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Development of a Witness and Victim Support System

Croatian experience:
good practices
and lessons learned

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good practices and lessons learned

Acknowledgements

Author: Jasmina Mujkanović

Supervisor: A.H. Monjurul Kabir, Policy Adviser, Rule of Law, Justice and Human Rights, UNDP Europe and Central Asia

With special thanks to: Sharon Lowery (author: Assistance to the Development of a Witness and Victim Support System in Croatia, Final Project Evaluation Report, 2010) and Snježana Vasiljević (author: Strengthening of the Witness/Victim Support System in Croatia, Final Project Evaluation Report, 2012), Mario Krešić (WVS Project Manager), Jasmina Bahnik (WVS Office Zagreb), Iva Barić-Milojković (WVS Office Osijek), Ljiljana Bedalov (WVS Office Split), Daria Bohaček (WVS Office Rijeka), Daniela Čukelj (WVS Office Vukovar), Emina Hrvatin (WVS Office Sisak), Dragana Marina (WVS Office Zadar), Nikica Hamer-Vidmar (Ministry of Justice of the Republic of Croatia) and Violeta Liović (UNDP Croatia) who provided updates and statistical data on witness and victim support system in Croatia, Jasmina Ilić (OSCE Mission to Serbia), Slavica Peković (Belgrade High Court) and Lara Obrenović-Sahurić (UNDP Bosnia and Herzegovina) who provided updates from the region, Nino Kharshiladze for research support, Ching In Tse and Zuzana Zalanova for visualization advice, and Ivana Dankova for design support.

Lessons Learned Series: Rule of Law, Justice and Human Rights
UNDP Regional Centre for Europe and the CIS

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Foreword

Quest for a Robust National Witness and Victim Support System

The impact of crime on the people affected by it can be profound. Victims may suffer from physical, mental, emotional and financial harm, from which some may never recover. Injuries may be threatened or inflicted upon victims, witnesses or their families, and threats may even be made against lives. In addition to the strong human rights dimension for assisting and protecting people who have fallen victim to or witnessed serious crimes, there are strong criminal justice considerations for doing so.

The recall of victims called as witnesses at trial and their ability to relate relevant information may be affected by many factors, including age, cognitive or physical disabilities, language barriers, their relation to the offender, and, importantly, the trauma they have suffered as a victim of crime. The cooperation of victims and witnesses is crucial to achieving successful prosecutions of criminal offenders and dismantling organized criminal groups. Yet one of the challenges faced by many criminal justice systems in the investigation and prosecution of crime, is obtaining such cooperation.

In Croatia, Witness and Victim Support (WVS) Offices are established in 7 county courts with 14 permanent employees in the offices, which are assisted by over 200 specially educated volunteers. To address some of the abovementioned challenges, these offices play three critical roles: they protect the human rights of crime victims; they improve the efficiency of the justice system by helping deliver the confident and reliable witness testimony needed to successfully prosecute and sentence perpetrators of criminal acts; and they help restore civic trust in the rule of law.

As part of the UNDP BRC's regional human rights and justice initiative, the PHASE [Promoting Human Rights and Access to Justice for Legal Empowerment] Project supported a study in Croatia to capture these lessons learned and good practices. The experience has demonstrated that for the successful establishment and operationalization of the WVS system, it should be made part of the judicial reform agenda. It is equally important that we keep the following factors in mind:

- The creation of the system requires an integrated approach with a long-term perspective and a strong commitment by the leaders of the judiciary;
- The strategic efforts need to ensure participation not only of legal professionals (judges, prosecutors, lawyers) but also of all segments (medical professionals, social workers, teachers, service providers, law students, volunteers etc.) of the community;
- Research and assessment exercises carried out prior to and during the intervention proved to be value added for strategy formulation and management.



In fact, UNDP, other UN agencies, and national partners in Southeast Europe, including ministries of justice and the victim support offices, partnered to make sure that national systems are in place to support the principles of justice for victims. It was heartening to see that Albania, Bosnia and Herzegovina, Croatia, Montenegro, FYR Macedonia, Turkey, and Ukraine adopted a joint statement on victim empowerment at a regional conference in late 2012 on judicial reforms and empowerment of victims in Croatia.

One of the key outcomes of the statement is that participating countries agreed to establish **national systems to support witnesses and victims**. Establishing minimum standards on the rights, support, and protection of victims of crime – within a three year period – has also become a requirement for all European Union (EU) member states as a result of the latest EU Directive from 2012. The Directive will also influence candidate countries in the EU negotiation process and prove relevant to other regions and countries as they work to expand the frontiers of justice.

Given the encouraging developments achieved through the new EU directive and joint statement on victim empowerment, it is time to look beyond the legal approach and adopt a robust agenda of access to justice and legal empowerment in the region and beyond, ensuring that the message is spread to all citizens. This would benefit countries with similar challenges in other parts of the world.

We should not, however, lose sight of the accused. To ensure justice for all, we must ensure that both victims and those accused of crimes have **access to legal assistance**, regardless of their position in society. This equality has been highlighted in the new United Nations **Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems** released last year.

I hope this publication primarily based on Croatian experiences with reference to international and regional standards will cater the need for both a knowledge product and a guidance note for national agencies willing to establish a national victim support system.

March 2014

A.H. Monjurul KABIR



Acting Practice Team Leader, Democratic Governance &
Rule of Law, Justice, and Human Rights Adviser
UNDP Regional Centre for Europe and Central Asia

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1. Introduction

! Witness is an important and very often the only source of evidence, and eyewitness testimony is a predominant type of evidence in the criminal procedures.

1.1. Why supporting victims and witnesses?

“Victims and witnesses provide the information, intelligence and evidence, which enable offenders to be brought to Justice. In order for the system to operate effectively, they must have confidence in the justice process. In turn, the system must recognise the needs and concerns of victims and witnesses and provide adequate information, support, protection and reassurance to generate faith and trust in the legal processes.” (Source: UK National Centre for Policing Excellence. Document title: *Core Investigative Doctrine 2005*)

Everyone reacts differently to their experience of crime or attending court and, for some, being a victim or witness of crime can create real problems for them and their families. Besides the unpleasant experience, there are often many practical matters to take care of, and, if a case goes to court, worries about dealing with the procedures and processes of the criminal justice system.

The process of investigating and prosecuting offences depends largely on the information and testimony of witnesses. Prosecutors depend upon witnesses who are reliable and whose testimony can be accepted as truthful, accurate and complete. Therefore it is good practice for criminal justice systems to provide assistance and support measures to victims and other witnesses in order to facilitate their ability to participate in the criminal justice system and to give the kind of testimony that is required for the maintenance of the rule of law.¹

Experience so far has suggested that providing better care for victims and witnesses can deliver many important benefits for both the witness and victim themselves, and the effectiveness of the criminal justice system. These benefits include:

¹ Kramer K. PROTECTION OF WITNESSES AND WHISTLE-BLOWERS: HOW TO ENCOURAGE PEOPLE TO COME FORWARD TO PROVIDE TESTIMONY AND IMPORTANT INFORMATION, *UNAFEI Resource Material Series No. 86*, UNAFEI, Fuchu, Tokyo, Japan, March 2012.

- increased public confidence in the criminal justice system;
- increased public confidence in the fairness and independence of criminal justice agencies;
- increased numbers of crimes reported;
- better quality evidence provided by victims and witnesses;
- increased numbers of victims prepared to pursue cases in court;
- increased numbers of witnesses prepared to attend court to give evidence;
- a greater willingness of particularly intimidated and vulnerable victims and witnesses to come forward to report crimes and give evidence;
- reduced delays in court proceedings from adjournments linked to non appearance of witnesses.

1.2. International and European legal standards and policies

Consequences of criminal behaviour affect victims in different ways. Victims suffer material or moral damages, physical injuries and/or psychological harm. Psychological harm is often closely connected to physical injuries, but can also occur as a reaction to a non-violent criminal act. All these consequences are considered to be a result of primary victimization, and they create a number of additional problems for victims (i.e. financial, health and/or family problems, problems at workplace, etc.). In addition, crime victims often suffer from secondary victimisation and, in some cases, even re-victimisation.

Secondary victimization is intensification of primary victimization through negative reaction of social environment and through inadequate or even inappropriate reaction of the agencies of justice (condemnation, misunderstanding, rejection or failure to respond). Those categories of victims who are considered to be vulnerable either because of their age, psychophysical characteristics or nature of the crime they were subjected to are particularly exposed to secondary victimization (i.e. children, elderly people, persons with disabilities, victims of sexual violence, domestic violence, organized and war crime). Re-victimization is repeated victimization through criminal behaviour, which is often closely connected to absence of adequate assistance and support to victim. It is usually connected to sexual offences and domestic violence.

Closely linked to consequences of victimization are the needs of victims deriving from them. Victims need information, emotional support, referral to other services and experts of different profiles (lawyers, psychologists, psychiatrists, etc.), and often, especially in case of serious crimes, protection (physical, health, etc.) and material compensation. Furthermore, to prevent or reduce secondary victimisation during the trial, victims need emotional support before, during and after the hearing, information about the courtroom and the course of the procedure, about their rights and what they can expect, etc.

Concerns about the impact that primary and secondary victimization have on victims paved way for the rise of the victim's movement in 1970's, and brought the discipline of victimology into the spotlight. The underlying goal of this movement was empowering victims to enable them to cope better with their victimisation and regain faith in the criminal justice system's ability to protect them.

As a reflection of a global accord regarding the position of victims of crime and their basic rights, in 1985, two powerful documents came into existence, urging the international community to enhance the status of victims. The first one was the **United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power**² (hereinafter: the Declaration). The second one was the **Council of Europe Recommendation on the Position of the Victim in the Framework of Criminal Law and Procedure**³ – Recommendation (85) 11 (hereinafter: the Recommendation).

The Declaration, although not a legally binding treaty, lays down the minimum standards for the treatment of crime victims and has been heralded as the magna charta of the international victims' movement.⁴ The Declaration groups the basic principles of justice for victims of crime into the following categories:

2 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, (1985). <http://www.un.org/documents/ga/res/40/a40r034.htm>

3 Recommendation No. R (85) 11 of the Committee of Ministers to Member States on the Position of the Victim in the Framework of Criminal Law and Procedure (1985). http://www.copii.ro/files2/30_RecomandareaCE_11_1985.pdf

4 Van Dijk, J.J.M., & Goodey, J., *Benchmarking Legislation on Crime Victims: The UN victims declaration of 1985* (Opferhilfe in der Schweiz, Haupt, 2004). <https://pure.uvt.nl/portal/files/987217/BENCHMAR.PDF>

1. Access to justice and fair treatment;
2. Restitution;
3. Compensation; and
4. Assistance.⁵

The 1985 Recommendation was an important step in a long-term campaign of the Council of Europe to improve the position of victims within the framework of criminal law and procedure. The Recommendation contains 16 guidelines for the way the police, prosecution service and courts of the member states of the Council of Europe should deal with victims of crime.

The contents of the Declaration and the Recommendation were to a large extent overlapping and had subsequently been echoed and expanded on in other international documents of a similar nature, such as the **European Union Council Framework Decision on the Standing of Victims in Criminal Proceedings**⁶ from 2001 (hereinafter; the Framework Decision), and the **Council of Europe Recommendation (2006) 8 on assistance to crime victims**⁷. The most recent and most comprehensive example is the **European Union Directive establishing minimum standards on the rights, support and protection of victims of crime**⁸ – Directive 2012/29/EU, adopted on 25 October 2012 (hereinafter: the Directive).

⁵ These principles are also embedded in the treaty establishing the International Criminal Court, the Rome Statute, which entered into force on 1 July 2002. It also contains important provisions concerning the protection of victims and their participation in the proceedings, following the standards set by the ICTY. (Ibid).

⁶ Letschert, R. et al. (eds.), *Assisting Victims of Terrorism: Towards a European Standard of Justice*, (2010), Springer Science+Business Media B.V., p.31.

⁷ Over the years, the Council of Europe adopted a number of victim related recommendations and conventions and encouraged more studies and research to be undertaken in that field: Recommendation No. R (87) 21 on assistance to victims and the prevention of victimisation, intended to complement the European Convention on the Compensation of Victims of Violent Crime (ETS No. 116, 1983) and Recommendation No. R (85) 11 on the position of the victim in the framework of criminal law and procedure; Council of Europe Committee of Ministers Recommendation Rec (2006) 8 on assistance to crime victims, adopted by the Committee of Ministers on 14 June 2006; the European Convention on the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950), the European Convention on the Compensation of Victims of Violent crimes (see above), the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196, 2005) and the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005).

