



Support VoC 

3.4. Adaptation requirements at national level

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Introduction

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

In order to achieve this objective, the partnership has, firstly, carried out an analysis of the European and national legal frameworks regarding the rights and protection of victims of crime, as well as an ethnographic analysis (based on in-depth interviews and focus groups) on the perspectives of policy makers and professionals who work with victims. Additionally, the strengths and weaknesses of the design and implementation process of Victims Support Services (VSS) in Spain have been identified (also through a legal and ethnographic study). Given that Spain is the only participant country that has already created VSS, the analysis of the implementation in Spain provides a critical view that serves as a point of reference for the other countries. To complement the analysis of the Spanish services to assist victims of crime, a study visit in Barcelona has been carried out with Greek, Italian, Bulgarian and Cypriot partners, as well as invited stakeholders from those countries, to transfer the knowledge on the ground. During the activity participants had the opportunity to visit the VSS of Barcelona, located in the City of Justice.

Based on the results of the analytical phase and the study visit, the SupportVoC project has elaborated a Generic Plan for the organisation and implementation of VSS in Greece, Italy, Bulgaria and Cyprus. The objective of the Plan is to meet, at least, the minimum services outlined in the art.9 of the Directive 2012/29/EU, with the aim to provide minimum legal, psychological and social support to victims of all types of crimes, as well as to refer victims to specialised services, when appropriate.

Taking into account that these countries have different legal and political frameworks, as well as different models for service provision, the Generic Plan has to be adapted to national contexts. To this end, in this document the national partners have elaborated the adaptation requirements to implement the Generic Plan in their countries, by identifying those aspects of the Plan which are subject to change according the particularities of each national context.



These adaptation requirements have been elaborated, firstly, on the basis of the analysis of the national legal frameworks regarding the rights and protection of victims of crime, as well as the ethnographic analysis on the perspectives of policy makers and professionals who work with victims (WP2). In addition, the national workshops that are being organised in each participant country with key stakeholders are also a strategy to receive feedback regarding the adaptation of the Generic Plan. Finally, during the transnational partners meeting that has been organised in Sofia (7 and 8 March 2019), the SupportVoC partnership debated the Generic Plan, as well as exchanged experiences and ideas to adapt it to national contexts.





Support VoC 

Adaptation requirements in Bulgaria to implement the Generic Plan/SOPs

By Animus Association

Axis 1. Assessing Victims' needs

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

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

- Provision of information

The main barrier is that information about victims' rights is provided in writing, in a very formalistic way (standardised protocols - police), which does not guarantee that victims actually understand it. The same applies to the information about victims' rights on the website of the National Council for Support and Financial Compensation for Crime Victims.

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

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

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

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

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

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

This gap cannot be addressed in a consistent manner without a crime victims' desk. The new Social Services Act introduces individual needs assessment; however, it is aimed at establishing the psychological and social condition of the person and directing the social work (the individual support plan). The individual needs assessment is conducted by a multidisciplinary team of officers in charge of the social services provision. It is not targeted at victims of crime, though, and risk assessment and identification of protection measures are logically not part of the procedure. Thus, the legislation

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

needs to be amended to make individual victims' needs assessment mandatory and introduce clear rules for establishing specific protection needs as soon as possible after the victim has been identified.

- Risk test; identification of protection measures

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

One problem is that Articles 23 and 24 of the Victims' Rights Directive concerning witnesses with specific protection needs have not been fully transposed into the Bulgarian legislation. Assessment is done by an expert witness in the course of criminal proceedings, which is late as the assessment has to be done as soon as possible after the crime. In addition, children are not automatically considered victims with special protection needs as required by the Directive.

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

Axis 2. Ensuring comprehensive assistance

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

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

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

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

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

Axis 3. Building network and cooperation

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

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

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

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

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

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

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

Axis 4. Providing training and communication

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

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

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

Trainings for magistrates (prosecutors and judges) are not mandatory. Magistrates attend trainings provided by the National Institute for Justice out of their free choice. Same applies for lawyers who choose whether to attend trainings organised by the Lawyers' Training Centre and which ones to attend. Trainings for both groups are free of charge.

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

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

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

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

Support VoC

WP3.4 Adaptation requirements to implement the Generic Plan/SOPs

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Introduction

The current document aims to present the Adaptation Requirements that are part of WP3 and they are produced for the co-funded by the European Commission project, 'SupportVoC: Development of a Generic Support Services Model to enhance the Rights of the Victims of Crime' (Ref. JUST-AG-2016-760641), in order to contribute to the protection of rights of victims of crime, focusing on Articles 8 and 9 of the Directive 2012/29/EU. In the final part of the present document one can find recommendations on the adaptation requirements, as a form of conclusion for the overall objective, which are the Victims Support Services.

In order for the objectives of the project to be met¹; such as the aim to enrich minimum standards of the creation of Victims Support Services, four axes have been created in order to be elaborated in the partner countries. The minimum services as provided by Art 9 of the 2012/29/EU Directive² are as follows:

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

Before elaborating the Adaptation Requirements, it is important to state that Cyprus has enabled (through the Council of Ministers³) the creation of the so-called Women's House or House of Women, in order to protect women, victims of violence. The rationale behind it is that the 'House' will bring together all the professionals under one roof. The services to be provided include:

- Counseling support for victims with the aim of information and empowerment;
- Encouragement and support to take responsibility for their professional, personal and family life and have guidance for better decisions for their own future;
- Encouragement to get out of isolation and to understand that they are not alone and are not responsible for the violence they suffer/suffered;
- Individual psychosocial counseling support;
- Legal counseling and information/guidance on their rights;

¹ <http://www.uncrcpc.org/project/support-voc-development-of-a-generic-support-services-model-to-enhance-the-rights-of-victims-of-crime/>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0029&from=EN>

³ <https://www.pio.gov.cy/%CE%B1%CE%BD%CE%B1%CE%BA%CE%BF%CE%B9%CE%BD%CF%89%CE%B8%CE%AD%CE%BD%CF%84%CE%B1-%CE%AC%CF%81%CE%B8%CF%81%CE%BF.html?id=5732#flat>



- Referral or other services (such as accompanying), wherever is required, to victims in shelters, police, courts and wherever needed.

This is due to the fact that since the increasing flow of refugees and immigrants in the recent years, having Cyprus to be a reception country, trafficking in human beings and sudden increase of hate crimes have created an environment in which victim support services are of vital importance. Together with the ratification⁴ of the Istanbul Convention in Cyprus since the 1st of March of 2018, the 'Women's House' comes to add to the Convention.

Furthermore, before moving on, the Victims Assistance Offices (VAOs) as recommended in the Generic Plan/Standard Operating Procedures produced by the University of Barcelona require 10 basic principles. All these principles (Public assistance; universality; Proximity; Professional specialization; Confidentiality; Trust; Individualisation; Immediacy; Inter-agency coordination and Communication) are governed by the Cypriot Law of 2016 (51(I)/2016)⁵ establishing the minimum standards on the rights, support and protection of victims of crime, under Article 11. The Social Welfare Services have the major responsibility for the coordination of action as well as for the support of victims of crime. The 10 basic principles of the Generic Plan are part of the duties of the officers of the Social Welfare Services, together with the Police Force; therefore, the VAOs are not feasible for the Republic of Cyprus.

