Directive. Referral, which is currently incidental rather than a result of a coordinated effort, needs to be more systematic and organised to ensure every victim has access to appropriate support⁷³.

93. The Government of the Republic of Serbia is currently leading an effort towards the development of a comprehensive victims’ rights strategy and an ensuing action plan. A limited number of Serbian NGOs have been invited to participate in this work, based on an open call for participation⁷⁴. It is crucial that working group after preparatory work ensure a broader engagement with the victim support professionals from different sectors and conduct a comprehensive public consultations prior to the adoption of strategy and action plan.

⁷¹ MDTF-JSS, VSE, *Analysis of victims’ rights and services in Serbia and their alignment with EU Directive 2012/29/EU*, MDTF, 2016.

⁷² See Special Ombudsperson’s Special Report on the Rights of the Child in the Republic of Serbia (*Poseban izveštaj : Stanje prava deteta u Republici Srbiji*), November 2018, p. 85, available at: <https://www.ombudsman.rs/attachments/article/5937/IZVESTAJ.docx>

⁷³ MDTF-JSS, VSE, *Overview of existing Victim Support services in Serbia*, 2017.

⁷⁴ Only three organisations were invited to participate – one organisation which works for and with victims of trafficking, one which provides general services of legal aid citizens and one professional association of criminal law experts. The call involved a heavy administrative burden on organisations wishing to apply, participation is not reimbursed and it appears to be rather resource intensive on participating organisations.

4. Victim support – a shared responsibility

94. Collaboration and cooperation are key features of victim support provision in most systems: the strength of a comprehensive well-run victim support service lies in mutual cooperation between the governmental and civil society providers. NGOs are the cornerstone of a functioning, participatory democracy⁷⁵, helping uphold the rule of law and implementing fundamental rights. They are an integral part of victim support as they ensure that victims' rights are exercised, regardless of governmental political aims. NGOs play an important role in oversight, carry out important advocacy work, bring strategic cases to courts, and ensure that national and international judgements create a legal framework for victims' rights. NGOs are better placed to provide the representation and inclusion of vulnerable victims, children, women or the disabled, and work to ensure that decision-makers take *all* victims of *all* crimes into account when developing and adopting laws or policies. Fundamentally, NGOs bring an important perspective, and add value, to governmental implementation of the Victims' Rights Directive.

95. It should be kept in mind that victim support is not a one-off project, but a permanent service to be provided on an ongoing, sustainable basis. A dedicated stream of government funding should be allocated for non-governmental organisations: funding should not be tied to pre-conditions such 'innovation' as this is counterproductive and may jeopardise the future of services provided to victims.

96. Judicial systems have a duty to provide support to victims⁷⁶. Ministries of Justice, committed to comprehensive, prompt, sustainable and valued victim support, have been driving change in many countries. In Finland and France, for example, there is a strong governmental (Ministry of Justice) commitment to cooperate with, and endorse the work of, victim support organisations. In Croatia, the Ministry of Justice has been instrumental in instigating the network of victim support organisations. This commitment, usually, comes from a deep understanding that the morality of societies may be seen and reflected in how the society treats its victims.

97. It is a governmental responsibility to ensure national victim support services are available: these can be in-house systems, or funding can be allocated for NGOs to provide this support. Governments are pivotal in implementing initiatives: including the coordination of existing services, incentives for the creation of additional services, and the definition of standards for victim assistance. When states recognise that NGOs not just provide a service to victims, but also assist the states fulfil their obligations, victim support finds fertile soil to grow and be of best service to victims.

98. Cooperation on victim support, between states and NGOs, may be hindered by internal circumstances. For instance, in Croatia, the Ministry of Justice plays an important role in victim support networks; however, this is a funding criterion only limited to organisations selected to provide support in the 13 counties where there is no state support system. There is little institutional cooperation between the ministry and NGOs outside these counties. In Hungary, there is an opt-in system, which implies that victims, who file charges, are given information by law enforcement on

⁷⁵ Israel Butler, 2017. Participatory democracy under threat: Growing restrictions on the freedoms of NGOs in the EU. Civil Liberties Union for Europe, August 2017.