⁸ 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. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

Both, the Declaration and the Recommendation articulated general concerns that something needs to be done for victims but allowed different interpretations of appropriate action. Not being legally binding instruments, their main influence was to encourage debate on victim issues and keep those issues high on the agenda of member states.

European Union went further in recognizing the need for enhanced support to victims and took actions aimed at affecting policies and unifying practice among Member States. When enacted, in 2001, the Framework Decision represented important innovation requiring each EU Member State to bring into force laws, regulations and administrative provisions for the protection of the basic rights and interests of victims, particularly in criminal proceedings. The Member States had to adapt their legislation in line with the requirements of the Framework Decision by 2006. However, while improvements have been achieved in this area, the objectives of the Framework Decision, over the years, have not been fully realized. Implementation reports concluded that this EU legislation had not been effective in achieving minimum standards for victims across the EU and revealed a need for a more firm action to ensure that the „75 million people who fall victim to crime every year in the EU and their family members are provided with the same basic rights, treated with respect by police and judicial authorities and have the support they deserve in every Member State.“ Consequently, in 2012, the new Directive replaced the 2001 Framework Decision. It is directly binding on all Member States and enforceable under the Lisbon Treaty. In comparison with the Framework Decision it contains more concrete rights for victims and clearer obligations for Member States. Moreover, the new Directive is built on and complements existing instruments established to prevent and combat trafficking in human beings, terrorism, sexual abuse, sexual exploitation of children and child pornography.⁹ Essentially, it will pave the way for all victims, irrespective of where they are in the EU, to be provided with access to a variety of rights, including free specialist victim support services, interpretation and translation services, and will have their specific needs individually assessed.

⁹ Council Directive 2011/36/EU on preventing and combating trafficking in human beings, and protecting victims, OJ L 101/1, of 15 April 2011; Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ 2011 L 335 of 17 December 2011; Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism OJ L 164, of 22 June 2002.

Legally binding or not, all these documents provide benchmarks for victim-friendly legislation and policies, built around the following elements: information, assistance, role of the public services, victim support services, rights to effective access to other remedies, state compensation, insurance, protection, mediation, raising public awareness of the effects of crime, training of justice professionals and so on. They have brought the needs of victims to the fore and provided significant impetus for development of policies which put victims at the heart of the criminal justice system.

2. Good practices for victim and witness support

The past few decades have witnessed significant efforts by many European criminal justice agencies to provide better treatment and services for victims and witnesses of crimes, to help them recover from the effects of crime and assist them in their dealings with the criminal justice system. Specific initiatives designed to that end range from better provision of information to victims of crime, awareness raising activities, changing the law to prevent repeat victimisation, and enabling victims of crime to receive appropriate redress and compensation, to specific arrangements within courts designed to make the experience of a witness or victim less emotionally challenging as they pass through the criminal justice system.

The following section provides an overview of experiences and good practices in implementation of victim-oriented policies in selected EU member states.¹⁰ The countries selected for this overview are the countries whose experience UNDP Croatia drew upon not only in the project design phase but also in the course of the Project's implementation: England and Wales, France, Sweden and the Netherlands. Bearing in mind different legal traditions and criminal justice systems resulting in different levels of victims' procedural rights and different approaches taken on victims in the countries selected, experiences and good practices presented here do not advocate for any particular model of support. Instead, they aspire to enhance understanding of the issues surrounding this sensitive field. This overview seeks to identify, as a result of experience from other countries, a number of key elements of effective implementation of victim and witness support policies in the future. It is important to emphasise that experience and practices presented below are not exhaustive and those highlighted do not necessarily imply that similar arrangements do not exist in other countries under consideration.

¹⁰ The overview is based on a comprehensive desk review of victim and witness support practices of countries under consideration, and on consultations during study visits and international events organized within the framework of the UNDP Croatia project "Assistance in the Development of a Witness and Victim Support System".

In the presentation that follows, along the lines of the Declaration's terminology and provisions, experience and good practices with respect to victims' needs are considered under three headings: access to justice, restitution and compensation, and assistance and support. Special emphasis is placed on support to witnesses in the criminal trials and for that purpose experience of countries in the region – Bosnia and Herzegovina, and Serbia – is also examined.

2.1. Access to Justice

Access to justice is a core element of victims' rights and as such is instrumental for the enforcement of other rights and interests of the victim.

Access to information is a key prerequisite of access to justice for victims. It is necessary to provide information to victims and witnesses at the earliest opportunity so that they understand what will happen to them as their case progresses, and can access any support services they may need. In particular, victims have a right to receive information on such issues as where and how they can make a complaint about a criminal offence; details of the support services to which they can turn; the type of support, protection, legal aid and compensation available; and on any procedures for making complaints if their rights are not respected.

Victims and witnesses also need to be updated at each stage of their case as they progress through the criminal justice system.

The victims or witnesses are often left traumatised after an incident and find it difficult to absorb information. For this reason, it is viewed as good practice to leave a victim or witness with tangible written information so they can read it once the initial shock of an incident has passed. Experience has shown that multi-agency victim and witness information leaflets are an excellent tool to assist all justice professionals in providing the necessary and most vital information, and will answer most of the basic "*what if*" questions victims and witnesses may have immediately following a crime. Such leaflets are available in all countries concerned. The leaflets are usually distributed by the police as they are often the first point of contact with a victim or witness after a crime has been committed. In addition, they may be distributed by prosecutors, social workers, or specialised NGOs, and obtained from police stations, courts, social welfare centres and other public places.

GOOD PRACTICES: Access to information – Information leaflets

The most effective leaflets are worded clearly and concisely using plain language, so that any victim or witness can read, and immediately understand, what help is available to them.

Criminal Justice Agencies in **England and Wales** have developed a leaflet: *You've reported a crime... so what happens next?*¹¹, which offers advice and includes details of services available to victims. Apart from English, the leaflet is available in eight other languages and is also available in Braille, audio-tape and large print. There is also a version of this leaflet available to young victims of crime¹².

Swedish police offers leaflets for different categories of victims (for example children who are crime victims, or non-residents who have become victims of crime in Sweden) or victims of different types of crime (for example hate crime victims, sex crime victims, crime victims in a close relationship, or victims of honour-related crimes).

Another appropriate tool to meet victims' need for information is a detailed web page. Such web pages should be easy to find, and should provide detailed and coherent information on all relevant issues, including direct links to both support services provided by criminal justice agencies and support available by specialised non-governmental organizations. Web pages containing useful information for victims and witnesses exist in all countries concerned. They are usually operated by criminal justice system (CJS) agencies. In most cases that would be the country's ministry of justice but relevant information can also be found on police and prosecution websites.

11 https://www.northumbria.police.uk/Images/Victims%20of%20Crime%20booklet_tcm4-22526.pdf

12 https://www.northumbria.police.uk/Images/Young_victims_leaflet_tcm4-22535.pdf

GOOD PRACTICES: Access to information – Web pages/information available online

In addition to standard information offered to victims, some countries have come up with advanced solutions for information provision. On its website, **Swedish** Crime Victim Compensation and Support Authority (Brottsoffermyndigheten) offers a downloadable and printable booklet in 14 different languages, other than Swedish¹³. The booklet contains information for crime victims about the stages of the criminal procedure, available support and assistance, compensation options, and address book of relevant organizations.

Another interesting initiative from the Swedish Brottsoffermyndigheten is the “Court Introduction”¹⁴, also available in English. It is also referred to as Trial School on the Web. It is a product based on the e-learning, i.e. data-based learning technologies. With the help of animation, voiceover, videos and text, the user gets information about the trial and the consequences of crime. Trial School on the Web includes a total of approximately 2.5 hours of material, and is divided into various sections. It is primarily addressed to the victims summoned to the court in criminal proceedings, but also to witnesses, defendants and their relatives, CJS professionals, social services, health services, schools and others.

The **UK’s** Ministry of Justice has recently launched a video called “Going to court – a step by step guide to being a witness”. Seen through the eyes of a witness, this 25 minutes long animation explains what to expect throughout the court process and follows the journey a witness makes from making a statement, right through the criminal court process and after the trial.¹⁵ The film is available in English and many other

13 <http://www.brottsoffermyndigheten.se/Filer/Broschyre/Andra%20spr%C3%A5k/Information%20till%20brottsoffer,%20flerspr%C3%A5kig.pdf>

14 <http://www.courtintroduction.se/>

15 <https://www.youtube.com/watch?v=aUOc0Sa1WMM>;

languages, including Arabic, Bengali, Cantonese, Gujarati, Hindi, Punjabi, Urdu and Welsh. Criminal justice agencies in **England and Wales** also offer on their websites downloadable booklets for young witnesses aged 5-9, 10-13 and 14-17¹⁶, as well as story-books for young people of different ages and abilities, being summoned to court to give evidence, using everyday language and illustrations. In addition, “Getting ready for court”¹⁷ is a video produced by MENCAP (an NGO supporting people with a learning disability) aimed at young people with a learning disability or communication difficulties to better explain the court process.

In addition to access to information, another important element of access to justice for victims is the ability of victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible¹⁸. Victims should be provided proper assistance throughout the legal process. To that end, legal aid, legal advice or legal counselling should be made available to those in need, preferably at the lowest possible level.

GOOD PRACTICES: Facilitated access to justice – Legal counselling and advice

In **the Netherlands**, the so-called Legal Counters operate in 30 branches across the country¹⁹. More than 300 legal staff provide free daily information and advice on legal issues to citizens, including victims and witnesses of crime. Similar to the legal counters are so-called Legal Shops, mostly aided by law students. One of such centres in Amsterdam was opened in 2010 by the non-profit organization SSWA²⁰. It is specialized in providing free legal advice and assistance in administrative and criminal law issues. In this way its founders wanted to fill in the gap in the free legal advice provision which was until then concentrated mostly on civil law and taxation issues. The centre’s staff also offers representation in certain cases before the local criminal court for minor offenses.

16 For example: <http://www.west-midlands.police.uk/advice-centre/help-and-advice/victims-code/index.aspx>, or <http://www.dorset.police.uk/default.aspx?page=668>

17 https://www.youtube.com/watch?v=u48WKYod_1Y

18 Un Declaration of Basic Principles of Justice, Section A, Para. 4.

19 <https://www.juridischloket.nl/>

20 <http://www.strafrechtswinkelamsterdam.nl/#/english/4572465079>

In **England and Wales** helpful guidance on both criminal injuries and criminal damage compensation is available to victims from citizens advice bureaux, run by Citizens Advice²¹, a national charity and the UK's largest advice provider. Citizens advice bureaux deliver advice services from over 3,300 community locations in England and Wales and in doing so they are supported by over 22,000 volunteers. They provide over 1 million legal advices per year.²² Their services are free, independent and confidential, and are also available in languages other than English and Welsh. Advice may be given face-to-face or by phone. Most bureaux can arrange home visits and some also provide email advice. A growing number are piloting the use of text, online chat and webcams. Citizens Advice recently launched Access to Justice Campaign as a reaction to Government's plans to reform legal aid and out of concern that these reforms threaten people's basic right to fair legal representation.²³

Facilitated access to justice depends greatly on the responsiveness of the judicial and administrative processes. Criminal justice agencies working together on this important issue is one of chief preconditions of realizing access to justice for victims. Experience has shown that the grouping of services offered by different agencies and organizations under one umbrella simplifies the procedures for the victim, thus reducing the risk of secondary victimisation.