We will address every axis and every objective respectively by identifying main barriers/challenges to be addressed for the objectives, the main aspects to be (re)adapted, changed or taken out, considering the particularities of Cyprus.

Axis 1. Assessing Victims' Needs

The first objective of Axis 1 is to receive and orientate the victim about their rights as a victim of crime, the actions that can be undertaken, the problems that could be faced during the criminal process, and their possible consequences, through two channels:

- 1.1 Face-to-face information. The rationale is that the professional will take into consideration the personal characteristics of victims (age, gender, administrative status etc.). In Cyprus, face-to-face information in regards of individualized needs of victims is only provided for certain crimes. For example, victims of trafficking as well as women victims of domestic violence do have this kind of information. However, we lack when it comes to other kinds of crime, such as, burglary, theft etc. The main barrier to tackle in this case is the limited services we offer for specific crimes. This is faced as a barrier since there is lack of financial support, lack of training for professionals, understaffing of services and the fact that most psychological support/guidance is a task that non-governmental organizations took. The challenge is to expand the services for more victims of crimes and of different crimes. In regards of the face-to-face information, the axis is not feasible considering the particularities of the Cypriot context due to the above reasons.

⁴ https://www.coe.int/en/web/istanbul-convention/newsroom/-/asset_publisher/anInZ5mw6yX/content/cyprus-ratifies-the-istanbul-convention?_101_INSTANCE_anInZ5mw6yX_viewMode=view/

⁵ http://www.cylaw.org/nomoi/enop/non-ind/2016_1_51/full.html



1.2 Phone service in order to ensure a broad, quick and anonym access to the reception the creation of a phone service is strongly recommended. In regards of the phone services, there are a lot of options one can have in Cyprus, however, regarding only, specific types of crime. There is no 'Help Line' that can assist all. Therefore, the European Emergency numbers of the Police 112 and/or 199 was enriched with the Citizen's Communication Line (1460) which operates since 2002. The aim is to enable citizens to directly contact the Headquarters for help, information or to make complaints. It is a way for citizens to receive immediate help or assistance and at the same time to give the police useful information without any fear or prejudice. The line is a 24 hour basis and calls are free of charge.

In addition to this, the Help Line by the Youth Board of Cyprus, (1410) aims to help people that want to receive answers on issues that concern their daily life, but also on more complex issues, such as addictive substances, sexuality, eating disorders etc. They have a broad offer of services through the Help Line such as: substances dependence; parent-teen relationships; teen-teen relationships; family matters; school subjects; teacher students relations; student-student relations; bullying at school; social issues: isolation, antisocial behavior etc.; stress; depression; mourning, other topics that may concern the beneficiaries. The Help Line is active Monday-Friday 10:00-23:00 and on weekends from 15:00 – 23:00. The consultants are taking care of all the cases with the same professionalism regardless of gender, origin, ethnicity, age or sexual orientation. They also respect the principle of anonymity and do not ask for personal information. In fact, the Help Line has expanded to E-Counseling which handles the same issues and follows the same principles and deontology. Instead of talking to 1410, you can speak to a professional through your personal computer.

Furthermore, Helpline 1440 by the Association for the Prevention and Handling of Violence in the Family (SPAVO) runs 24/7 and is staffed by psychologists and social workers, trained in using communication techniques over the phone. The aim is to provide counseling support for domestic violence issues concerning you or other people; information on other services related to domestic violence issues and information about your legal rights and choices in order to find the best possible solution for you.

Also, the Line Emergency Care (1455) which runs by the Cyprus Family Planning Organisation and is addressed to any person requesting answers related to sexual and reproductive health and rights. The line offers emotional support in a climate of absolute respect and trust.

Moreover, the pan-Cyprian psychological support line (1469) which is open to the public for counselling and emotional support. The support line runs with trained professionals such as psychologists and offers psychological support through the internet too. It is anonymous and free.

Moving on, the Safer Internet Helpline (70000 116) ensures that children, adolescents and adults have the opportunity to answer questions and to express concerns or queries about harmful conduct, malicious communication and harmful content on the Internet. The helpline counsellors are trained professionals with an educational background in Social Sciences. They deal with issues such as: cyberbullying; change settings; commercial risks/threats; grooming;



hacking; identity thefts; other potential harmful content; phishing; privacy; sexting; sexual harassment and unsolicited contact from strangers.

Last but not least, the European helpline for children and teenagers support (116 111)⁶ which is exclusive for minors. The helpline is free of charge and provides you the opportunity to talk anonymously about any subject that might concern you and runs under the principles of privacy and confidentiality. The helpline operates from Monday – Friday 12:00-20:00 and Saturdays between 9:30 – 14:00. The service operates under the consortium of non-governmental organisations, the Association for the Prevention and Handling of Violence in the Family (SPAVO) and 'Hope For Children' CRC Policy Center.

The main barrier/challenge to be addressed for this is the fact that it is very difficult for professionals to provide information for all victims of crime. In regards of the rational – professionals working in victimology who speak several languages cannot be feasible considering the particularities of the Cypriot context. However, most of the helplines are bilingual (Greek and English) and the Safer Internet Helpline also offers the option of Turkish. Thus, there are translators who are working together with Public Authorities and non-governmental organisations on everyday basis and this fulfils the rationale.

The second objective of the axis is to minimize primary victimization and contribute to the restoration of the victim's welfare. This is suggested to be done through the 'individualised Assessment of the victim's needs' as well the 'individualised Assistance Plan'. Again, it depends on the crime. For example, individualized assessment is exercised in Cyprus for specific crimes and vulnerable groups, such as, victims of trafficking, domestic violence and sexual abuse/harassment. We lack of services, especially when the victim is a person with disabilities.

The personal characteristics of the victim such as age, gender, ethnicity, religion, sexual orientation etc, can be found in the first report that the Police Force is required to complete. The responsibility of managing the measure for this objective is to have social workers, legal advisors and psychologists working at the VAO. However, this is not feasible since, the legal aid the victims are allowed to have comes from the Law Office of the Republic of Cyprus, psychologists from the Mental Health Services (Public Authority) and social workers are the first-line officers of the Social Welfare Services. Therefore, the multidisciplinary approach is there, however, not under one roof.

The main barrier/gap to be addressed for this part of the axis is the fact that the assessment might be late in elaboration due to the fact that public authorities lack of funding and of staff. The implementation of this objective, at the moment, is not feasible considering the particularities of the Cypriot context.