⁷⁶ E.g. Victim Support Europe, 2013. *Handbook for Implementation of Legislation and Best Practice for Victims of Crime In Europe*. Publisher: Victim Support Europe (2013). See also, MDTF JSS, Victim Support Europe, *Ensuring Funding for Victim Support Services*, Publisher MDTF (2017).

where they can find support. This stipulation is crucial for two reasons: firstly, police need to be trained and responsive to victims' needs and treatment; secondly, as it is linked to the formal criminal complaint, it is up to the victims to seek any aftercare. In this sense, opt-out systems, where victims are automatically referred to assistance services, with the right to decline support, are considered much more effective⁷⁷.

99. NGOs are better placed to provide certain victim services, while others might be provided by the state. For this reason, a synergised intervention of NGOs and state bodies might be suitable, as in that way all victims' needs can be adequately responded to.

100. Certain forms of cooperation have already been identified and should be reviewed. In Hungary, State victim support has strategic and specific memoranda of understanding with the national police, with Fehér Gyűrű, and with other indirectly connected victim support organisations. This approach to cooperation, has had several benefits for victims of crimes. The MoUs with the police and Fehér Gyűrű, for example, lead to referral, exchange of best practices and cooperation on initiatives. Cooperation with universities contributes to the development and encouragement of volunteering, through internships for students, as well as development and interaction between theory and practice. Such memoranda also exist in Serbia. The Victimology Society of Serbia (VDS), for example, has several protocols on cooperation with various institutions. However, more can and should be done to ensure that there is a coordinated approach to victims' issues and that all actors involved in the provision of the various forms of victim support are well coordinated to safeguard referral and other forms of cooperation.

101. Efforts should be made to guarantee that all victims have access to, at least minimum, services, which is presently not the case. Research indicates several dysfunctions identified by NGOs as a consequence of a lack of collaboration. In Croatia, there appears a lack of effort to extend victim support beyond the bare minimum, that the Ministry of Justice justifies by a lack of funds – and the priority of assuring at least a minimum of support in all judicial counties.

102. Portugal sets a fine example in how the state and NGO sectors cooperate to the benefit of Portuguese crime victims. The main victim support providers are NGOs, however, they are endorsed by the State, and are able to grow and improve victim services. Nonetheless, in a CIES-IUL study⁷⁸, some deficiencies have been identified in the articulation of/cooperation between services, or between services and agencies.

⁷⁷ Victim Support Europe, 2013. Handbook for Implementation of Legislation and Best Practice For Victims of Crime In Europe. Publisher: Victim Support Europe (2013).

⁷⁸ Guerreiro, M. et al. (2016), *op. cit.*

5. Conclusions and recommendations

103. The majority of organisations responding to our survey confirmed that in their view the provision of victim support services is best done through the collaborative effort of governmental and non-governmental sectors. The primary consideration when developing a system of victim service is to have the needs of victims recognised and met, and for them to receive services that will help them recover from victimisation.

104. When determining which entities are best placed to deliver victim support services, those entities should be assessed against a range of clear criteria. Services which meet the needs of victims can be achieved by NGOs or government actors but factors – including the nature of the organisation itself – should be considered when determining which entities are best placed to deliver services. A well-coordinated collaborative effort between state and NGO services appears to be the optimal solution for victim support services. It is up to each country, as the Victims’ Rights Directive suggests, to find the best approach, taking into consideration respective constitutional norms, legal structures, practical advantages and potential obstacles for each solution.

105. In the creation of any victim support system, it is important to learn from the experiences of existing systems. The Directive requires victim support services to be accessible and easily available for victims as well as comprehensive and adaptable to the changing victims’ needs, while the public expenditure policies also require them to be cost efficient. At the same time, evidence overwhelmingly suggests that NGOs are well placed to carry out the ‘business’ of victim support. This stems from the findings of a comparative survey of professionals involved in victims’ issues, through NGOs or on behalf of their governments. All agree that victims are served better, faster and with less obstacles, if they are receiving the care they need from NGOs.