GOOD PRACTICES: Facilitated access to justice – Inter-agency cooperation

With the aim of bringing justice closer to citizens, the so-called Houses of Justice and Law (Maisons de Justice et du Droit)²⁴ were created in **France**. They are under the authority of the prosecutor and the president of the court where they are located. The houses of justice encourage partnerships between judges, elected officials, police

21 <http://www.citizensadvice.org.uk/>

22 Source: <http://www.citizensadvice.org.uk/index/aboutus.htm> (data from 2013)

23 http://www.citizensadvice.org.uk/access_to_justice

24 <http://www.vie-publique.fr/decouverte-institutions/justice/fonctionnement/modes-alternatifs/que-sont-maisons-justice-du-droit.html> (in French only)

officers, social workers and NGOs to contribute to the prevention of crime and protection of victims, to guarantee citizens access to the law, and to promote alternative dispute resolution on a daily basis. They are open to all citizens seeking information or advice about their rights and obligations. In addition, they operate thematic hot-lines. Legal advice is provided by professionals (lawyers, bar associations, justice conciliators, bailiffs, mediators). The services provided are confidential and free of charge. Currently, there are 139 houses of justice and law across the country²⁵.

In **the Netherlands**, in 2011, a national network of victim support counters was created. In the victim support counters, which are located in court buildings, the police, NGO Victim Support Netherlands and the public prosecution service work together, creating short lines of communication, which means that victims receive better support. Employees of the victim support counter provide information to victims during the entire criminal proceedings (for example, information and explanation on procedures, the hearing and the decision). The victim support counter can also arrange a meeting with the public prosecutor and help victims who wish to exercise their right to be heard. The counter furthermore supports victims in recovering damages or when drawing up a written victim statement.

In **England and Wales**, the police and the Crown Prosecution Service work together in the so-called Witness Care Units²⁶. The aim of witness care units is to provide a single point of contact for victims and witnesses for information about the progress of their cases, court results and explanation of sentence, and to minimise the stress of attending court. Witness care units manage the care of victims and witnesses from the charging of the defendant(s) through to the conclusion of a case. They carry out full needs assessment for victims and witnesses with particular support needs, who are required to attend court, to ensure they are able to get to court and give their best evidence. They also carry out continuous review of victim and witness needs throughout the case and refer victims and witnesses to national and local specialist support agencies which will provide ongoing support to meet individual needs.

²⁵ Data from September 2013.

²⁶ http://www.cps.gov.uk/news/fact_sheets/witness_care_units/

2.2. Restitution and compensation

The UN Declaration stipulates that offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights. It further insists upon Governments to review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.²⁷

GOOD PRACTICES: Restitution from offender

In **England and Wales**, for example, victims have no need to apply for compensation during criminal proceedings since criminal courts are required by law to consider ordering an offender to pay compensation to their victim or victims in any case where personal injury, loss or damage has resulted from the offence.²⁸ Compensation orders imposed by the criminal courts serve as a form of reparation. The amount of compensation depends on the loss of the victim and the offender's ability to pay. The compensation order is an integral part of the punishment; thus in the case of non-compliance, it should be converted into other sanctions.²⁹

Interesting initiative recently came from the **Dutch** Government, wanting to prevent the situation in which victims of crimes are not being paid any compensation because the defendant has succeeded in draining his assets before being convicted.³⁰ This initiative allows the State to levy a prejudgment attachment of the assets of a defendant for the benefit of the victim even during the criminal investigation. In urgent cases, this attachment will also be possible when the offender is caught in the act.

27 Un Declaration of Basic Principles of Justice, Section A, Para. 8-9.

28 http://ec.europa.eu/civiljustice/comp_crime_victim/comp_crime_victim_eng_en.htm

29 Bárd P., Borbíró A., *Local and regional good practices on victims' rights*, CEPS, EU, 2011, p.28.

30 <http://www.government.nl/documents-and-publications/press-releases/2011/12/23/dutch-government-perpetrators-of-a-crime-are-going-to-pay.html>

Restitution plays a critical role in restorative justice. In addition to attending to victims' needs: material, financial, emotional, and social, restorative justice process also aims to empower victims to participate effectively in a dialogue or mediation with offenders. Over time, countries included in this overview have introduced various forms of restorative practices, either as an alternative to or in combination with formal criminal justice.

GOOD PRACTICES: Restorative justice

Contrary to victim services in other jurisdictions, mediation is an important part of the daily service provided to victims in **France**. In fact, 75% of victim services are also mediation services.³¹

Youth Offending Services in **England and Wales** are responsible for dealing with young people who offend. One of the responsibilities of the services is to deliver restorative justice which aims to enable the young person to face up to the consequences of their actions by either meeting their victim face to face, or by undertaking work within the community that benefits all. To enable the services to identify which restorative justice option is the most appropriate for the offender to participate in, the Youth Offending Service has a duty to contact all victims once a guilty plea has been entered to discuss their views and opinions as to what they would like to see happen next.

Similarly, **Dutch** Halt Programme³² brings about principles of restorative justice, including elements of reparation of damages to victims. However, the Halt Programme deals with juveniles who have been apprehended by the police for minor crimes and have chosen to join the Programme and thus avoid contact with criminal justice authorities.

31 Brienens, M.E.I., Hoegen, E.H., *Victims of Crime In 22 European Criminal Justice Systems: The Implementation of Recommendation (85) 11 of the Council of Europe on the Position of The Victim in the Framework of Criminal Law and Procedure*, (Niemegen, Netherlands: WLP, 2000), p.308.

32 <http://www.halt.nl/>

Compensation from the State should be available when compensation is not fully obtainable from the offender, in cases of violent crimes resulting in serious bodily injury or impairment of physical or mental health, or death. For that purpose countries should establish national compensation funds.³³ Compensation from the State is available in all countries under consideration, although policies governing victim compensation schemes vary from country to country.³⁴

GOOD PRACTICES: Victim support funds

In addition to the State governed Criminal Injuries Compensation Fund, the Victim Support Fund³⁵ operates as a private fund for victim support in **the Netherlands** for 24 years. They run emergency relief funds to assist victims of crime, traffic accidents, disasters and medical incidents, helping them face consequences of victimization. Their other activities are a) providing grants to organizations active in victim assistance³⁶, prevention of victimization and to organizations which are trying to improve the position of victims in other ways, b) advocacy work – bringing the interests of victims to the attention of other aid organizations, politics and media – and c) developing their own, innovative projects. Victim Support Fund finances research, not only in victimology but also to find out how the emergency or legal assistance in the Netherlands can be improved and what innovations are possible. Since 2009, the Fund finances training of victim support volunteers through Victim Support Academy, where volunteers get basic, intensive and specialised courses, with special focus on innovations in training offer. The Fund is financed through donations from businesses and private persons. Also, since 1998 Victim Fund receives a contribution from the Friends Lottery. The Friends Lottery³⁷ supports organizations in the field of health and welfare in the Netherlands. Half of the money paid for lottery ticket goes directly to the charity organization of player's choice.

33 Un Declaration of Basic Principles of Justice, Section A, Para. 12-13.

34 For more information about crime victim compensation in the EU visit:

http://ec.europa.eu/civiljustice/comp_crime_victim/comp_crime_victim_net_en.htm#2.9.

35 <http://www.fondsslachtofferhulp.nl/>

36 In 2012 Slachtofferhulp Nederland received a total contribution of 1,3 mil € from the Victim Support Fund.

(Source: Fonds Slachtofferhulp Annual Report 2012)

37 <http://www.vriendenloterij.nl/home.htm> (in Dutch only)

Swedish Crime Victim Compensation and Support Authority administers the Victim Support Fund³⁸, the main purpose of which is to provide an additional source of funding for crime victim support activities, mainly research, education and information initiatives, government or private. Apart from donations, the fund is financed through a special surcharge of 500 SEK which everyone convicted for a crime punishable by imprisonment must pay, and it generates approximately 30 mil SEK (ca. 3 mil €) each year.

2.3. Assistance and support

Appropriate and timely access to emotional, practical, administrative and legal support is an essential element of victims' rights. Countries included in this overview provide a range of support services to victims as well as to vulnerable witnesses. Services are offered in confidentiality and free of charge. Most of these services have their origin in non-governmental organizations, active at both national and local/community levels. National organizations for victim assistance exist in England and Wales (Victim Support England and Wales³⁹), the Netherlands (Slachtofferhulp Nederland⁴⁰) and Sweden (Brottsofferjourernas Riksförbund – BOJ⁴¹). In France, more than 140⁴² different victim support organizations are grouped under the umbrella of the Victim Support and Mediation Institute (l'Institut National d'Aide aux Victimes et de Médiation – INAVEM⁴³).

In countries under consideration victim support organizations have taken proactive approach where victims are directly contacted and asked whether they need practical, psychological or legal help. Such an approach depends on collaboration between support organizations and the police or other justice agencies. In England and Wales,

38 <http://www.brottsoffermyndigheten.se/eng/crime-victim-fund>

39 <https://www.victimsupport.org.uk/>

40 <https://www.slachtofferhulp.nl/>

41 <http://www.brottsofferjouren.se/om-oss/information-in-english/>

42 Data from 2012, Source: *Présentation INAVEM 2012: 25 ANS D'AIDE AUX VICTIMES PROFESSIONNELLE*

43 <http://www.inavem.org/>

for certain categories of offences⁴⁴, the police are required by law to forward contact details of the victim to the Victim Support, unless the victim specifically asks them not to. In Sweden and the Netherlands, when a crime is reported to the police the victim will be informed of the local victim support centre and other support activities, and will be asked whether they want their details to be passed on to victim support organization. In France, victim support associations run more than 700 victim welcome offices (in police stations, courts, legal advice centres, and hospitals) where most victims receive some form of support.

Services provided to victims and witnesses by victim support organizations include: information about the rights of victims, information about the roles of actors in the criminal justice system, assistance in obtaining medical, social, and psychological services that may be provided by the state or by non-governmental organizations and service providers, administrative assistance in obtaining compensation (victims), and providing a support person while testifying. In some countries practical services are also provided to help minimize obstacles to participation in a criminal hearing or trial (such as transportation and childcare), or to help victims to sort out practical problems and get their lives back under control (for example getting broken doors and windows fixed or getting rehoused). The Dutch Slachtofferhulp, in addition to crime victims, offers support to victims of traffic accidents and calamities. In England and Wales, National Victims' Association (NVA) provides advocacy, counselling and support services to the families of homicide victims.

Victim support should be available from the earliest possible time irrespective of whether the crime has been reported. The most common way to provide prompt support and information to victims is through a helpline. Helplines function not only as an important facilitator of access to justice, but also as the first opportunity for crisis intervention. Victim helplines are usually operated by victim support organizations. The calls are usually charged at a symbolic rate (in England and Wales, France and Sweden). Standard victim helplines offer emotional support, information about victim's rights and how to use them, while also referring victims to the relevant organizations. In some countries, helplines include additional features which have been recognised as good practices.

⁴⁴ burglary, theft, criminal damage, arson, assault, and racial harassment

GOOD PRACTICES: Assistance and support – Victim helplines

In **Sweden**, national victim support organization BOJ operates a call centre where victims and witnesses can get information or make initial contact with a support person. Specific language volunteers have been trained to give telephone advice, information and support in different languages. Today BOJ offers support in 24 languages, in addition to Swedish and English.

One-one-six is a range of free-of-charge telephone numbers to assist children and adults in need. The European Commission has reserved five short numbers with a single format 116+3 digits for helplines that should be accessible to everyone in Europe. Number 116 006 is reserved for victims of crime. As a single access point, this helpline provides information about local police and criminal justice proceedings, possibilities for compensation and insurance matters, and other sources of help for victims of crime. Five Member States have introduced it to date. Out of the countries included in this overview, only **the Netherlands** has the 116 006 line operational for the time being. It is run by Slachtofferhulp Nederland.

In **England and Wales**, the National Offender Management Service⁴⁵ operates the victim helpline to ensure that victims have a number to call if they receive unwanted contact from a prisoner who has been convicted or remanded in custody in respect of relevant criminal conduct, or if they have any concerns about the prisoner's temporary release or final discharge⁴⁶.

In 2003, **France** introduced victim support units in case of emergency (Service d'aide aux victimes d'urgence – SAVU⁴⁷) in several *communes*⁴⁸, in order to secure immediate reaction and response to victims' needs in the aftermath of the crime. SAVU teams are run by local organizations for victim support. They go out on intervention only at the call from police, prosecutor, court, hospital or social services.