The third objective of the axis which deals with secondary victimisation and reprisals by perpetrators is fulfilled by the work provided by the Police Force while the personal interview is conducted. Therefore, the identification of protection measures are being carried out by the Police Force. The responsibility of managing the measure as stated in axis 1 is up to the legal advisor and psychologist working at the VAO. However, the legal advisor (if the victim is

⁶ <http://www.call116111.com/>



allowed free legal aid) is provided by the State (Law Office of the Republic of Cyprus). Additionally, the psychologists who are supporting victims work under the Mental Health Services.

Objective 4 as seen in Axis 1, is to offer, without unnecessary delay, information adapted to the personal circumstances and conditions of the victim, as well as the nature of the crime committed and the damages experienced. The measures deal with the personal interview as well as professional in victimology working at the VAO.

In regards of the personal interview, most of the information stated are being taken by different public services and organisations. For example, the procedure and the case's filing are up to the Police Force to fulfil. Assistance and support measures such as medical and psychological are offered by the State and material support is offered mostly by non-governmental organisations. However, when dealing with the accompaniment of the victim, this is not foreseen in the Cypriot legislation or in the referral mechanism for victims. In addition to this, when it comes to compensation, free legal aid is not provided by the State, since compensation is considered to be civil law and not criminal law. The lawyer of the State provides legal aid only for the criminal hearing.

The main barriers/challenges to address in this axis are the following: specialised services and resources, regardless of whether a complaint was made, accompaniment of the victim, throughout the process, if necessary to trials and/or to the different criminal procedures; advice on economic rights related to the process, in particular on compensation and damages and resources that can be used against resolutions that are considered as contrary to the victims' rights. These barriers/challenges have to do with legal procedures as well as the lack of professionals to accompany the victim. In regards of the above mentioned reasons, the implementation of this axis is not feasible considering the particularities of the Cypriot context.

Axis 2. Ensuring Comprehensive Assistance

There are four objectives for axis 2 and seven measures to be implemented. The first measure of the first objective (legal advice) is fulfilled; however, with delays since the Law Office of the Republic deals with thousands of cases and due to their understaffing, delays are unavoidable. As stated again in previous deliverables of SupportVoC, there are a lot of delays in regards of the hearing and sentencing of cases. The second measure is not fulfilled however; it can be viewed as a barrier since the measures to protect the victim physically and mentally during the court proceedings required specific building infrastructure which is not applicable at the moment for Cyprus. Basic emotional assistance is applicable for certain types, such as human trafficking, sexual exploitation and severe domestic violence. This certain measure is mostly dealt by non-governmental organisations. The responsibility of managing the measure as stated in the Generic Plan, lies with the legal advisor who is located in the VAOs. However, this is not applicable as stated again, since due to the legislation, the legal advisor is the lawyer appointed by the Law Office of the State.

The second objective of the axis requires basic psychological assistance and referral to specialised services when needed. The victims are referred to the Mental Health Services or to



non-governmental organisations that provide psychological and emotional support. Once again, the psychologist is not located under one roof (as described in the VAOs), but, under the Mental Health Services. In addition, the Social Welfare Services has agreements/memorandums of understanding with various NGOs who offer psychological and emotional support to refer the victims to when specialised service is needed.

Objective three requires delivery of socio-economic advice and refer the victim to social services when it is necessary. Economic advice is given to victims, however, they support the autonomy of the victim, therefore, they guide them to apply (if they fulfill the requirements) for minimum wage. In regards of the social assistance, safe housing, medical attention and financial assistance are most of the times given to victims of criminal offences, however, with time delays. Social workers work under the Social Welfare Services who are seen as the VAOs of Cyprus, therefore, objective three can be seen to be successful.

Moreover, objective four of the second axis requires the monitoring of the victim throughout the criminal process and during an adequate period of time after its conclusion. According to one of the previous activities done for the project, professionals by the Social Welfare Services support that victims of trafficking have follow –ups by professionals either working under the Social Welfare Services or the Mental Health Services. The second measure deals with the situation of the offender and with the information that the victim and the victim's family should be aware of. This is a duty carried out by the Police Force. However, the communication between the Social Welfare Services, Police Force and Law Office lacks of coordination, therefore the responsibility for managing this measure as stated in the Generic Plan is not fulfilled since all these professionals do not work under the same roof. This creates delays, miscommunication and bad coordination.

Axis 3. Building Network and Cooperation

There are three objectives to be fulfilled for axis 3. Starting with the first one which requires creating a deep knowledge of the assistance framework in order to rationalise and optimise the provision of services. The first measure is fulfilled since there is mapping of assisting organisations. The identification of gaps which is the second measure is also fulfilled however, with no solutions. There is a common understanding between organisations and competent authorities that the support we can offer is only limited for specific categories of crime. The major difference in Cyprus, when comparing it to other partner countries, is that the public authority which manages the VAOs is most of the times the Ministry/Department of Justice, however, in Cyprus, the so-called VAOs are running under the Social Welfare Services which are under the Ministry of Labour, Welfare and Social Insurance which creates gaps when the file is moving from authority to authority (i.e. police force, Social Welfare Services and/or Mental Health Services, Law Office, non-governmental organisation which offers support). One may say that this is a legislative aspect that we cannot tackle since the duties are divided by legislation.

The second objective deals with the coordination and joint work between VAOs and competent authorities that assist victims of crime. The creation of an assistance network is up to a point established since the Social Welfare Services have signed Memorandums of Understanding with



non-governmental organisations for providing assistance and support to victims. This is actually stated in Art 11(d) of the Legislation 2016 (51 (I)/2016)⁷. However, the case for Cyprus is the fact that we do not offer assistance and/or support at all, for specific crimes such as burglary or theft. Additionally, there is no support for male, victims of domestic violence. The third objective deals with a centralized online service which would inform the VAOs for prison permits, violation of restraining orders etc., in order to contact the victim. However, the so-called VAOs in Cyprus are run by the Social Welfare Services, and it is up to the Police Force to notify the victim and the victim's family.

Therefore, the main barriers/challenges that were mentioned above cannot be changed if the legislation cannot allow it. However, we strongly believe that we are doing vast steps in regards of the object of this Axis.

Axis 4. Providing Training and Communication

The fourth and final axis has two objectives with eight measures to be implemented. The first objective is to train professionals who are in contact with victims to guarantee victim rights, and to foster awareness on the special needs of vulnerable victims. The objective is up to a point met since the training covers especially severe cases. Additionally, the transfer of knowledge among Member States of the European Union, allows more professionals to be trained. For example, both the Social Welfare Services and the Police Force undergo through obligatory trainings per year. However, this does not mean that the trainings cover the vast majority of crimes. The barrier/challenge to be addressed in regards of this objective is to actually enhance the trainings with a variety of characteristics and to be able to train more professionals since under staffing is a challenge in both of the above mentioned public services. Another barrier/challenge to face is the training of lawyers and judges in regards of the most vulnerable victims. There is a start being made with the Children's House (operated by 'Hope For Children' CRC Policy Center with the supervision of the Social Welfare Services), however the trainings are funded mostly by European funds. In addition, due to the workload of the Law Office and the courts, it is difficult to engage these professionals for trainings. Therefore, both of the two measures to be implemented are up to an extent met, however, without covering crimes like burglary. It should be noted that during the last five years there has been an expansion of trainings especially for the Social Welfare Services and the Police Force, for cybercrime, trafficking, sexual exploitation and under aged victims. Since the legislative framework is structured as such, the Police Force together with the Social Welfare Services are considered to be operating the so-called VAOs. What lack this 'mechanism' are the legal experts who are working under enormous pressure in the Law Office of the Republic of Cyprus. It is very difficult to see these measures feasible considering the particularities of Cyprus, especially when having in mind that the responsibility of managing the measures lay upon public funding.