106. To ensure the effective, systematic protection of and assistance to victims, it is crucial that services are not linked to judicial complaints and criminal procedures. This is a direct requirement of the Victims’ Rights Directive and in practice has been introduced for good reason. Victim support services should be immediate, continuous, and available for as long as necessary. As evidence shows, there is significant added value for NGOs to provide services exactly by this standard.

107. NGOs appear to be better placed to provide services which require flexibility and adaptability. Many services, including, but not limited to: emotional, psychological and all sorts of practical support, accompaniment of the victim at trial, and at least some forms of legal aid and administrative support appear to be better placed to be provided by NGOs in comparative systems. It follows from the previous reporting that it is mostly NGOs that provide such services to Serbian victims⁷⁹, hence similar results could be expected from broader engagement with NGOs in the provision of a broader range of such services in Serbia. It is, therefore, recommended to continue encouraging and funding NGOs to provide such services in a sustainable and responsible manner, including through setting a system of standards and introducing and also potentially a requirement for accreditation of such services⁸⁰.

⁷⁹ MDFT-JSS, VSE, *Overview of existing Victim Support services in Serbia, Victim Support Europe*, MDTF 2017, available at: https://victimsupport.eu/activeapp/wp-content/files_mf/1506075470MDTF_Mappingreport.pdf

⁸⁰ MDFT-JSS, VSE, *Ensuring Quality of Victim Support Services in Serbia*, 2018.

108. Many Serbian NGOs are working towards providing the much-needed services to victims of crimes. From what follows from the research, both in Serbia and in comparative systems, services provided by NGOs can provide an important contribution towards a tailored response to the needs of victims of crimes. Any future system of victim support should, in such circumstances, make sure to build on this important value, to ensure the best response to crime victimisation, by supporting NGOs in the important work that they are doing.

109. NGOs are more able to provide services that are responsive to victims' needs in a cost-efficient manner by recruiting and investing in dedicated professional staff and volunteers. It is not to say that staff from governmental organisations are less qualified or less hard-working, but the respective environments in which different actors operate certainly drive outcomes that are more favourable for NGOs. Relying on NGOs for the delivery of support to victims of crimes adds significant value to the quality of that support and the Government should continue to work with NGOs in planning and developing the future Serbian victim support system. NGOs are particularly well placed to recruit volunteers which not only improves the cost-effectiveness of services but is also an important means of ensuring that services are connected with the local situation⁸¹. It is recommended that the role of NGOs is acknowledged in the forthcoming victims' rights strategy and that concrete measures are written into the future action plan to safeguard the effective participation of the civil society sector: accelerating Serbia's full implementation of the Victims' Rights Directive.

110. Future collaborative efforts require dependable ongoing funding to function efficiently; recommendations in this report are based on the assumption funding will be assured. The Croatian experience of investing a modest amount of funding brought about the first steps in collaboration and coordination of NGO work. Similar humble first steps in Finland, led to the establishment of comprehensive victim support services⁸². It is expected that a similar approach, in Serbia, could advance victim support significantly and give existing organisations a much needed boost to expand their activities. This would best be done by ring-fencing a source of income for the provision of victim support and allocating the funding to NGOs in a transparent sustainable manner. Funding should be awarded for a longer term (at least three years) to enable organisations to develop and grow, while not having to worry about survival on a daily basis.

111. A close cooperation and coordination between state institutions, governmental services and non-governmental organisations, is essential and needs to be ensured in any future effort to introduce generic victim support services in Serbia. This means that the existing services, both governmental (services provided through the social work centres, prosecutors' offices and courts) and non-governmental, should be encouraged to cooperate in a meaningful manner, to ensure support to all victims of all crimes across Serbia.

⁸¹ Namely, comparative examples show that NGOs are able to recruit volunteers who provide direct support to victims in numbers which significantly exceeds the number of paid staff. For example, RIKU Finland employs around 50 staff and 500 volunteers, Weisser Ring Germany works with around 3,000 volunteers in their 400 field offices, while France Victimes count on support of around 1,300 volunteers throughout the 130 organisations members of their network.