45 <https://www.gov.uk/government/organisations/national-offender-management-service/about>

46 <http://callhelpline.org.uk/showagency2.asp?ref=3420>

47 <http://www.ajar.fr/pole-justice/service-d-aide-aux-victimes.html> (in French only)

48 The commune is a level of administrative division in France. It is a rough equivalent to municipality.

2.4. Support to witnesses in criminal trials

Many witnesses, regardless of whether they are also be the victim of the crime, experience stress and fear during the investigation of a crime and subsequently when attending court and giving evidence. Stress can affect the quantity and quality of communication with, and by, witnesses of all ages. Some witnesses may have particular difficulties attending court and giving evidence due to their age, personal circumstances, fear of intimidation or because of their particular needs.

Assistance and support measures should be employed before, during and after a trial to help witnesses in coping with the psychological and practical issues they may have in testifying. They may also be used in coordination with procedural protection and other security measures.⁴⁹ However, it is important to emphasize that the purpose of witness support as distinguished from witness protection is to achieve efficient prosecution and avoid secondary victimization.⁵⁰

Institutionalized witness support can significantly speed up trials, contribute to the reduction of case backlogs and, therefore, increase the institutional capacity of the judiciary, and raise the level of human rights protection. Countries included in this overview have fully developed witness support services, which are organized by the government but generally provided by victim support organizations. They provide support for all victims and witnesses involved in cases that are going through the court process. In England and Wales first services for witnesses were established in 1989 in the seven district courts (Crown Court) as part of victim support services. Today, Victim Support runs the witness service in every Crown Court centre and magistrates' court in England and Wales. In 2001 Swedish Crime Victim Compensation and Support Authority was given a task to ensure that witness support is made available at every district court and court of appeal in Sweden. The support is provided on a voluntary basis in co-operation with BOJ. The authority has the responsibility for recruitment and training of volunteers, as well as guaranteeing the quality of witness support work. In 2009, Offices for victim support – Bureaux d'aide aux victimes (BAV) were piloted in

⁴⁹ *Good Practices for the Protection of Witnesses in Criminal Proceedings Involving Organized Crime*, UNODC, 2008, p.27.

⁵⁰ *Ibid*, p.29.

13 high courts in France. They are managed by victim support associations. Government decree⁵¹ of 7 May 2012 stipulates that these offices may be established in all high courts in the country. In the Netherlands, support to witnesses is offered through victim support counters located in court buildings, as described earlier. Additionally, if need be, members of the Slachtofferhulp accompany witnesses in all their dealings with criminal justice agencies, including prosecution interviews and pre-trial and trial hearings.

Witness support in war crime trials: Experiences from the region

Early 1990's have witnessed the conflicts in the former Yugoslavia, which were marked by gross violations of international humanitarian law, including crimes against humanity and genocide. The ICTY⁵² has been able to bring justice to thousands of people by sentencing some of the worst criminals for the atrocities committed during the wars. The mandate of the ICTY is due to expire imminently and national courts of the countries concerned are continuing this fundamental justice work.

The testimonies of witnesses have been indispensable to the ICTY and the national courts. By providing their testimonies, witnesses make an essential contribution to justice and reconciliation in the region, since their testimonies not only form the basis of courts' judgments but also reveal the truth about the crimes committed to those who live in the region and to the international community. War crime witnesses who stand up for the truth are owed reliable and durable support and protection.

In **Serbia**, witness and victim support service was established in 2006 within the War Crimes Chamber of the High Court in Belgrade⁵³. The service offers logistical support (travel, accommodation, practical information, etc.), intermediates in organization of physical protection if needed, and provides emotional support and encouragement

51 <http://www.textes.justice.gouv.fr/decrets-10181/decret-relatif-aux-bureaux-daide-aux-victimes-24097.html> (in French only)

52 International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, more commonly referred to as the International Criminal Tribunal for the former Yugoslavia or ICTY, is a body of the United Nations established to prosecute serious crimes committed during the wars in the former Yugoslavia, and to try their perpetrators. The tribunal is an ad hoc court which is located in The Hague, the Netherlands.

53 <http://www.bg.vi.sud.rs/lt/articles/o-visem-sudu/uredjenje/sluzba-za-pomoc-i-podrsku-svedocima-i-ostecenima/>

in order to make the court process for victims and witnesses of war crimes less stressful experience.⁵⁴ The service maintains contacts with similar services in the region regarding the arrival and departure of witnesses, organization of videoconferencing, if the witness chooses to testify in this way, and other witness protection measures. The service does not provide legal advice or psychological counselling. Support persons are not allowed to discuss the case with the witness and are bound by the principles of neutrality, confidentiality and equal treatment for all. Support persons maintain the contact with particularly vulnerable and emotionally disturbed witnesses after the hearing and are available to them even outside the working hours.⁵⁵

The Witness Support Office of the Court of **Bosnia and Herzegovina** was established in May 2005. The primary goal of the Office is to provide appropriate psychological support and assistance to witnesses in cases of war crime, organized crime, economic crime and corruption, and when required, in the cases processed by the Section for General Crime of the Criminal and Appellate Divisions of the Court. Its expert team composed of three psychologists, a social worker and two assistants provides support to witnesses before, during and after the trial, be they witnesses of the prosecution or the defense. Since the first war crime case in November 2005, the Witness Support Office has been dealing with almost 1,000 witnesses appearing in war crime cases before the Court of BiH and thus represents a unique country's capacity in the area of victims/witness support. For this reason it also represents a pool of expertise for future locally built networks of similar support offices.⁵⁶

54 Vukotić, M. (2011). Zaštita na prvom mestu. *Pravda u tranziciji*, 16, p.2.

55 Since 2012, the service provides support to witnesses in cases of organized crime and human trafficking. It is, for the time being, the only institutionalised service of such kind in Serbia. National Judicial Reform Strategy 2013-2018 and its Action Plan envisage establishment of witness and victim support services in courts of general jurisdiction and public prosecutors' offices, especially in light of the provisions of the new Criminal Procedure Act. For more information about the strategy, visit: <http://www.mpravde.gov.rs/en/vest/3394/the-national-judicial-reform-strategy-for-the-period-2013-2018-.php>

56 In late 2008, UNDP Bosnia and Herzegovina initiated a project which resulted in establishment of ten integrated witness support offices at the cantonal/district courts and prosecutors' offices (data from Sep 2013), with full infrastructural and professional capacities to support the most vulnerable victims and witnesses appearing in a variety of criminal cases. From Sep 2010 to Sep 2013, 648 victims and witnesses in 384 criminal cases received support from witness support offices through almost 2,000 interventions. (For more info visit: <http://www.ba.undp.org>)

3. Assistance in the Development of a Witness and Victim Support System in Croatia

3.1. Initial setting for victim and witness support in Croatia

After acquiring the status of European Union candidate country in June 2004, Croatia started accession negotiations in early 2006. The capacity of the Croatian judiciary to provide access to justice for all citizens, ensure impartial and efficient court procedures, and firmly establish all elements of the rule of law was identified as one of the most important prerequisites for the completion of the accession process. Concurrently, competent, fair and efficient judiciary was recognized as one of the ten strategic areas of the Government's Strategic Development Framework: 2006-2013⁵⁷.

! According to the Croatian Criminal Procedure Act, witnesses (often themselves victims or injured parties) are obliged to testify in court and, in case they fail to do so, they may be fined or brought to court by the police.

One of the key indicators of the equitable application of the rule of law is an efficient criminal justice process. Although led by legal professionals, it can only be considered efficient and effective if it fosters conditions for the timely and fair participation of citizens, namely victims and witnesses, and if it guarantees victims and witnesses their rights and provides them with security and the feeling of safety, indicating at the same time their importance in exercising their civic duty. Despite participation in criminal procedures being mandatory for witnesses summoned by courts, the Croatian legal system provided insufficient support to witnesses, victims and other participants in the criminal justice process⁵⁸, as mentioned repeatedly in numerous international documents and reports

⁵⁷ *Strategic Development framework for 2006-2013*. Government of the Republic of Croatia. <http://public.mzos.hr/fgs.axd?id=15378>

⁵⁸ *Assistance in the Development of a Witness and Victim Support System in Croatia*, Final Project Evaluation Report. (2010). UNDP, p.4.

(EC, OSCE, UN)⁵⁹. Increasingly aware of the need for more structured and institutionalized support to witnesses and victims and further recognition and protection of their rights the Government of Croatia had taken concrete steps to address this flaw in the years preceding the Project. The changes were initiated at two levels: institutional and legislative, mainly in the context of war crime trials and in an effort to align regulatory framework with *acquis communautaire* and relevant international standards.

Institutional level

Simultaneously with similar arrangements being introduced in the region, in 2005 the Government created the Department for Support to Witnesses and Other Participants in War Crimes Trials (hereinafter: Department for Support) within the Ministry of Justice. Department for Support was responsible for ensuring the provision of legal and physical protection and psychological assistance to witnesses and other participants in war crime trials, both inside and outside Croatia. Other duties included locating witnesses and organizing their transport to designated courts. Department for Support cooperated with the Witness Protection Unit⁶⁰ of the General Police Directorate, responsible for implementing protective measures according to the Witness Protection Act, including: physical and technical protection, relocation, measures for concealing identity and ownership, and changes of identity. The Unit, however, was not charged with provision of psychological or legal counselling, or any other form of help to witnesses and victims.

Legislative level

The Criminal Procedure Act⁶¹ enacted in December 2008 recognized and strengthened the rights of victims participating in criminal proceedings⁶². The 2008 Criminal Procedure Act introduced for the first time in the Croatian procedural law the victim

⁵⁹ See *EU Progress Report on Croatia, 2006*, and *OSCE Report on War Crimes in Croatia, 2004*.

⁶⁰ Witness Protection Unit was established within the Police Directorate of the Ministry of the Interior under the 2003 Witness Protection Act (Official Gazette 163/03)

⁶¹ Criminal Procedure Act (Official Gazette 152/08)

⁶² Partial standards and mechanisms existed for the protection and support of the most vulnerable participants in criminal proceedings (i.e. children, elderly, people with physical and mental disabilities, family members of victims) as well as participants in proceedings for specific crimes (e.g. trafficking, domestic violence, organized crime, rape, etc.). This was limited mostly to increased protection of specific rights within on-going proceedings and did not include any specific provision for tangible support (*Assistance in the development of witness and victim support in Croatia*, Project Document. (2007). UNDP Croatia, p.9).

as a separate participant in the proceedings with special rights, in addition to its usual roles of a witness⁶³ and of an injured party⁶⁴. Article 202 of the Act defines victim of the criminal offence as the person who, due to the criminal offence committed, suffers physical and mental consequences, property damages or substantial violation of the basic rights and liberties. The 2008 Act recognizes certain out-of-procedure rights of victims, regardless of whether or not victim participated in the criminal procedure. Those are: 1) right to efficient psychological and other expert help and support from the authority, organization or institution for aiding victims of criminal offences⁶⁵, and 2) right to compensation for material and immaterial damages from the state fund⁶⁶.

Another important legislative act was enacted in the same year – the Crime Victims Compensation Act⁶⁷. The adoption of this law was a key priority in the harmonization of national legislation with the EU in negotiations on Chapter 24 "Justice, freedom and security". The Crime Victims Compensation Act introduced in the national legislation the provisions of Council Directive 2004/80/EC⁶⁸, and the European Convention on the Compensation of Victims of Violent Crimes⁶⁹, earlier ratified by the Croatian Parliament. According to the law, Croatian citizens or nationals of the EU Member States or a person residing in the territory of the EU have the right to compensation if they have suffered a serious personal injury or their health has been severely impaired as a result of an offence, if the offense was reported to or recorded at the police or the state attorney's office within six months from when it occurred,

63 The victim participating in the criminal procedure as a witness can obtain procedural protection through application of provisions related to examination of special categories of witnesses. (Criminal Procedure Act, Official Gazette 110/97; 152/08).

64 The victim has the right to participate in the procedure as injured party, and as such has the following rights: to participate personally in criminal proceedings or through his/her attorney; to gather and/or present evidence, to interrogate the suspect, witnesses and expert witnesses, and has the right to make a statement at the main hearing (after the state attorney). The injured party moreover has the right to file a property right claim and the right to reimbursement of expenses related to criminal proceedings. When the state attorney considers that there are no grounds for prosecution, the injured party, as private prosecutor, may assume his/her role and institute or continue the criminal prosecution in court. (Criminal Procedure Act, Official Gazette 110/97; 152/08).