The second objective of the axis is the increase of knowledge on the rights of victims of crimes being aware of the functions of the VAOs. In regards of this, the Police Force is working actively for the effective transfer of know-how in Cyprus (when in regards of public funding), however, what the need is in Cyprus is that victims and potential victims should be aware of the

⁷ http://www.cylaw.org/nomoi/enop/non-ind/2016_1_51/full.html



legislation first, and then of the functions of the Social Welfare Services and the Police Force. It seems like in the next three-five years there will be a lot of changes in regards of awareness raising of the specific legislation. The five measures of the second objective are up to a point met, for certain crimes. The implementation of the second objective could be feasible considering the work being done by public authorities, however, during the next few years.

Recommendations/needs for the Republic of Cyprus for VSS

The Strategic Plan/Standard Operating Procedures (WP3.3) produced by the University of Barcelona offer a comprehensive plan for VSS. However, due to the legislative framework of Cyprus and the different roles of public authorities, together with the particularities of Cyprus, the VAOs cannot be feasible for Cyprus. The Adaptation Requirements for Cyprus are in a process, however, for specific crimes and do not cover the vast majority of criminal offences. One might say that after the completion of the two national workshops which are to follow, the Adaptation Requirements for the Republic of Cyprus could be in more detail, for more crimes, however, due to the timeline, it was not possible. The outcomes of the two national workshops will end up in the transnational workshop which will be hosted in Nicosia, Cyprus, with the signature of the Document of Recommendations for Victims of Criminal Offences, as a deliverable under WP4.

Therefore, the recommendation for Cyprus is that there should be a National Referral Mechanism (NRM) which should be considered to be the competent authority, as the one which operated in England and Wales, particularly for the identification of victims of human trafficking or modern slavery, in order to ensure that the victims receive the appropriate support, according to their individualized needs. In England and Wales, the NRM is also considered to be the mechanism from which the Modern Slavery Human Trafficking Unit collects their data. Since in Cyprus, data are not always up to date, this National Referral Mechanism is seem to be ideal for the particularities of Cyprus, since, we lack of coordination and of good communication between competent authorities.

The NRM in England and the Wales is considerably new since it operated only during the last decade in order to meet the requirements for the European Convention on Action against Trafficking in Human Beings. It should be noted however, that since 2015, the NRM has extended to all victims of modern slavery in England and the Wales, after the legislative framework of the UK allowed it, with the Modern Slavery Act 2015⁸.

One could say that in order to contribute to the effective and coherent application of European Union law in the area of the rights of victims of crime and in particular, for the implementation and practical application of the Directive 2012/29/EU, since the legislation allows it, the Referral Mechanism seems to be the most essential aspect for the successful implementation of the Directive. This perhaps, could also reinforce the promotion of cooperation between competent authorities and other agencies or organisation coming into contact with victims.

⁸ <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>



The Standard Operating Procedures for victims of crime are included in the national legislation of Cyprus⁹, however, the mechanisms, understaffing together with low financial resources, make the coordination and communication between competent authorities very slow, especially in regards of specific crimes.

As identified in the National Report of Cyprus which was produced for SupportVoC, the main challenge that needs to be addressed in practice to achieve the objectives set out in the Directive is to tackle the time consuming procedures. The rapid increase of cases is also considered to be an aspect of the challenge which cannot be tackled if there is not enough public funding for training of professionals, transfer of know-how and for more professionals to be employed in services for victims.

To conclude our report, we can say with certainty that there is now, a comprehensive legislative framework which reflects the European Directive on the support of victims of crime. Since the legislation is there, we will need to find a way to tackle the challenges and fill the barriers and gaps of coordination of services and better communication between competent authorities. The observation of our professionals lay with the delayed process and the victims might get re-traumatized since the hearing of a case could from three to five years, especially when in regards of adult victims (especially of human trafficking). The case for minors is victim-friendly since of the establishment of the Children's House (under the Barnahus model) and after the National Strategy and Action Plan to Combat Sexual Abuse and Exploitation of Children and Child Pornography¹⁰. In addition to this, due to the legislative framework, most of the support services for victims of crime come from non-governmental organisations since public funding is limited.

⁹ http://www.cylaw.org/nomoi/enop/non-ind/2016_1_51/full.html specifically, Art 10 and Art 11

¹⁰ [http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/102561EFF5781094C2257F9D003E02F3/\\$file/%CE%95%CE%B8%CE%BD%CE%B9%CE%BA%CE%AE%20%CE%A3%CF%84%CF%81%CE%B1%CF%84%CE%B7%CE%B3%CE%B9%CE%BA%CE%AE.%2022.4.16.pdf](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/102561EFF5781094C2257F9D003E02F3/$file/%CE%95%CE%B8%CE%BD%CE%B9%CE%BA%CE%AE%20%CE%A3%CF%84%CF%81%CE%B1%CF%84%CE%B7%CE%B3%CE%B9%CE%BA%CE%AE.%2022.4.16.pdf)



SupportVoC 

WP3. Adaptation requirements in Greece to implement the Generic Plan/SOPs



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INTRODUCTION

The major economic crisis that Greece is still going through, has created many and severely complex problems affecting Greek, refugee and migrant population, especially victims of every form of violence. It is commonly accepted that the Greek welfare state, already in deep crisis was not able to address the various needs of victims of violence, as related crimes increased. This fact, in addition to the already aggravated situation of Greeks and economic migrants living and arriving in Greece has caused a social crisis for the population in need. As far as victims of violence are concerned, they mainly face protection needs regarding, medical care, mechanisms for reporting abuse, legal assistance, victim support and protection, psychosocial counselling and support, access to employment and very often accomodation. Lack of information on any of these topics and cases of undocumented victims or victims that face multiple discrimination and victimization, such as women, children, refugees, migrants, gay or trans people is an additional problem, as these victims and especially victims of gender based violence (GBV) are particularly vulnerable and need a special approach by professionals addressing their needs.

Greek legislation provides a satisfying scope of legal provisions regarding victims of violence starting from the Constitution's Articles followed by specific legal dispositions. Of course, Greece is obliged to follow also the relevant European legislation on the subject. Most importantly, in June 2017, Greece has entered into force the 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 (L. 4478/2017), whereas the Council of Europe Convention on preventing and combatting violence against women and domestic violence (Istanbul Convention) was also voted by the Greek Parliament (L. 4531/2018). This treaty opens the path for creating a legal framework at pan-European level to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence.