⁸² E.g. In 1994, RIKU's started operating with a budget of FIM (Finnish markka) 182 000, around €30 500 today. FIM 82 000 (approx. €13 700) was raised through a fundraising campaign sponsored by a TV programme, while the remaining FIM 100 000 (€16 800) was secured from the Ministry of Interior. See, Victim Support Europe, Operating networks for Victim support services, MDTF, 2017, available at:

112. Future funding needs to make existing services sustainable and encourage the development of services in new areas. Any future funding needs to encourage the development of new services to be provided to victims. In the regions of Pirot, Zaječar, Subotica and Srem, as well as in Pomoravski and Moravički administrative areas⁸³, more effort will need to be invested, as no services exist in these areas. However, the rest of the country should not be forgotten, as services elsewhere in Serbia are scarce, and where they do exist, availability is limited and unstable as they rely heavily on project funding. Therefore, effort is required to build non-existing services and reinforce existing capacities.

113. There is a risk in strategizing the introduction or the reinforcement of services to take place region by region. The Croatian experience proves that gradual implementation of aid by region, rather than by service, comes with the risk that victims in different part of the country will enjoy different level of services. It is, therefore, important that any gradual introduction of services does not set certain groups of victims at a disadvantage, either regionally or in terms of vulnerability. However, some prioritisation of specific groups or regions can be justified: in Serbia, for example, apart from generic support services, introducing or reinforcing specialist services for children and people with disabilities might be a priority.

114. A sufficient number of generic services, as well as specialist care, should be available in the entire territory of Serbia for all categories of victims, provided by a combination of state and non-state actors. Enough specialised services and generic victim support should be set in place, and should have established protocols for coordination and cross-referral mechanisms. As such services are best delivered in cooperation between different actors. It will be necessary to determine who should provide them and, understanding that some will best be provided by the state (e.g. healthcare or child protection), while some others are better provided by NGOs (for example, emotional support or support to victims of unreported crime).

115. Organisations can be encouraged to cooperate, either by setting up a single hybrid victim support entity or by coordinating the work of existing support organisations. The former example was used in Finland, where a number of actors, supported by funding from the Ministry of Justice, set up a hybrid system, Victim Support Finland, which now exists as a single generic victim support entity in the country. The latter approach was identified in France, where a network of existing victim support organisations, again with the support of Ministry of Justice, was created⁸⁴, bringing together a number of organisations, all abiding by the same principles⁸⁵, to provide victim support across the country. In Croatia, the Ministry of Justice is working towards a similar goal. In either case, it is essential to factor in existing resources in Serbia and to find a way to involve them in future endeavours to capitalise on their resources and experience.

116. Practice shows that bringing together existing service providers and supporting their growth is a simple, but efficient way to ensure the provision of services across a country. Serbia already has a significant number of actors who provide support to victims of crime and who collaborate in different ways. It is important to capitalise on this existing support, to encourage growth and further collaboration of these service providers. While the informal structure of Victim Support Finland or the strong role France Victimes plays in the policy making and crisis response in France, may not be simply

⁸³ See MDTF-JSS, VSE, *Overview of the Existing Victim Support Services in Serbia*, 2017.

⁸⁴ Networking of victim support organisations in Finland and France was described in detail in MDTF-JSS, VSE *Report Operating networks for Victim support services*, MDTF, 2017

⁸⁵ MDTF-JSS, VSE, *Ensuring Quality of Victim Support Services in Serbia*, 2018.

pasted into Serbian culture, the government could play an important role in encouraging cooperation and collaboration, without restraining the independence that NGOs cherish.

117. With the patchwork of existing victim support and the imbalance in existing services, Serbia will need to make an effort to ensure that support services are developed in areas where they are not present and reinforced in areas in which some services do exist. Any investment into victim support should come with the awareness that offer increases demand and that with the better availability of services more victims will come out in search of support. Given the concerns about the rate of unreported crime in Serbia⁸⁶ it is only to be expected that the demand for services exists already, but victims have nowhere to go at present.