65 Art. 43, Paragraph 1 of the Criminal Procedure Act (Official Gazette 152/08)

66 Art 43, Paragraph 2 of the Criminal Procedure Act (Official Gazette 152/08)

67 Crime Victims Compensation Act (Official Gazette 80/08)

68 For full text of the Council Directive 2004/80/EC please visit:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:261:0015:0018:en:PDF>

69 For more information please visit:

<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?CL=ENG&CM=1&NT=116>

regardless of whether the offender has been identified or not. The Crime Victims Compensation Act will enter into force upon Croatia becoming a full member of the European Union, on 1 July 2013.

Undertaken improvements represented the first steps in the establishment of a victim and witness support framework and demonstrated the Government's awareness of the importance of the issue and its commitment to a solution. Legislative novelties determined the position of victims in the criminal procedure and guaranteed to victims specific set of rights. However, institutional improvements were mainly focused on specific categories of witnesses and neither of the two specialized offices was intended to meet the needs of the majority of citizens called upon to testify in criminal proceedings. When it comes to provision of support to witnesses participating in court proceedings/trials, the gap still existed, beyond physical protection, for all witnesses and regardless of whether they are also be the victim of the crime. Development of victim and witness support system was undoubtedly important reform needed for combating the impunity and prosecution of crime but also, and equally important, for ensuring full recognition and fulfilment of the rights of victims and witnesses in accordance with international standards.

3.2. The Project and its development context

Guided by the Croatia's National Strategic Development Framework: 2006-2013, the Government of Croatia and UNDP initiated justice reform initiatives consisting of activities supporting the improvement of access to justice, including that of witnesses and victims of criminal offences.

In 2007, UNDP initiated an independent research initiative⁷⁰ that resulted in a comprehensive comparative analysis of existing support mechanisms available to victims and witnesses within the Croatian criminal justice system. The research also took an in-depth look at the current status of victims' rights in the criminal procedure. For that purpose, three complementary surveys have been conducted:

⁷⁰ Ajduković, D., Mrčela, M. & Turković, K. (2007). *Support to Victims and Witnesses of Criminal Offences in the Republic of Croatia*. Zagreb, UNDP.

- 1) Survey of experience war crimes victims and witnesses had in criminal justice system procedures;
- 2) Survey of experience victims and witnesses of violent criminal offences (murder, rape, war crimes, robbery, and extortion) had in criminal justice procedures, and their suggestions for improving the support for witnesses;
- 3) Survey of experience and opinions of county court judges⁷¹ handling criminal cases regarding victim and witness support in procedures for serious criminal acts involving violence.

The surveys encompassed 130 witnesses and victims in nine county courts, 14 witnesses who gave testimony in criminal offences for war crimes, and 110 county courts' judges handling criminal cases.

This research, the first one of its kind in Croatia, revealed basic issues and identified entry points for future intervention. Its findings and subsequent stakeholder discussion to identify existing barriers and bottlenecks in this area substantiated the need to create a project aimed at development and implementation of a clear policy towards the provision of systematic support to witnesses, victims and other participants in criminal proceedings. In summary, the following challenges were recognised:

- a) lack of coherent policy on witness support
- b) lack of adequate infrastructure within courts and arrangements for support provision
- c) lack of institutional and legislative framework to provide support to witnesses in criminal justice procedures

⁷¹ Criminal legislation in Croatia is divided into criminal offences, which is regulated by the Criminal Code (secondary criminal legislation exists as well) and misdemeanours, regulated by the Misdemeanour Act. The penal branch of the judiciary is handled by municipal courts (67 of them), county courts (15 of them) and the Supreme Court of the Republic of Croatia (data from 2013). **Municipal Courts** are courts with first instance jurisdiction. In penal litigation the municipal courts judge in all cases where an imprisonment sentence of up to 12 years is envisaged. **County courts** are appellate courts for decisions reached by municipal courts. It is important to recognize that a right to appeal is a constitutional right of every citizen. On occasion county courts act as first instance courts: in penal litigation if the punishment by law surpasses 12 years of imprisonment, for cases referred to them by the government's Office for the Prevention of Corruption and Organized Crime (USKOK), war crimes, and certain criminal offences for which special jurisdiction of county courts has been prescribed. The **Supreme Court** is the highest court in Croatia. It acts as the court of second instance for the decisions reached at county courts in the first instance and exceptionally as a court of third instance for appeals. Judicial administration operations have been set out in the Courts Act and the Court Rules of Procedure.

- d) lack of information on witness and victim rights
- e) lack of training on witness support for court administration, Ministry of Justice employees and judges.

UNDP Croatia in partnership with the Ministry of Justice developed a project strategy for addressing those challenges, with the overall objective of strengthening the criminal justice system in Croatia through the introduction of a modern **policy** and the establishment of a **system in courts** aimed at supporting witnesses and victims participating in criminal proceedings. The project entitled “**Assistance in the Development of a Witness and Victim Support System in Croatia**” (hereinafter referred to as the “Project”) was created to initiate this process through:

- Development of policy proposal towards the treatment of witnesses and victims in criminal procedures;
- Establishment of witness and victim support offices in courts;
- Improvement of witness and victim rights regulatory framework;
- Improvement of strategic management capacities of the Ministry of Justice and judicial professionals; and
- Establishment of regional cooperation on witness and victim support (UNDP Country Programme Action Plan 2007-2010: 17).

The project implementation was planned and carried out in three phases, over the period of five years⁷².

While the principal Project counterpart is the Ministry of Justice, the implementation of the Project includes several other key stakeholders – Supreme Court of the Republic of Croatia, State Prosecutor’s Office, selected pilot courts, and NGOs. Key beneficiaries of the Project are witnesses and victims who participate in criminal procedures⁷³. Already servicing war crimes trials, the Ministry of Justice’s Department for Support was identified by the Project as the organizational unit most suited to supervise the establishment and development of a comprehensive witness and victim support system in Croatia. The first four pilot courts were selected in the counties of Osijek, Vukovar,

⁷² This document elaborates on the Project’s first two phases, i.e. the period from 2008 to 2012, and provides an overview of the activities foreseen for its third phase in 2013.

⁷³ Criminal procedure here refers to the adjudication process of the criminal law.

Zadar and Zagreb. The Project's second phase allowed for expansion to another three county courts – in Rijeka, Sisak and Split.

Over the years of its implementation, the project was financed by UNDP, the Kingdom of the Netherlands, the Millennium Development Goals Achievement Fund (MDG-F), the Bureau for Crisis Prevention and Recovery (BCPR), the USA, and the Organization for Security and Co-operation in Europe (OSCE).

Before 2007, there was no institutionalized service in Croatia for providing general support to witnesses and victims in courts and no coherent policy for strategic approach to this important segment of criminal justice system. The UNDP Project was very soon recognized as the proper response to this obvious gap:

*“Particular attention is warranted to procedures for the participation and testimony of witnesses. Courts retain responsibility for witness participation, while the availability to witnesses of legal information and support remains limited, provided by a staff of three at the Ministry of Justice and volunteers in several local courts. **A Ministry of Justice – UNDP pilot project** started in late 2007 is intended to enhance services in four courts and will hopefully lead to more comprehensive and widely available services” (OSCE Report 2008)⁷⁴*

*“A 2007 **UN Development Programme (UNDP)** survey on support to victims and witnesses of crimes found that the country's regulations remained inadequate, particularly with regard to the provision of free legal aid, payment of compensation for damages, and protection of witnesses and their privacy. The Ministries of Justice and Interior have separate units to support and protect witnesses and victims. During the year the **UNDP office** in Zagreb, together with the Ministry of Justice and presidents of four courts, hired eight professionals who were responsible for providing support to witness and victims, not only to the persons who testify in war crimes trials but also to witnesses who testify in complex criminal cases. In the first three months of the pilot program, the offices assisted more than 100 persons.” (The US State Department's Report 2008)⁷⁵*

74 Report of the Head of the OSCE Office in Zagreb Ambassador Jorge Fuentes to the OSCE Permanent Council. (6 March 2008). Zagreb, OSCE, p. 9. Source: <http://www.osce.org/zagreb/31356>

75 2008 Human Rights Report on Croatia. (25 February 2009). *The United States – State Department's 2008 Country Reports on Human Rights Practices*. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOUR. Source: <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119073.htm>

*“In May this year, **the United Nations Development Programme in Croatia** in cooperation with the Ministry of Justice started a pilot-project of providing emotional and practical (but not legal or psychological) support to witnesses and victims of crimes at four Croatian courts. This should not only contribute to the improved ability of witnesses and victims to testify, but also reduce concurrent trauma, and help them keep their dignity. We believe it is more than clear that dealing with this issue should not be delayed any longer, but rather addressed systematically by the judiciary bodies (so as to ensure the required funds and man power). (Monitoring of war crime trials Report 2008)⁷⁶*

The purpose of sections that follow is to describe the development of the witness and victim support system in Croatia through the completion of specified Project activities and through the achievement of its outputs, building on earlier initiatives, existing structures, and research findings.

⁷⁶ *Monitoring of War Crime Trials: A Report for 2008*. (2009). Centre for Peace, Non-Violence and Human Rights Osijek, p.19. Source: <http://goo.gl/mAuvVB>

4. Development of policy proposal towards the treatment of witnesses and victims in criminal proceedings

No coherent policy existed for the facilitation of victim and witness participation in criminal proceedings prior to the commencement of this Project. With a view to developing a solid policy framework the Project took steps towards guidelines formulation that included research⁷⁷, development, and presentation activities. Policy development was a continuous process during the preparatory and implementation phases of the Project in 2008 and 2009. The policy was gradually designed through the collaborative work of the Ministry of Justice and UNDP.

Elements of the proposed policy guidelines were presented and discussed on an ongoing basis among project stakeholders in a series of meetings that yielded useful feedback in the refinement process. The recommendations for the most appropriate policy model for Croatia were focused on two levels: a) Court system; b) Overall witness and victim support system.

Following the consultation process, policy guidelines for the provision of witness and victim support at the level of the **court system** stipulated that:

⁷⁷ Along with the 2007 research two additional studies were completed in 2009 with the support of representatives from the Ministry of Justice and the Ministry of the Interior: **Survey on domestic violence victims in Croatia**, and **Survey on attitudes and experiences of citizens, police, victims and witnesses**. The purpose of this research was to generate additional information on: 1) specific support requirements of certain categories of witnesses and victims, disaggregated by gender, type of crime, and degree of vulnerability; and 2) perceptions held by actors in the criminal justice system, based on their own practical experience, and the general public on the extent to which witness and victim support and protection needs were currently being met. The studies revealed an acute need for a more systematic approach to the provision of support to witnesses and victims of criminal offences, and emphasized the importance of additional networking among various institutions in the criminal justice system. These results, along with the practical experience gained in the early stages of implementing the Project, formed the basis of the policy. The research can be downloaded at the following links:
http://www.undp.hr/upload/file/212/106222/FILENAME/Report_UNDP_police_v2_ENG.doc
http://www.undp.hr/upload/file/212/106223/FILENAME/Report_UNDP_victims_GP_eng_v2.doc
http://www.undp.hr/upload/file/212/106224/FILENAME/Report_UNDP_zrtve_v3_ENG.doc

- Witness and Victim Support (WVS) Offices be established in county courts and also provide support to municipal and misdemeanour courts;
- Two witness and victim support professionals be employed in each county court's Witness and Victim Support Office, namely head of office and support officer;
- the Ministry of Justice be the central administrative body for coordination of WVS Offices in county courts;
- WVS Offices be part of the judicial administration;
- WVS Offices be involved in trials for all criminal offences;
- WVS Offices organize volunteers to provide additional assistance in the provision of services;
- WVS Offices establish institutional cooperation with governmental and non-governmental organizations dealing with various aspects of support provision (UNDP Final Project Report, 2007-2009: page 12).

The **overall** witness and victim support system in Croatia should be guided by the following policy components (Figure I):

- A National Committee for Witness and Victim Support (hereinafter: the committee) shall be established, consisting of representatives of the Ministry of Justice, Ministry of Interior, Ministry of Health and Social Care, Ministry of Family, Supreme Court, Office of the State Prosecutor, and non-governmental organizations (NGOs);
- The committee shall be responsible for strategic planning, research, policy development, budget proposals, and training needs analysis;
- The committee shall be administered by the Ministry of Justice;
- The WVS Office Model shall be rolled out to all county courts;
- Liaison officers for witness and victim support shall be designated in each police station (UNDP Final Project Report 2007-2009: page 13).