In addition, in Greece services as those described above and provided to victims of violence exist but they are segregated and provided mostly by private organisations, whereas there are also efforts for coordination of the provided services by working groups, interdisciplinary meeting of the various actors and good practices like the Racist Violence Recording Network (**RVRN**) which brings together various actors that report hate crimes and issues relevant annual reports.



In this regard and on the specific topic of the implementation of the legal protective framework for refugee women and their children in Greece concerning the issues mentioned above (accommodation and overall counselling, empowerment and legal aid) required synergies among different actors. Thus, the General Secretariat for Gender Equality (GSGE), as the competent state entity in Greece for combatting all forms of violence against women, undertook the necessary actions to bring together all relevant public stakeholders. The initiative consists of the cooperation between the General Secretariat, the Ministry of National Defence, the General Secretariat of Reception/Ministry of Migration, the General Secretariat of Public Health/ Ministry of Health, The Research Centre for Gender Equality (KETHI), the Central Union of Greek Municipalities, the Association of Greek Regions, the Hellenic Agency for Local Development and Local Government in order to locate the target groups (women refugees and asylum seekers) and to provide services to victims of gender based violence, such as psycho-social support, legal counselling as well as counselling in employment issues, providing shelter, food and when necessary, legal aid. This initiative is based on already existing policies, action plans and structures of the GSGE, such as the National Programme for Substantive Gender Equality (2016 - 2020), and the Network of 62 structures (40 Counselling Centres, 21 Shelters and the SOS Helpline 15900) all over Greece. These programmes initially concern all women, Greek or migrant women, but it was decided to expand the services to women refugee and asylum seekers and to add services such as employment counselling to the ones already offered.

However, and apart from these examples of good practice, Greece hasn't yet found a way to coordinate the already existing services in a centralized way supervised by the State (e.g. Ministry of Justice) or another public or even private actor.

Adaptation requirements.**1. Assessing victims needs**

The first step to address this objective, to successfully assess the needs of the already vulnerable group of victims of crimes and especially violent ones, is for them to promptly report the crime. In Greece, there is a high level of under reporting of crime concerning forms of violence like gender based and especially domestic violence, hate crimes, bullying e.t.c. both among Greek and migrant / refugee population. The reasons for this under reporting is mostly economic reasons, intimidation, ignorance of the protection possibilities, and in specific cases of migrant/ refugee victims and especially women, the cultural differences also play a crucial role. For Greek victims, that are aware of the failure of the Greek welfare state and the understaffing of protection structures, under reporting can be also due to the mistrust they feel towards the protection mechanisms in place.

In this aspect, another barrier for the assessment of victims' needs is the existence of services for different categories of victims, as mentioned above, that is not followed by a central coordination or even focal points to monitor and coordinate the case management of each incident. Such focal points don't even exist in the main reporting actors in Greece, like police stations or hospitals. It is the already understaffed and undertrained staff of public structures and especially the social services of the hospitals that undertake the task to assess and orientate the victims for their non-medical needs and it is up to the good will and the potential training that the police officer in charge has received to refer the victim to such services. Lack of focal points and centralized reporting and referral mechanism leads the victims to repeat their story to many professionals and causes discouragement, lack of trust and frustration.

Victims of violence are often migrants or refugees. Indeed violence (and especially gender based and domestic violence but also racist/ hate) against this group has increased in Greece due to various reasons, all related to the ongoing socioeconomic crisis. In these cases, there is the additional really important barrier of the language. Victims of this population need properly trained cultural mediators to assist them in every stage of the procedure.

Last but not least, it is the very essence of the needs faced by most of the victims that make them difficult to assess, as they are complex and long term. In most cases, legal procedures are time consuming and hard, so victims need to be supported all through the legal process of their case. Moreover, during the process but also after that, they face psychosocial needs that may also change,

such as employability, housing, support to face or not to be afraid of the perpetrator, education e.tc..

Good practices and non-expensive solutions must be found in order to facilitate the proper assessment of the victims' needs at an early stage. Victims address mainly to police or hospitals. Medical staff, front line professionals and social services that exist within the system, need to receive specialized training, information and material to properly receive, orientate and refer victims. As it is not feasible that many well trained professionals will be hired in the next years, existing staff must at least receive adequate training. Phone service for reporting exists for some forms of violence (e.g. SOS line 15900 for Gender Based violence, SOS line 1056 for child abuse) but needs to be broaden and reinforced with many languages, as it is direct, cheaper and anonymous. It doesn't provide a full and personalized assessment of needs but it is a starting point and it offers a solution when nothing else is there (e.g. domestic child abuse or refugee camps).

2. Ensuring comprehensive assistance

Comprehensive assistance means that the victims of all sorts of crime, and not only of the ones mentioned above, should receive legal advice and legal aid, protection and psychosocial counselling, proper referral to specialised services if needed and adequate monitoring and follow up of all the above, even after the court proceedings especially concerning the relation between the victim and the perpetrator. This assistance, that is essential for the implementation of the Directive but also for the holistic protection of the victims is also fragmented in Greece and not centralised.

Indeed the receiving actors don't have the necessary professionals working under the same objectives, let alone in the same structure with the same orientation, to provide legal advice, protection and psychological support, or even proper referral. There are some private actors (NGOs) offering holistic services (front line social service, legal teams and psychologists) but either the victims don't know that they exist (especially in case of "ordinary" crimes, like thefts or robberies), either the receiving actors don't know that they exist or don't know how or they don't want to refer victims.

Of course in this aspect there is not relevant infrastructure in place to ensure this assistance in a proper manner. Some encouraging initiatives have been launched by public and private actors on the matter. The Ministry of Justice has announced the creation of the "House of the Child", namely structures for the protection of children/ victims of sexual abuse during the legal procedure. These structures will function within the Social Service for Minors of the Ministry of Justice, they will be

located in 5 big cities (Athens, Piraeus, Patras, Thessaloniki, Iraklio) and they will cover as much part of the country as possible. These structures were announced in virtue of Law 4478/2017 that transferred the Directive 2012/29/EU. Houses of the Child already exist by the NGO *To Hamogelo tou Paidiou (The smile of the child)* but provide only psychosocial support. Despite these examples, Greece lacks adequate court buildings, police stations and hospitals even for disabled persons to access, let alone separate entrances and waiting areas for victims and offenders, possibility for video statements e.tc. and of course lacks the resources for their creation at least for now.

Part of the comprehensive assistance of the victims is also the adequate psychosocial support. In this regard, there are not social structures to accept victims of crimes that cannot support themselves with accommodation being the biggest protection problem in Greece nowadays, along with emergency shelters for urgent cases, access to health (e.g. PEP treatment) and more importantly specialized mental health care and treatment. Mental health is the sector of public health that was most affected by the crisis, with mental health structures and accomodation solutions for mental health patients collapsing.