118. To make sure that future victim support services in Serbia capitalise on the existing work, expertise and dedication of the civil society sector, it will be necessary to:

i) Ensure that the overall framework for the delivery of victim support services across the country includes both NGO and State run services which are effectively co-ordinated

The EU Victims' Directive suggests that the overall framework for delivering victim support is based on the cooperation of these two sectors. Moreover, the whole body of comparative experiences and research indicates that collaborations between the state and NGOs is necessary for the delivery of victim services. It is, therefore, necessary to develop a plan for how national support services will be delivered by NGOs and the State in the future period. In the endeavour, it is necessary to keep in mind that the process needs to be made flexible, to ensure for adjustments and improvements over time, with a clear plan for growth and expansion of services in the mid and long-term.

When introducing services, policy makers need to bear in mind potential consequences of involving state and non-state actors, capitalising on advantages and offsetting any potential disadvantages of involving state and NGOs in the provision of services for victims of crimes.

ii) Set aside a ring-fenced source of funding, reserved for victim support

Any future collaborative effort will work efficiently if stable future funding is secured and any recommendations in the present report is based on the assumption that this will be the case. Croatian experience of injecting modest funding ensured the much needed first steps in collaboration and coordination of the NGO work. Similar humble first steps in Finland brought to the establishment of comprehensive victim support services⁸⁷. It is the expectation that some version of the same approach in Serbia could advance victim support significantly and give organisations which already are present in the field a much needed boost to expand their activities. This would best be done by ring-fencing a source (or one part of a source) of income for the provision of victim support and allocating funding to NGOs in a transparent and sustainable way. Funding should be awarded for a longer term (at least three years) to enable organisations to have the time to develop and grow, while not having to worry about survival on a daily basis.

⁸⁶ MDTF-JSS, VSE, *Cost and benefits of victim support in Serbia*, 2018.

⁸⁷ E.g. In 1994, which was the first year of RIKU's action, a budget of FIM (Finnish markka) 182 000, which would convert to around €30 500 today. FIM 82 000 (approx. €13 700) was raised through a fundraising campaign sponsored by a TV programme, while the remaining FIM 100 000 (€16 800) were secured from the Ministry of Interior. See, MDTF-JSS, *Victim Support Europe, Operating networks for Victim support services*, MDTF, 2017.

Future funding needs to be provided both to encourage developing services in areas where they are not present, and towards making the existing services sustainable. In Serbia where all court jurisdictions provide support to victims and witnesses through Victim and Witness support services within the higher courts, there is less danger for the differential levels of support to victims in different parts of the country. Any future funding needs to encourage development of new services to be provided to victims. In the regions of Pirot, Zaječar, Subotica and Srem, as well as in Pomoravski and Moravički administrative areas⁸⁸, more effort will need to be invested, as in these areas no services exist. However, the rest of the country should not be forgotten, as services elsewhere in Serbia are scarce, and where they do exist, the capacity is limited and their provision usually unstable as it heavily relies on project funding. Therefore, a simultaneous effort to build the non-existing and reinforce existing capacities is needed.

iii) Encourage cooperation between state and non-governmental actors, including through active engagement policies and a promise of stable funding, to collaborate to provide support to victims of crimes.

One aspect of such action may support NGOs to join into a network which would be committed to providing support to victims of crimes.

Organisations may be encouraged to cooperate either through setting up a single hybrid victim support entity or through coordinating the work of the existing support organisations. The former example was explored in Finland, where a number of actors supported by funding from the Ministry of Justice, set up a hybrid system, Victim Support Finland, which now exists as a single generic victim support entity in the country. Similar experience is noticed also in Portugal. The latter approach was seen in France, where a network of the existing victim support organisations, again with the support of Ministry of Justice, was created⁸⁹, bringing together a number of organisations, all abiding to the same principles⁹⁰, to provide victim support across the country. In Croatia, the Ministry of Justice is also working towards a similar goal. In either case, it will be essential to factor in the existing resources in Serbia and find a way to involve them in the future endeavour to capitalise on their resources and experience.

Practice shows that networking of existing service providers and supporting their growth is a simple but efficient way to ensure provision of services across a country. Serbia already has a significant number of actors who are providing some forms of support to victims of crime and who already collaborate in different ways. It will be important to capitalise on this existing support and to encourage growth and further collaboration of service providers. While the informal structure of Victim Support Finland or the strong role France Victimes plays in the policy making and crisis response in France, may not be simply pasted into Serbian reality, the government may play an important role in

⁸⁸ See MDTF-JSS Victim Support Europe, *Overview of the Existing Victim Support Services in Serbia*, MDTF, 2017.