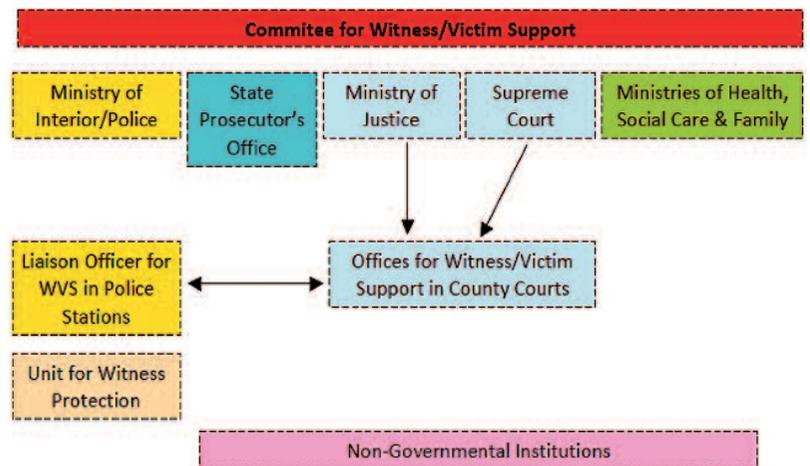


Figure I.
Witness and
Victim Support
System Model

The afore-mentioned elements formed the structure of the new policy and have been incorporated into the day-to-day work of the Ministry of Justice and the WVS Offices

in courts. Some components of the policy have already been institutionalized by changes of the law and corresponding regulations, namely those related to the provision of witness and victim support services along with the establishment, organization, functioning, and management of the WVS Offices in courts.

In January 2010 the Croatian Government made a decision on the establishment of the National Committee for Witness and Victim Support⁷⁸. The committee is an advisory body to the Government consisting of experts tasked to do the following:

- Develop the national strategy for witness and victim support;
- Standardize the witness and victim support procedures for all institutions of the criminal justice system, including the institutions the victim can encounter prior, during and after criminal proceedings;
- Propose operational plans and encourage the implementation of activities as stated in the national strategy;
- Follow up the protocols and measures from the national strategy;
- Give expert opinions on legislation related to witness and victim issues;
- Raise awareness on witness and victim rights;
- Gather annual reports and monitor and evaluate the work of all institutions involved in the provision of support.

UNDP Croatia continued to develop the witness and victim support system in Croatia through the capacity building of the committee. Members of the committee together with UNDP team identified the priorities in the witness and victim support system and produced the draft of the national strategy. Once enacted, the strategy will be a binding document for the Government to act upon and will serve as a starting point for any future developments in this area. The strategy should be finalized in the course of 2013, following the Project-sponsored study visit of the committee members to the UK. The committee will continue the policy development work initiated by the Project staff members and stakeholders.

78 Official Gazette 011/2010

5. Establishment of witness and victim support offices in courts

Prior to the beginning of the Project, no clear-cut responsibilities lay with the courts towards participants in criminal procedures, aside from delivering summonses and considering requests for reimbursement of participants' court-related expenses. Implementation of the witness and victim support programme required that offices be established, equipped, staffed and brought into operation in selected pilot courts. Ministry of Justice in consultation with the Project team developed two important sets of documents defining future course of the action: *Implementation plan*, and *Guidelines for the work of support offices* including a "catalogue" of criminal offences. The implementation plan defined contents of support to be provided by support offices in courts, model of support to be applied, and duties and responsibilities of all stakeholders involved in the Project. Guidelines provided detailed descriptions of WVS office tasks as well as a "catalogue" of criminal offences, as classified in the Criminal Code, to serve as a general guidance for identifying and prioritizing cases which were most likely to involve particularly vulnerable witnesses. This was important at the initial stages of the Project, when capacities of support offices were not yet developed to full potential.

5.1. Provision of basic infrastructure for witness and victim support offices

Securing office premises within the court building was one of the preconditions for the establishment of witness and victim support offices. In addition to designated office space each of the pilot courts agreed to allocate space for the creation of waiting rooms for the exclusive use of witnesses and victims scheduled to give testimony in court. The furnishing and equipping of waiting rooms in pilot courts considerably facilitated the implementation of project activities. Many witnesses and victims are clearly intimidated by having to face the alleged offender before, during and after a court case. Witness and victim waiting rooms provide a safe, comfortable place for witnesses and victims to wait and emotionally prepare before being called to give evidence.



Figure II:
 Infrastructural
 upgrades and
 furnishing of
 WVS offices.
 Photo: UNDP
 Croatia

In the initial months of the Project, limited upgrades to infrastructure were made in the pilot courts to create offices and designated waiting rooms for witnesses and victims. The Project equipped the offices and waiting rooms with furniture, IT equipment, telephone lines, and Internet connections over a span of three months.

5.2. Staffing and training of witness and victim support offices in county courts

The first four witness support offices were created in county courts in Osijek, Vukovar and Zadar, and criminal municipal court in Zagreb (see Figure III). The UNDP Project team in cooperation with the Ministry of Justice drafted Terms of Reference for the positions of Head of Office and Support Officer for each of the four pilot courts, and announced vacancies for those eight new positions. In April 2008, a joint panel of Project stakeholders⁷⁹ conducted a competitive selection process that resulted in the recruitment of a head of office for witness and victim support and one support officer in each pilot court. Newly recruited personnel of the WVS offices signed service contracts of limited duration with the UNDP. The Ministry of Justice committed to fully take charge of the functioning of the offices after the first 18 months of Project financing.

⁷⁹The panel consisted of representatives from the Ministry of Justice and UNDP, and presidents of the pilot courts.

Initial training of the new staff members followed shortly after their recruitment. UNDP developed a training programme with specifically designed three core modules, covering legal, psychological and practical aspects of support provision. The lecturers were from the University of Zagreb, Ministry of Justice, courts, the Association for Witness and Victim Support⁸⁰, and ICTY office in The Hague. Following the theoretical part of the initial training, the WVS staff began attending court hearings in the pilot courts to gain direct insight in the support needs of witnesses and victims and a hands-on experience in the support provision. They were ready to assume their duties within one month from recruitment. The deployment of WVS personnel to the four pilot courts accelerated the launching of the WVS programme.



While the four courts immersed in piloting the programme, the Project continued to expand to other courts. In the Project's second phase a similar recruitment scenario took place in the county courts in Rijeka, Sisak and Split. Six new employees were hired in November 2010 – three heads of offices and three support officers⁸¹. They received their induction training in December 2011. The trainers were colleagues from Vukovar and Zadar county court Witness and Victim Support Offices, the Ministry of Justice and UNDP. They followed the same module that was designed and applied in the initial phase of the Project. The second wave of roll-out benefited immensely from the fact that the people who were employed and trained in the first phase were gathered and used as highly qualified trainers with a hands-on experience.

Figure III: Location of the first four pilot courts where WVS offices were established

⁸⁰ The Association for Witness and Victim Support was founded in 2006 in Vukovar, Croatia. From February 2006 to May 2008 its volunteers provided support and assistance to witnesses and victims testifying before the court in Koprivnica, Sisak and Vukovar, within the framework of the project implemented by the UK's Department for International Development (DFID). The aims of the Association and its scope of work are focused on improving the position of victims and witnesses and the enhancement of existing systems. Since 2008 the Association served as a resource centre for volunteers working in the Witness and Victim Support Offices in courts. The Association signed a volunteering agreement with each volunteer. Volunteers are recruited according to the Act on Volunteering (Official Gazette 58/07), which regulates their code of ethics and their rights and obligations. The Association is also responsible for the education of volunteers and their supervision. In 2012, the Association became a member of Victim Support Europe.

⁸¹ After one year, the Ministry of Justice together with the court administration undertook to cover the costs of the support offices in Rijeka, Sisak and Split, thus ensuring their sustainability and institutionalization.

The primary mission of the witness and victim support office in court is to create an environment in which giving testimony could be an empowering experience.

In the spirit of continuous investment in education of WVS staff, subsequent training events were organized in the course of the Project to enhance their competencies for supporting war crimes witnesses, conducting public outreach relating to the media, and managing volunteers. WVS staff (along with the presidents of four pilot courts, representatives of the Ministry of Justice and members of the police) undertook a study visit to Sweden to acquaint themselves with the host country's witness and victim support practices. Participants of the study visit gained insight into the structure and content of the Swedish support system, and developed an understanding of

the importance of inter-agency cooperation for its effective functioning. They were also able to examine practical solutions to some mutually recognised issues, which proved to be extremely beneficial in their future work. Similarly, study visits to neighbouring Serbia and Bosnia and Herzegovina provided opportunity for WVS staff to establish contact with counterparts from respective courts, along with representatives from national NGOs and international organizations, and exchange experience and good practices.

Witness and victim support offices today exist in 7 county courts (Osijek, Rijeka, Sisak, Split, Vukovar, Zadar and Zagreb, which represents 50% of all county courts) with 14 permanent employees. In addition to support provision, their other duties range from liaising with NGOs and public institutions, managing the witnesses/victims database⁸²; and documenting witness and victim support activities⁸³, through cooperation with respective court officials⁸⁴ the Ministry of Justice, to selection and training of witness and victim support volunteers.⁸⁵

The offices provide services free of charge, and witnesses enjoy full confidentiality. Witness and victim support employees in courts are assisted by over 200 specially educated volunteers.

82 WVS offices set up databases to gather statistical information on witnesses and victims, the types of criminal offences on which they are summoned to testify, and their reported level of satisfaction with the support received.

83 Staff members keep daily logs of their work with witnesses and victims, listing their questions and comments and highlighting problems they encountered in the provision of support and assistance.

5.3. Engagement of volunteers in the support provision

Originally intended to provide protection to the victims of war crimes committed during the 1991-95 conflict following the dissolution of Yugoslavia, the offices soon widened the group of target beneficiaries to address the needs of any victim who otherwise might be too stressed or traumatized to testify. In addition to war crimes, assistance was provided in cases of domestic violence, assault, robbery, rape, murder, corruption, and organized crime, and the sheer volume of witnesses and victims requiring support quickly surpassed the capacity of the two appointed WVS office employees per pilot court. Following the Western European good practices, the Project stakeholders agreed to bring in volunteers in the provision of support to witnesses and victims. In cooperation with the Association for Witness and Victim Support (hereinafter: the Association), UNDP took steps to raise awareness among general public about the opportunity to volunteer in courts. The main target group were law, sociology and psychology students. In addition, WVS staff presented their work to local communities and promoted the idea at various events such as job fairs organized by the Croatian Employment Services. These efforts were met with a positive response, resulting in the subsequent recruitment of a total of 223 volunteers over the period of three years.

The role of volunteers is to assist WVS staff in all aspects of support provision. They give emotional support⁸⁶ to witnesses before, during and after the court hearing, accompany witnesses during their stay in the court building, and provide practical information to witnesses and victims about their rights, roles of the various actors in court, and, if relevant, about other institutions that offer help and assistance.