In this negative climate, one cannot be very optimistic about the appropriate comprehensive assistance, necessary for the victims of crime. However, experience on the field has shown that training can often replace the lack of infrastructures and resources by awareness rising. Professionals seem to derive solutions and gain personal empowerment from trainings, thus being more effective in supporting others. Law enforcement bodies, judges, lawyers e.t.c. need continuous training to fulfil their duties and especially existing monitoring actors on the situation of the offender (law enforcement bodies in prisons e.tc.). Such a culture doesn't exist in Greece, so the capacity building should really take into account the particularities of the Greek context in regards of the law enforcement policy. Finally, a comprehensive assistance will never be possible if the receiving actors don't have an exhaustive mapping of the services provided not only in Athens but in Greece in general, so that they are confident and ready to make a proper referral to the existing structures, thus meeting the victims' needs in the most efficient way possible.

Since 2015 and due to the ongoing so called refugee crisis in Greece, there has been awareness rising and capacity building in this field, since many INGOs, NGOs providing assistance to asylum seekers/ refugees, including victims of crime, implemented the holistic approach in this aspect, often collaborating with the public sector through MoUs or other forms of collaboration or synergy. This is an experience that is worth building on for the purpose of supporting victims of crime in general.

3. Building network and cooperation

Networking and cooperation between the different actors on the field is very important for every aspect of the implementation of the legal protective framework initiated by the Directive, especially due to the fact that there are many different actors addressing complex needs of victims of different crimes without having a coordination or a centralised network monitored by a State actor. In this regard there are also other problems, inherent to the actors themselves and the ways that field work in Greece has been organised. For example, there is a high level of introversion in all actors performing on the field, as indeed they all chose to have different data keeping and reporting of their actions and no central data base exists for any kind of victims of crime accepting services on the field. As a result there is often duplication and overlapping of services provided, whereas there aren't any common monitoring or accountability mechanisms, and relevant programs providing assistance can shut down at any moment due to budget restrictions.

It is too ambitious to plan a centralized online data base for crime reporting in Greece, where the judicial system isn't fully computerized. Before that, Greece needs to invest on awareness rising of the actors on the need to exchange data, to harmonize their data collection tools with the GDPR legislation, and to plan regular meetings. Again, it is true that in the last years there have been efforts to build synergies between actors in the public and private sector through MoUs, Protocols, Working Groups and other types of cooperation. The relevant environment in Greece seems to be mature to promote networking and cooperation in an efficient way.

4. Providing training and communication

From the above analysis, it has been made obvious that training the staff of the public and private actors assisting victims of crime seems to be essential for the implementation of the framework imposed by the Directive, as it can in some cases replace lack of resources and infrastructure. However, the adequate provision of training has the same inherent problems, as the other axis presented above. Lack of resources is always the most important problem for Greece and in combination with a traditional reluctance towards education and training expressed by law enforcement bodies and judicial actors in Greece, they don't make training an easy task especially in an environment where the needs are many and complex and the actors providing assistance are fragmented.

However, in the last years there has been a considerable increase in the trainings offered in relation to different forms of crime and violence (GBV, hate crimes) with an appeal to various professionals,

thus increasing the quality of the trainings but also the number of professionals willing to receive training concerning their everyday tasks. Public authorities could assist the network by promoting the participation and facilitating the access of public officials, judges, medical doctors, law enforcement bodies to the trainings rather than providing the economic and human resources due to the ongoing economic crisis. Training the already existing staff of the relevant institutions is both feasible and crucial through relevant programs funded by the EU, INGOs and national NGOs.

5. General considerations

The implementation of the legal framework imposed by the Directive 2012/29/EU provides an example of an innovative and holistic public policy approach, with its ambitious goal to connect different public sectors, along with NGOs and individual professionals in the field and “force” them to cooperate both on a horizontal and vertical level to offer a wide scope of support services to victims of crime..

The challenges in implementing the policies required by the Directive are the result of their character described above, namely the collaboration of many field actors and the synergies needed for addressing the needs of the victims of crime, whereas there is also a need to expand already existing protection structures to implement Greek, European and International protection framework , in an environment where traditionally there is not a uniform implementation of the legal framework and a large number of public servants are underpaid and undertrained. However, the implementation is ongoing, and services are already provided. Of course, sustainability of the initiative depends also on the economic situation of the country, as the effective support of victims in need requires the employment of trained professionals who already do a great job under difficult circumstances. Language difficulties are still a major barrier for the migrant population to access public hospitals and other authorities, as provision of interpretation and intercultural mediation is getting more and more crucial due to the increase of the population in need due to the Greek and EU reception crisis, commonly referred to as “refugee crisis”, in relation to the Greek economic and social crisis.



Support VoC 

3.4 Adaptation requirements to implement the Generic Plan/SOPs in Italy

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Introduction

As stated during the research activity of the Support VoC project, in Italy there are no 'generic' assistance services to victims of crime and the resources dedicated to organizations, in various capacities operating in the territory (public or private), are not sufficient to extend the range of action of those who decades, work focusing on specific targets. Moreover, for the most part, the "reception" facilities are aimed at victims of "violent crimes" and, in particular, are electively turned towards cases of an interfamily nature or, in any case, to cases linked to emotional relationships.

The territorial context, both Sicilian and national, appears to be characterized by a fragmentation of the available services and by a certain lack in the dissemination of basic information about the existence of such services.

Existing services to support victims were built over the years by organizations working in the area: the strength of the network activities experienced, the effectiveness of their interventions on the victims could be a useful resource for a concrete application of the Directive. In other words, the existing welcome system is already very similar to that required by the Directive and this could facilitate the homogenization of services to what is indicated by the directive itself.

The existing structures do not have sufficient financial and personal resources to respond to requests and needs expressed by the victims. On the contrary, specialized services take care of the victims of various types of crime and they have the skills and personnel that, if adequately prepared and trained, could be 'used' for the creation of the generalist services foreseen by the Directive.

What emerged from the analysis of the territorial public services was instead a chronic slowness that causes people to be treated as if they were practices, as practices for the issue of building permits or any other bureaucratic practice. The victims need instead an effective service: generalist support services should be able to best respond to the victim as quickly as possible.

With reference to the territorial area of the city of Palermo, the existence of the Criminal Mediation Office for minors can be considered a reference case study on which we can build the SOPs. The service was set up by the Municipality of Palermo and deals with mediation. It takes charge of all requests relating to criminal proceedings under the jurisdiction of the juvenile court of Palermo whose suspects or defendants have residency or permanent residence in the territory of the City of Palermo. Mediation is an institution that searches through a communication channel to reconstruct a new relationship between the offender and the offended person, interrupted by the commission of the same).

Generic Plan was acceptable and the subdivision into the 4 Axes was appreciated, however, in order to follow the lines of the Directive and to concretely implement the Plan, we have to underline that the possibility to reorganize the support services implies two fundamental requirements: the first entails stakeholders' accountability, each one for its own role, the other entails the decision of those who coordinate this process: certainly a public administration, perhaps the municipality.