⁸⁹ Networking of victim support organisations in Finland and France was described in detail in MDTF-JSS, *VSE Operating networks for Victim support services*, MDTF, 2017.

⁹⁰ MDTF-JSS, VSE, *Ensuring Quality of Victim Support Services in Serbia*, 2018.

encouraging cooperation and collaboration, without restraining the independence that NGOs cherish.

iv) Ensure that generic services are provided to the benefit of all victims of all crimes in Serbia, prioritising regions where services are currently missing⁹¹, but also ensuring a same level of service in different parts of the country

With the existing patchwork of victim support and big gaps in existing services, Serbia will need to make an effort to ensure that support services are developed in areas where they are not present and reinforced in areas in which some services exist. Any investment into victim support should come with the awareness that offer increases demand and that with the better availability of services more victims will come out in search of support. Given the concerns about the rate of unreported crime in Serbia⁹² it is only to be expected that the demand for services exists already, but victims have nowhere to go at present. Sufficient number of generic services, as well as specialist ones should be available in the entire territory of Serbia for all categories of victims.

Differential or deferred introduction or reinforcement of services per region may be risky. Croatian experience proves that gradual implementation of services by region, rather than by service, comes with the risk that victims in different part of the country will enjoy different level of services. It is, therefore, important that any gradual introduction of services does not set certain groups of victims into a disadvantageous position, either regionally or in terms of vulnerability. Normally, some prioritisation of specific groups or regions can be justified. In Serbia, for example, apart from generic support services, specialist services for children and persons with disabilities might be a priority.

v) Make sure that the needed specialist services are available for all victims who need them, in particular vulnerable victims, such as children and victims with disabilities, the poor, the elderly or victims of domestic violence, for example.

Generalist services are valuable for the benefit of all victims. However, setting up specific specialist services is also necessary. Such services will be able to provide support to victims with specific vulnerabilities or with particular support needs. NGOs may be particularly well placed to provide some, if not most of these services – as is also indicated by survey. Their role may be particularly important, for example, when it requires specific forms of expertise or additional flexibility. It is of utmost importance to involve organisations of people with disabilities, for example, in the provision of specialist services for victims with disabilities, or of children's and youth organisations in the development of support for children victims.

vi) Put into place channels for communication and cooperation with other service providers, state authorities, law enforcement, judiciary and other actors, as needed to ensure victims needs' are provided for.

A close cooperation and coordination between state institutions, governmental services and non-governmental organisations, is essential and needs to be ensured in any future effort to introduce generic victim support services in Serbia. This means that the existing

⁹¹ See: MDTF-JSS, VSE, *Overview of the existing victim support services in Serbia*, 2017.

⁹² MDTF-JSS, VSE, *Cost and Benefits of Victim Support in Serbia*, November 2018.

services, both governmental (services provided through the social work centres, prosecutors' offices and courts) and non-governmental, need to be encouraged to cooperate in a more substantial manner, to ensure support to all victims of all crimes across Serbia in a timely fashion and avoiding secondary victimisation.

vii) Provide transparency and ensure broad stakeholders' and societal engagement in the forthcoming victims' rights strategy and action plan in Serbia.

Currently, the Government of the Republic of Serbia is leading an effort for the preparation of a draft victims' rights strategy and the ensuing action plan. A limited number of NGOs are involved in the more intensive work of the group entrusted with the development of the strategy. Nonetheless, it is essential that the process is as inclusive as possible and engages as wide a spectrum of the population working with victims as possible. In the forthcoming period, different mechanisms should be established to obtain the views of a broader range of representatives of different parts of civil society and other actors (victim support professionals, victims themselves, judiciary and law enforcement at different levels, representatives of local government etc.) in the finalisation of the strategy and the action plan. This is effectively achieved in many countries through a combination of open public consultations and targeted consultations of actors. It is crucial to the legitimacy of the process that there is full transparency with respect to the input received at different stages of engagement and how that input may be used and ultimately how it is used. It will be of significance to make an additional effort to include outcomes of these consultations in the final strategy and action plan in a meaningful and victim-centered manner.