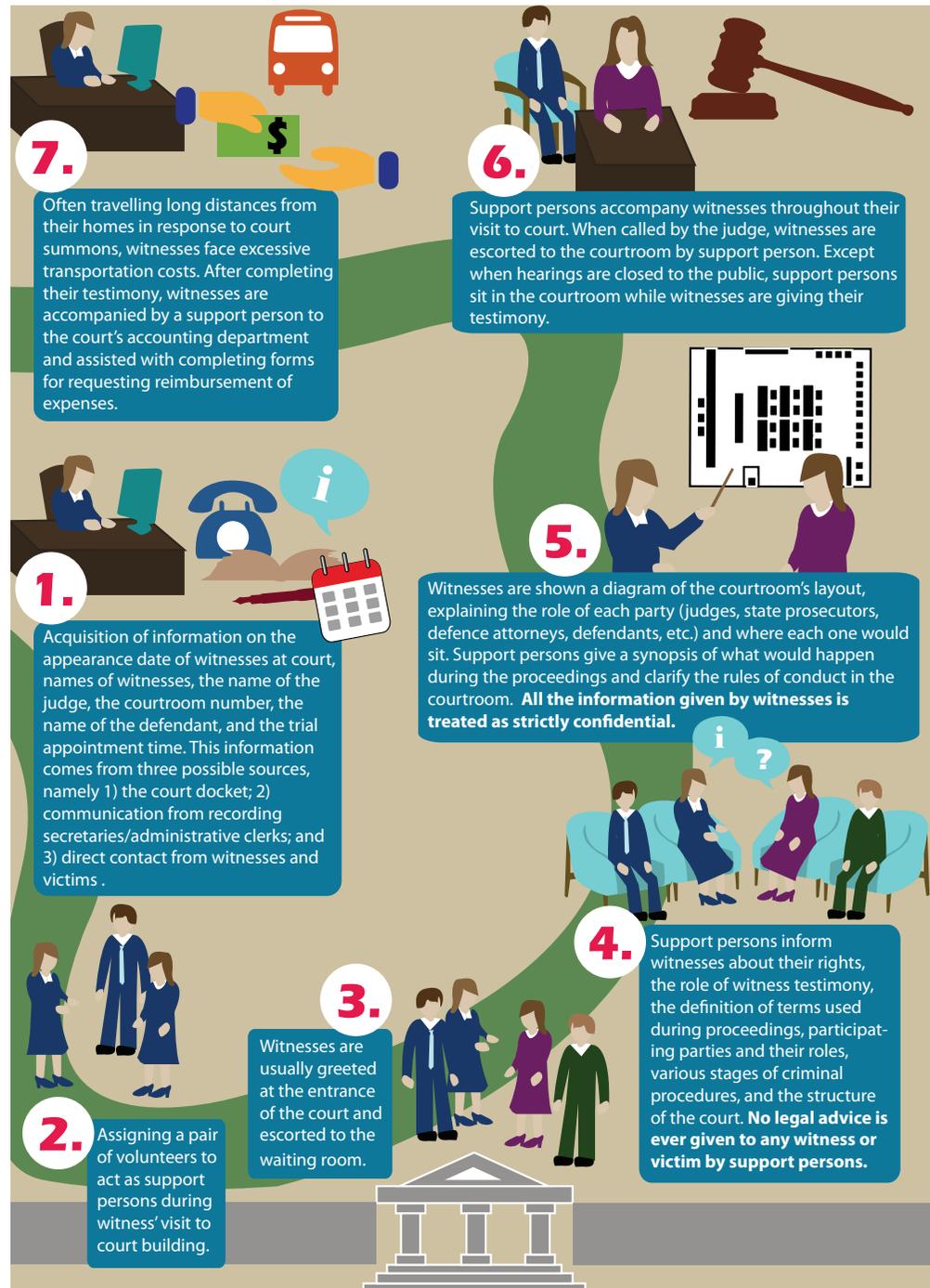


Figure IV: County courts with operational WVS offices after the second phase of the Project

84 At the level of the courts, WVS offices maintain close contact with administrative officers to coordinate the notification, arrival, and appearance of witnesses and victims in court proceedings.

85 The WVS office work is regulated by the Court Rules on Procedures, in Articles 37, 57, 58, 63, 64, 79, 101, 113, 205 and 338, Official Gazette 158/09, 3/11, 34/11, 100/11, 138/11, 38/12, 111/12.

86 Under no circumstances are WVS employees and volunteers ever authorized to give psychological help or legal advice.



Step-by-step support provision in court

Volunteers are required to maintain membership in the Association for Witness and Victim Support. The Association provided a statutory framework for the work of the volunteers by establishing ethical standards against which the quality of performance can be measured and adherence to rules and procedures are ensured.

Training on rights of witnesses and victims and practical aspects of support provision is a regular part of the recruitment process for the volunteers. With the support from the Project, the Association developed the manual for volunteers and WVS staff, containing detailed information about courts and criminal procedures, and the brochure providing step-by-step instructions for support provision in court. These two are obligatory training materials for volunteers. Training is delivered by the members of the Association, usually in cooperation with the Ministry of Justice staff. In addition, WVS office staff members and volunteers participate regularly in educational seminars organized by the Ministry of Justice, relevant NGOs, and other similar projects running in the region.

Volunteers are monitored continuously to ensure the quality of services provided to witnesses. WVS staff members hold monthly meetings with volunteers to discuss any issues that had been raised by the judges, court staff or witnesses, and to discuss the types of cases on which each volunteer would prefer not to work. One-on-one sessions are also held with volunteers periodically to discuss their individual needs and concerns. WVS offices maintain personal files on every volunteer, containing contact information, details on availability, educational background, attendance at supervised meetings, problems experienced at work, etc.



WVS volunteers engaged in promotional activities marking the European Year of Volunteering 2011, Photo: WVS Office Rijeka.

Engagement of volunteers in the support provision increased the ability of WVS offices to provide effective service to witnesses and victims participating in criminal proceedings. Furthermore, engagement and capacity building of the Association created a mechanism for linking the witness and victim support activities in all pilot areas to ensure that lessons learned are shared, problems are addressed and agreed working practices are documented for any future expansion of the service.

5.4. Cooperation with other courts

Relatively quickly visible impact spurred the stakeholders' enthusiasm during the initial phase of the Project implementation which resulted in requests for witness and victim support services in more courts than the four originally selected. In Zagreb, witness and victim support office was originally established at the municipal court. Soon thereafter, the president of the county court expressed his willingness to join the Project. As a result, special arrangements were made whereby the county court committed to providing premises and a special coordinator. WVS office staff members from the municipal court in Zagreb were then appointed to support the county court as well.⁸⁷ Witness and victim support services were also utilized in investigation hearings for criminal acts. In this initial phase, the WVS office in Zagreb provided support to the county courts in Sisak and Karlovac, especially for war crimes trials. Following a request from the municipal court to have access to witness and victim support services, the president of the county court in Vukovar requested that the mandate of its WVS office be expanded to include both courts. Witness and victim support services are also being provided to the Vukovar misdemeanour court. While the witness and victim support programme was originally set up to support the county court in Osijek, judges from the municipal court also began utilizing it. Informal cooperation was established with the municipal court, which was housed in the same building. The Osijek WVS office also provides support to investigating judges.⁸⁸ In similar way, the WVS offices in

87 UNDP Final Project Report 2007-2009, p.24

88 *Assistance in the Development of a Witness and Victim Support System in Croatia*, Final Project Evaluation Report. (2010). UNDP, p.23.

county courts in Rijeka, Sisak, Split and Zadar eventually extended their services to the municipal and misdemeanour courts as well.⁸⁹

5.5. Establishment of an NGO network

Comprehensive support system implies involvement of many players providing assistance and support to victims and witnesses as they go through criminal justice process and beyond. Although a state-organized assistance is of utmost importance for sustainable support arrangements, it is often not sufficient when it comes to specific needs or specific categories of victims. It was clear from the outset that an all-inclusive support system tailored to the needs of victims would require existence of a well coordinated referral system, which would also include services offered by the non-governmental sector. NGOs capable of providing regular legal, psychological, and practical support have existed in the pilot courts' respective communities since the mid 1990's. Maintaining the notion that developing a referral system does not necessarily imply establishing of new services but is about coordination of information, services and support to victims by credible organizations that have a competency in providing quality services, the project undertook yet another research exercise, in March 2009.

The main intention of the research – *Capacity assessment of existing nongovernmental organizations providing help/support to victims of criminal offences in the Republic of Croatia* - was to identify potential partners and assess their organizational capacities to provide various types of assistance to witnesses and victims of criminal offences. This was done through capacity assessment questionnaires that were sent out to 139 organizations soliciting detailed feedback on their services. The assessment analyzed NGOs in terms of geographical distribution, number of members, number of employees, services provided, beneficiaries, projects, and relations with other NGOs. From the 33 surveys completed and returned, UNDP synthesized and compiled a list of organizations within the territorial jurisdiction of the pilot courts. WVS office staff members created and maintained a directory of organizations that is updated regularly.

⁸⁹ Despite the inclusion in the official policy, the roll out of the WVS programme to municipal and misdemeanour courts has not yet been reinforced by changes in the law or accompanying regulations.

Subsequently, the witness and victim support offices began referring witnesses and victims who needed more specialized support and assistance. It is worth noting that cooperation between witness and victim support offices and NGOs is extremely important in areas with the highest rate of rape and sex-related crimes, including domestic violence (Osijek, Vukovar, Zadar).

In July 2009, UNDP announced a call for proposals to support NGOs whose mandates included the provision of assistance and support to witnesses and victims in criminal proceedings. After a competitive selection process, which took into consideration geographical dispersion, four (4) NGOs were chosen from Osijek, Vukovar and Zagreb, providing free legal aid and advice, witness support volunteers, psychological assistance, and assistance to women victims of sexual violence respectively. Each was allocated a grant of USD 3,000 to enhance their service capacities and raise public awareness on the particular needs of witnesses and victims.

In addition, the Project organized a training session in October 2009 for 30 participants from NGOs providing various forms of support and assistance to witnesses and victims across the country. The module contained legal and psychological aspects of support provision.

The grants and training provided to NGOs made an initial contribution to capacity development in areas beyond the realm of WVS offices programme assistance (i.e. psychotherapy, counselling, legal assistance, etc.).

5.6. Awareness raising and public outreach

Once the support offices became operational, one of the challenges was alerting the public to their existence. The project organized a nationwide public awareness campaign “No witness, no justice”, informing citizens that victims of crimes have rights that are protected and telling them where they should turn for help.⁹⁰

⁹⁰ See Figure V.

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Ured za podršku svjedocima i žrtvama Inicijativa je Ministarstva pravosuđa Republike Hrvatske i Programa Ujedinjenih naroda za razvoj. www.pravosudje.hr

A dedicated website was also created, and the link permanently posted on the Ministry of Justice web pages, with the purpose of informing citizens of their rights in case they become victims of criminal offences, as well as of the manner in which they can fulfil their rights, and who can help them in that process. In addition to practical information about WVS offices, court proceedings, NGOs and other institutions providing assistance, as well as relevant surveys, publications, and Internet links on victim rights, the website also offers a possibility for citizens to share their experience online and to apply for volunteering.⁹¹

Finally, in support of the public outreach campaign, and to ensure that witnesses and victims were equipped with the essential information prior to their appearance before the court, the Project developed a leaflet detailing the services of witness and victim support offices and contact information. It was initially attached to the court subpoena in accordance with the Court Rules of Procedure.

Figure V.
Illustration from
the campaign
“No witness no
justice”

91 <http://zrtveisvjedoci.pravosudje.hr/Default.aspx?sec=126>

Judges confirmed that these efforts improved the response rate for witnesses in court cases.⁹²

A brochure, similar to the one used by the WVS office staff and volunteers, was printed and distributed to institutions involved in the provision of support and assistance to witnesses and victims.

Today, both the website and the printed brochures serve as effective tools for keeping the public informed about rights of witnesses and victims and the mechanisms providing support and assistance in criminal proceedings.

⁹² *Strengthening of the Witness/Victim Support System in Croatia*, Final Project Evaluation Report. (2012). UNDP, p.34

6. Improvement of regulatory framework related to witness and victim rights

The research conducted by UNDP in 2007 revealed that the Republic of Croatia lacked a legal framework which was solid enough to build a Witness and Victim Support System that would be in compliance with the standards of the EU and the United Nations. Prompted by the need to secure a legal foundation for the Witness and Victim Support Policy Model, the Project conducted a gap analysis and drafted amendments to relevant legislation in order to facilitate the implementation of the new policy. To achieve this output, concrete steps were taken to enshrine into existing laws and regulations the provision of support and assistance to witnesses and victims appearing before courts in criminal proceedings.⁹³ The development of a legal and regulatory framework took place throughout the project cycle (2007-2009). The framework was changed at two levels: a) Strategic documents (Action plan of the Judicial Reform Strategy, National Programme for Protection and Promotion of Human Rights); and b) Legislative Acts related to judicial system organization (Courts Act, Court Rules of Procedure). The legal and regulatory amendments systemized, for the first time, the provision of witness and victim support services, and provided instructions for the establishment, organization, functioning, and management of Witness and Victim Support Offices in courts.