In any case, accountability is not a concept as trivial as it seems: some lawyers, magistrates, security forces, social services, collide with the bureaucracy, with an insensitivity and treatment of these issues as if they were any themes. At that point a sanction is needed, linked to control mechanisms - national and supranational - on the correct and timely application of the national legislation introduced as a transposition of the European directives dictated in terms of protection of victims of crime.

Unfortunately, in Italy we are still witnessing the violation by all the "legal operators" of the legislation aimed at protecting the victims, an application often entrusted to the competence, preparation and sensitivity of some.

Generally speaking, even if the Plan was widely agreed, most of the stakeholders underlined how "structural" weaknesses can strongly obstacle its implementation. Weaknesses as:

- Lack of a detailed map of the centers and available services.
- Lack of financial and human resources.
- Lack of places ("reception houses") in which to lodge after they denounce, in cases where the victim is forced as a result of this to move away from the family environment.
- Lack of training as, even the people who are at the moment "mediators", need training to become "generalist mediators" if we want to call them so.
- Low level of involvement of politicians and part of the associations.

Meanwhile, in order to accomplish the Directive requests, Italian institutions are 'moving' at a single level asking to peripheral offices to apply the Directive in different ways and with different specifications: this would become an additional problem as produce more confusion in applying the SOPs.

In order to overtake these obstacles the process must be started at an institutional level, that is the only way it come become effective in our country, even if we are already aware that the activation of the VAOs should need long time to become effectively present in the territory.

THE GENERIC PLAN: ADAPTATION REQUIREMENTS

Axis 1.ASSESSING VICTIMS' NEEDS

The size and **complexity of the information** to be provided to the victim of the crime, is entrusted to a written list of rights and exercisable powers which often is not understandable due to the complexity of the technical language used. Rarely in Italy is given to the victim of the crime the necessary time to express personal needs in relation to the specific physical, moral and mental needs. Timing of investigation and criminal trial do not respect the timing of the victim to activate the complaint.

The objectives of the Axis could be achieved by not "entrusting" the list of information only the pre-printed forms, but ensuring that such information is better explained by the operators or by members of the Judicial Police who come into contact with the victim. Moreover very good training to the operators is a condition sine qua non for a good result.

In particular, in Italy **O1 "To receive and orientate the victim about their rights as a victim of crime, the actions that can be undertaken, the problems that could be faced during the criminal process, and their possible consequences"** has only partially been taken into account by the Legislative Decree 12.12.2015 n. 2012, at least with regard to the right to information.

Indeed the art. 1 paragraph 1 letter b) of Legislative Decree 212/2015, which came into force on 20/01/2016, provided that victims of the crime (actually, the Italian criminal procedure code always speaks of a person offended by the crime, holder of the legal property protected by the offense and not the victim of the crime that may have suffered any damage from the commission of a crime) have access to a series of information concerning the methods of filing the denunciation or lawsuit, the right to have knowledge of the place and information about the date of the trial and indictments, to receive communication of the proceeding, the right to avail of legal advice and legal aid, of any protection measures that may be taken in the event that he/she resides in a Member State of the European Union other than the one in which the crime was committed, authority to contact to receive information on the procedure, the possibility of claiming damages, the possibility that the process is defined by suspension of the procedure, the health structures, family homes and anti-violence centers settled in the territory.

However, even if formally the law provides for a conspicuous series of rights and faculties, in substance, it cannot be said that the objective has been concretely achieved, according to the spirit and the contents of the Directive 29/2012/EU.

The size and complexity of the information to be provided to the victim of the crime, relies on a written list of rights and exercisable powers, materially delivered to the victim, who often is not able to understand the actual meaning and scope of it, due to the complexity of the technical language used, not easily accessible to common citizens.

The objective could be achieved, in the first place, by making it simpler and more clear from the point of view of the contents of the list with the faculties and rights exercisable by the victim according to art. 90 bis c.p.p.

On the other side, the list of information must not be "provided" to the victim only and exclusively at the initial moment in which the first contact with the proceeding Authority takes place, because there

is a concrete risk of creating considerable confusion and not allowing an effective understanding of the granted rights.

The objective could be achieved by not "entrusting" the list of information only the pre-printed forms, but ensuring that such information is better explained by the operators or by members of the Judicial Police who come into contact with the victim. The list of information must not be "provided" to the victim only and exclusively at the initial moment in which the first contact with the proceeding Authority takes place.

The realization of the objective is too much entrusted to the preparation, competence and personal attitude of the single professional mentioned in M1.1 and in charge of this task, whose specialization and specific experience is entrusted with the task of giving clear information that is simple and appropriate to the needs of the individual victim.

On the other side, with regard to M1.2, the purpose of a telephone service is entrusted to special services not always able to manage the actual needs of the victim nor adequately prepared from the psychological and regulatory point of view in order to guarantee protection or at least adequate information.

O2 "To minimize primary victimization and contribute to the restoration of the victim's welfare", in Italy, will be difficult to achieve. Rarely in Italy is given to the victim of the crime the time necessary to express personal needs in relation to the specific physical, moral and mental needs of the victim, also in relation to the personal characteristics of the victim, and the type of crime he / she is the victim of.

The timing of the investigation and of the criminal trial in Italy do not respect the timing of the processing in the victim of the choices necessary to activate the denunciation and therefore the protection, nor those necessary for the complete disclosure of the offense.

From another point of view, even today, the criminal process "violates" the victim because it does not allow to forget and leave behind the tragic experience suffered.

The objective could be achieved leaving space (with greater increase of human resources) to the victim in the first phase of the complaint, and then compressing instead the timing of the ascertainment of the fact and of the penal responsibilities, with "privileged" and quicker channels of the trials, in the event that the crime caused damage to the victim.

It will be also difficult to develop an individualized assistance plan (M2.2) that effectively takes into account the specific needs of the victim. The absolute inadequacy of judicial police personnel, of members of social services, of magistrates who deal with victims of crimes, does not allow the development of an intervention plan dedicated to the single victim.

The timely of providing the victim with any information that allows him/her to adequately be prepared for the proceeding and the subsequent criminal trial, is missing, causing consequences at a personal, procedural and psychological level.

With regard to **O3 "To avoid secondary victimization and reprisals by perpetrators"**, there is no specific test to assess the standardized risk able to identify the degree of primary victimization and the risk of the victim of the crime of undergoing secondary victimization processes from the criminal proceedings.

The judgment on the degree of primary victimization is entrusted to the evaluation of the Police, social workers or the Magistrates who follow the case, with prognostic evaluations often standardized and

linked to maximum experience often not applicable to the needs of the individual victim of the offense.

Secondary victimization resulting from the need to face criminal proceedings and subsequently the trial, often does not allow an early assessment of the degree of risk that the victim suffers in that specific case.

A constant and careful monitoring and support of the victim, at all stages of the trial, even during the appeal proceedings, up to the final sentence and also during the execution of the sentence, often neglected phases in optics of victim protection.