To ensure long-term inter-sectorial cooperation and engagement, a permanent body – working group, steering committee or similar, should be established, to ensure involvement of both state and non-state actors in the coordination and development of new policies and services, as well as to ensure systemic collaboration and communication.

ANNEX I – SURVEY QUESTIONNAIRE

Survey for NGO contribution:

1. What is your knowledge about victim support system in your country?
 - I work for a victim support NGO
 - I work for a victim support organisation controlled by the government (federal, central, local)
 - I work for a governmental body in charge of policies relevant for victims
 - None of the above

2. What is your country _____

3. Are NGOs involved in the provision of **generic victim support services** in your country?
 - Yes, ALL services are provided by NGOs
 - Yes, MOST services are provided by NGOs
 - Yes, SOME services are provided by NGOs
 - No
4. Are NGOs involved in the provision of **specialist victim support** services in your country?
 - Yes, ALL services are provided by NGOs
 - Yes, MOST services are provided by NGOs
 - Yes, SOME services are provided by NGOs
 - No

5. What type of services are provided to victims in your country?

	All victims	Some victims	Most victims	Not available
Emotional support				
Practical support				
Financial aid				
Legal aid				
Legal representation at trial				
Accompaniment at trial				
Psychological support				
Peer support				
House visits				
Help line				
Emergency accommodation				
Help with employment				
Training				
Administrative support (filling forms etc)				
Childcare (day)				
Child care (night and weekends)				
House work (cleaning, cooking etc.)				
Transportation (to therapy, to trial etc.)				

6. What type of services are provided by NGOs in your country?

	All victims	Some victims	Most victims	Not available
Emotional support				
Practical support				
Financial aid				
Legal aid				
Legal representation at trial				
Accompaniment at trial				
Psychological support				
Peer support				
House visits				
Help line				
Emergency accommodation				
Help with employment				
Training				
Administrative support (filling				
Childcare(day)				
Child care (night and weekends)				
House work (cleaning, cooking etc.)				
Transportation (to therapy, to trial etc.)				

7. Do NGOs and governmental bodies cooperate in the provision of victim support?

- Yes, in ALL services
- Yes, in MOST cases
- Yes, in SOME cases
- No

8. When State and NGOs cooperate that is done:

- Based on a formal agreement between heads of organisations/institutions
- Based on an informal agreement applied systematically at all levels
- Based on personal connections of some organisations with some others
- Haphazardly, based on personal connections of some staff

9. In your opinion, is the current cooperation between NGOs and governmental sector:
- Fully satisfactory as it is
 - Generally good, but could be improved in some areas
 - Generally bad and should be systematically improved
 - Absolutely unsatisfactory
10. Victims would be better supported if:
- Most victim support services were provided by NGOs
 - Most services were provided by the government
 - Most services were provided jointly by government and NGOs
11. In your opinion, which is true for NGO services:

	Fully agree	Mostly agree	Somewhat agree	Disagree
Accessible				
Confidential				
In proximity to communities				
Flexible in terms of where they are provided (office, home, other environment)				
Flexible in terms of when they are provided (at night, on a weekend)				
Flexible in terms of responding to specific needs of victims				
Able to provide training for staff				
Able to engage volunteers				
Staff is dedicated				
Cost-effectiveness of services				
Able to provide service in the long term				
Able to provide service with minimum delay				
Able to provide service with minimum administrative requirements				

12. In your opinion, which is true for services provided by the governmental bodies:

	Fully agree	Mostly agree	Somewhat agree	Disagree
Accessible				
Confidential				
In proximity to communities				
Flexible in terms of where they are provided (office, home, other environment)				
Flexible in terms of when they are provided (at night, on a weekend)				
Flexible in terms of responding to specific needs of victims				
Able to provide training for staff				
Able to engage volunteers				
Staff is dedicated				
Cost-effectiveness of services				
Able to provide service in the long term				
Able to provide service with minimum delay				
Able to provide service with minimum administrative requirements				