The objective does not appear to have been achieved in the Italian legal system, since the task of identifying, for each stage of the criminal proceedings, the most suitable protection measures to protect the victim is often referred to the victim's crime report.

There is also a lack of adequate and effective coordination between the lawyer (legal counsel of the victim), the psychologist and the competent authorities in view of the adoption of adequate measures to protect the victim. In any case, legal consultants working in the victim protection organizations often do not make a serious check on the actual needs of the victim, both in relation to the degree of reliability of the complaint and, consequently, of the type of protection measures against adopt in the present case.

The **objective O4 “To offer, without unnecessary delay, information adapted to the personal circumstances and conditions of the victim, as well as the nature of the crime committed and the damages experienced”** appears only partially realized. The individual interview should be held by several operators in the sector, even in a contextual manner in order to have complete information both in relation to the procedural and procedural aspects of the protection and protection of the victim and in relation to the medical-psychological and material support measures to be given to the victim.

The information provided is often partial, fragmented, conflicting with each other, related to the particular competence of the person who enters, specifically, in contact with the victim in the particular moment of the procedural process.

Axis 2. ENSURING COMPREHENSIVE ASSISTANCE

Regarding Axis 2, obstacles can be connected to the fact that there are still many victims of crimes that cannot access legal aid in the absence of income requirements expressly provided by law: for many of them protection still appears limited in consideration of economic conditions.

Often the victim remains without effective and adequate protection because of the difficulty of actually obtaining compensation for damage.

Regarding the protection of the victims physically and mentally, the arrangement of the judicial offices, the proximity of the victims to the perpetrators even within the courtrooms, the absence of separate entrances and secluded places, can constitute additional obstacles to the implementation of the SOPs.

In this sense, it would be better to provide revolving funds to physically and economically compensate victims of crime in relation to the damage suffered.

Moreover spaces must be rethought to respect the rights of the victims.

The objectives of the Axis could be also achieved by, for example, preliminary screening that concerns the assessment of the psychological aspect of the victim in order to contrast particular reactions.

O1 “To ensure that the victim receives proper legal advice and that measures are deployed to protect the victim physically and mentally during the court proceedings”, in Italy, appears to be reached only partially, given the amount of information given to the victim of the crime with regard to the possibility now foreseen for an increasingly wide range of crimes, to be assisted by a lawyer paid by the State, after being admitted to free legal aid even in the absence of income conditions - minimum - provided for all categories of defendants and victims of other crimes.

However, there are still many victims of crimes that cannot access legal aid in the absence of income requirements expressly provided by law: for many of them protection still appears limited in consideration of economic conditions.

Despite the provision of extensive rights and faculties, often the victim still remains without effective and adequate protection also because of the difficulty of actually obtaining compensation for damage eventually liquidated even in criminal proceedings. It would be then better to provide funds to physically and economically compensate victims of crime in relation to the damage suffered.

Measures to physically and mentally protect the victim during the court proceedings will be difficult to apply considering the arrangement of the judicial offices, the proximity of the victims to the perpetrators even within the courtrooms, the absence of separate entrances and secluded places where the victim can wait for the trial to begin separately from his "executioner".

Only in the hypothesis in which the victim of crime is a minor, protected classrooms are foreseen, which allow, even if only partially, to keep distant the perpetrator and victim, also through the use of mirror glasses that physically separate the parts of the process, with the aid of video recording.

The use of the probative incident in still few and rare cases, obliges the victim to be heard several times during the trial, multiplying the trauma from secondary victimization.

O2 “To provide basic psychological assistance and refer to specialized services” is currently applied only in exceptional cases: the most vulnerable victims are not protected more than the others; there is no provision for a preliminary screening that concerns the assessment of the psychological aspect of the victim in order to contrast particular reactions.

For **O3 “ To deliver socio-economic advice and refer the victim to social services”**, Economic advice is given through the information provided to the victim in relation to the faculties and rights of an economic nature permitted by law. Social assistance is provided more for the minors of the crime than for the victims of crimes in general, often left at the mercy of personal initiatives.

Finally, for **O4 “To monitor the victim, especially the most vulnerable ones, throughout the criminal process and during an adequate period of time after its conclusion”**, the Italian legal system does not provide for monitoring the victim based on the specific situation experienced by the same, following it during the entire judicial process. Even in the most serious cases after the conclusion of the

preliminary investigations, the victim is often abandoned to his/her trial, even during the execution of the sentence, and the cessation of the precautionary measures.

Axis 3. BUILDING NETWORK AND COOPERATION

For **O1 “Creating a deep knowledge of the assistance framework in order to rationalize and optimize the provision of services”**, the protection of the victim still appears fragmented and distinct in relation to the specific psychological, charitable, procedural and compensatory competences.

The network of services, at least in the reality of Palermo, in recent years had begun to work in an effective and concrete way, however recently it appears to be left to individual initiatives without effective coordination.

O2 “Ensuring an efficient coordination and joint work between VAOs and competent services and authorities that assist victims of crime”: In the Italian reality there are often no meetings and tables that concert the actions to be established and activated in support of the single victim; there is often no connection between the various judicial, police, legal and welfare offices.

As concerns **O3 “Increasing the exchange and availability of data amongst competent authorities”**, data sharing services by the competent authorities should be improved and in some cases activated, in order to avoid the dispersion of resources and knowledge. There is not still a single office that the victim can contact to have all the information on the offender, both in relation to the process, in relation to the precautionary measures applied and still in force, and finally to the measure and execution of the penalty on the part of the offender.

Axis 4. PROVIDING TRAINING AND COMMUNICATION

In order to reach **O1 “To train professionals who are in contact with victims to guarantee victim rights, and to foster awareness on the special needs of vulnerable victims”**, the problem of training professionals who work closely with the victims of crime, in Italy must be tackled more rigorously and above all now requires a normalization from which we cannot now ignore the large number of tasks entrusted to operators in the sector of protection of victims of crime.

A specific training obligation should be provided taking into account not only the theoretical aspects but also experiences, providing preliminary periods of coaching by professionals with proven skills and experience in the field, before being able to work on a singular base.

The problem of training in Italy appears to be transversal in relation to all the categories that, from the different point of view, need the same knowledge of the relevant legislation, psychological attitudes, specific experience in the sector, to know the different phases of the trial and not only the initial one of preliminary investigations, up to the execution phase of the sentence.

As regards **O2 “Increasing the knowledge on the rights of victims of crimes and the responsibilities and functions of VAOs”**, the dissemination of theoretical information appears sufficiently achieved as an objective in Italy but it lacks of time and sufficient resources to allow the abstract information to be effectively understood, metabolized and activated in the ways and with the time needed to ensure adequate protection for victims of crime.

The establishment of a crime victim's desk, with integrated multi-disciplinary support - and not separate - appears in any case the best tool. It should work on listening to the victim, giving information, legal advice, support during the trial, protecting against the risks that the victim can still run.