Strategic documents

In recognition of the work yet to be undertaken, strengthening the procedural position of witnesses/injured parties, strengthening the Department for Support in the Ministry of Justice and further development of the system of support to witnesses and victims in court became the goals of the **Ministry of Justice's Judicial Reform Strategy**. In particular, Measure 150 of its 2008 Action plan stipulates as follows: *"Implementation of projects with the UNDP and expanding and institutionally strengthening the system of support to witnesses and to victims of crim-*

⁹³ *Assistance in the Development of a Witness and Victim Support System in Croatia*, Final Project Evaluation Report. (2010). UNDP, p.13-14.

inal offences and the introduction of a service for support to the witnesses and victims of crimes at four pilot courts”⁹⁴

National Programme for Protection and Promotion of Human Rights (2008-2011)⁹⁵ emphasised the “protection of witnesses” as one of the main priorities of this document (Chapter IV). In the chapter on witness protection UNDP project is referenced and outputs from project document are incorporated as objectives (*objective 38: Establish a system to render support to victims/witnesses; objective 39 Promote the rights of victims and support to victims and witnesses of crimes*) and measures of the National programme, for example: *measure 38.1 Establish a service for supporting victims/witnesses before courts; measure 38.3 Promote development of specialized organizations/agencies to provide support to certain categories of victims; and measure 39.2 Organization of trainings for police officers, public prosecutors, attorneys and judges on matters pertaining to victim/witness rights.*

Legislative acts

Act on Amendments to the Courts Act⁹⁶ passed by the Parliament in October 2008, was the first legislative step in the institutionalisation of WVS offices and their corresponding support activities in Croatian county courts. For the first time witness/victim support was stipulated as a court service, under the jurisdiction of court administrations. County courts were further mandated to establish Witness and Victim Support Offices whose main duty was to ensure that witnesses and victims were supported in judicial proceedings. An important provision of the amendments to the Courts Act states that the precise organization of witness/victim support shall be regulated by Court Rules of Procedure. The new provisions entered into force on 1 November 2009. Introductory explanation of the final proposal of the amendments to the Courts Act explicitly refers to the joint UNDP-Min-

94 *Government of the Republic of Croatia, Ministry of Justice, ACTION PLAN OF THE JUDICIAL REFORM STRATEGY, 2008 REVISION*, Zagreb, June 2008;

http://www.coe.int/t/dghl/cooperation/cepej/profiles/RecentdevAction-Croatia0608_en.asp

95 *NACIONALNI PROGRAM ZAŠTITE I PROMICANJA LJUDSKIH PRAVA OD 2008. DO 2011. GODINE, Vlada Republike Hrvatske, Ured za ljudska prava (NATIONAL PROGRAMME FOR PROTECTION AND PROMOTION OF HUMAN RIGHTS 2008-2011 Government of the Republic of Croatia, Office for Human Rights)*, Official Gazette No. 119/07.

96 *Zakon o izmjenama i dopunama Zakona o sudovima (The Act on Amendments to the Courts Act)*, Official Gazette No. 113/08.

istry of Justice Project and responsibilities assumed by the Ministry of Justice under the Project to integrate provisions related to witnesses and victims into the Criminal Procedure Act and the Courts Act.⁹⁷

By-laws. Following the amendments to the Courts Act, the Ministry of Justice enacted Court Rules of Procedure specifying the organization and functions of witness/victims support offices in courts. In addition, the witness and victim support posts of head of office and support officer were introduced into the section of the by-law governing the internal organization of each court, along with the corresponding budget lines for salaries and benefits.

The above mentioned political commitments and legislative improvements were the result of advocacy and advisory activities during the Project implementation. Combined with already existing framework and arrangements they provided a sound starting point for development of a comprehensive system of witness and victim support in Croatia.

⁹⁷ Prijedlog zakona o izmjenama i dopunama Zakona o sudovima (Proposal of the amendments to the Courts Act), Vlada Republike Hrvatske, Zagreb, 2008, p.3.
(Croatian version only) http://www.uhs.hr/data_sve/docs/Prihvaceni_prijedlog_ZOS.pdf

7. Improvement of strategic management capacities of the Ministry of Justice and judicial professionals

As 2007 research indicated, capacity among criminal justice actors to provide support and assistance to victims and witnesses was practically non-existent in Croatia, prior to the start of the Project.⁹⁸ The research revealed that the judges rarely applied majority of the available legal witness support measures⁹⁹. Almost two thirds of judges (72%) considered that a systematic discussion about the application of witness support measures is necessary, with additional 4,7% of those surveyed expressing the need for clarification of applying certain measures. In addition, two thirds of the respondents considered that the existence of professional training on the protection of the rights of victims and witnesses was necessary.

In order to ensure appropriate response to the training needs identified above, the Project developed training modules on witness and victim rights and support needs, covering the following topics: 1) Victims in the Criminal Justice System; 2) Overview of the New Criminal Procedure Act; 3) Experiences with Witness Support in Court; 4) Practical Experiences of Working with Witnesses; and 5) Psychological Aspects of Victim and Witness Testimony.

In cooperation with the Judicial Academy, training sessions were facilitated for Ministry of Justice officials, judges, court advisors, state prosecutors, and judicial police working in pilot courts, in Zagreb, Split, Rijeka, and Osijek, for a total of 98 participants.

98 Ajdukovic, D., Mrcela, M. and Turkovic, K.: *Support to Victims and Witnesses of Criminal Acts in the Republic of Croatia*, UNDP, 2007, p. 91-102.

http://www.hr.undp.org/content/croatia/en/home/library/crisis_prevention_and_recovery/victims_and_witnesses_support.html

99 A group of procedures prescribed by law, the goal of which is to provide support and protection to witnesses in order to reduce the witness's feeling of being physically or psychologically threatened: 1. Temporary removal of the defendant from the courtroom, 2. Notice to the judicial police about the need for protection, 3. Confidentiality obligation regarding the witness, 4. Exclusion of the public from the main hearing, 5. Limited recording of the main hearing, 6. Measures for maintaining order in the courtroom, 7. Questioning victims by technical devices for the transfer of images and sound, 8. Restraining order and prohibiting contact or maintaining a relationship with a certain person/witness, 9. Custody due to collusion. 10. Special means of questioning and participation of the witness in the proceedings. (Ibid, p.91-93)



WVS staff exchanging experience with the Swedish Police representative. Photo: UNDP Croatia

A one-day training session was held at the Police Academy in Zagreb for police coordinators, patrol officers, and criminal investigators, totalling 66 participants. Along with Croatian facilitators, a British police officer presented an overview of his experience working with witnesses and victims in the United Kingdom.

The training sessions contributed to a significant increase in participants' knowledge of and ability to implement measures to ensure the provision of support to witnesses and victims participating in criminal proceedings.

During the initial phase of the project, judges (as well as court advisors and other court staff) were reluctant to fully acknowledge newly founded offices. This was partially due to their lack of understanding of the concept of witness and victim support in courts. Various activities were organized in the course of the project with the aim of increasing knowledge and awareness of relevant criminal justice actors (i.e. judges, court administrative staff, state prosecutors, police, etc.) involved in the victim and witness support process, as well as to acquaint Ministry of Justice staff with modern strategic management approaches towards victims and witnesses.

Presidents of the four pilot courts, along with the employees of the respective Witness and Victim Support Offices, representatives of the Ministry of Justice and members of the police service, undertook a study visit to Sweden, in October 2008. There they had a chance to get insight of the operational aspects of support offices in courts, to hear first-hand about the benefits experienced by their fellow judges, and to learn about the importance of inter-agency cooperation.

In April 2009, the project organized an international round table "Support to Witnesses and Victims in Croatia – experience and recommendations". The event brought together representatives from courts, police forces, state attorney offices, social care and non-governmental sector from Croatia, France, Sweden, the Netherlands, and United Kingdom, whose considerable experience in witness and victim support proved to be invaluable when discussing applicable models, and confirmed that the efforts to create and provide a comprehensive witness and victim support system in the Republic of Croatia are justified. The experience of many European countries presented during the round-table permitted to show to the Croatian representatives that the nature of support provided to a victim or a witness makes a great difference in terms of

how they feel, or how well they recuperate from the incident. On this occasion, highly ranked Croatian officials: Minister of Justice, Supreme Court President, and the Chief State Prosecutor once again stressed the importance of the role that WVS offices have for the enhancement of the witness/victims treatment. The model of new WVS system in Croatian courts was presented and accepted.



In June 2009, the Project sponsored the attendance of four (4) participants¹⁰⁰ at the 23rd Annual Conference of Victim Support Europe, in Lisbon, Portugal. The gathering provided a forum for justice and civil society professionals to discuss the existing framework of victims' rights in the European Union and share experiences on meeting the needs of victims of crime in their respective countries. As an observer, the Croatian delegation shared the results of the research conducted in Croatia on witness and victim support. A year later, upon the invitation of the Victim Support Europe, a member of the Project team presented the Project and its achievements at the 24th Annual Conference, in Berlin, Germany.

Professional development initiatives such as those described above were crucial for motivation of court administration to implement the new policy. Furthermore, they enhanced the capacity of judicial and other criminal justice professionals by raising their awareness on the needs of witnesses and victims and equipping them with tools to facilitate the protection and support of those participating in criminal proceedings.

Victim and witness support training at the Police Academy in Zagreb, September 2009.
Photo: UNDP Croatia

¹⁰⁰ The delegation was composed of a Supreme Court Judge and three civil servants from the Ministry of Justice (i.e. Director, Criminal Justice Administration; Head, Department of Support to Witnesses and Other Participants in War Crimes Trials, and the Senior Advisor, Department of Support to Witnesses and Other Participants in War Crimes Trials).

8. Establishment of regional cooperation on witness and victim support

Although witness and victim support services have been established in Bosnia and Herzegovina, Croatia, and Serbia, they differ in content, scope, and organizational detail. More importantly, no substantial cooperation exists between the three countries, except in ad hoc circumstances. This project sought to develop a mechanism through which judicial authorities could regularly communicate and exchange information and experiences on the coordination and provision of support to victims and witnesses, not only on war crimes cases, but also as a regular measure aimed at improving the fight against crime at the regional level. To achieve this output, the Project initiated a series of events and meetings with government offices, NGOs, and international organizations in the region with a view to bringing together stakeholders and practitioners collaborating on efforts to protect victims' rights and provide support to witnesses and victims participating in criminal proceedings. Subsequently a regional cooperation process was initiated.¹⁰¹

Two important events were international conferences organized in Zagreb in October 2009 and November 2012. The 2009 conference brought together representatives of governmental and non-governmental organizations from Bosnia and Herzegovina, Croatia, Serbia and the Former Yugoslav Republic of Macedonia. The conference served as a platform for presentations of current achievements and exchange of experience and best practices in the area of support to witnesses and victims in court proceedings in the region. The main goal of the 2012 conference was to discuss how empowerment of victims can be incorporated into a broader judicial reform agenda in Southeast Europe, Turkey and neighbouring EU countries. On this occasion the representatives of ministries of justice from seven countries (Albania, Bosnia and Herzegovina, Croatia, Montenegro, the Former Yugoslav Republic of Macedonia, Turkey and Ukraine) signed a joint statement¹⁰² supporting the implementation of the new EU Directive for minimum standards of victims' rights, which was put into effect on 14 November 2012.

¹⁰¹ *Assistance in the Development of a Witness and Victim Support System in Croatia*, Final Project Evaluation Report. (2010). UNDP, p.17.

¹⁰² See Annex 1

UNDP Croatia has also participated and presented the Croatian experience and provided the expertise of witness and victim support practitioners at peer to peer regional events in Belgrade, Serbia¹⁰³ and Zadar, Croatia¹⁰⁴.

In addition, UNDP Croatia has provided transfer of knowledge to UNDP offices in Serbia, Montenegro and the Former Yugoslav Republic of Macedonia by helping them to prepare project documents on the development of Witness and Victim Support Systems in their respective countries. UNDP Croatia and UNDP Bosnia and Herzegovina, with the support of other UNDP offices in the region, have also prepared a concept paper on the development of a regional Witness and Victim Support Project.¹⁰⁵

UNDP Croatia's Witness and Victim Support project has been recognised as highly successful at the international level. On 26 January 2011 the Council of Europe Parliamentary Assembly (hereinafter: the Assembly) adopted Resolution 1784 (2011): The protection of witnesses as a cornerstone for justice and reconciliation in the Balkans (hereinafter: the Resolution) and Recommendation 1952 (2011). In the Resolution, the Assembly, acknowledging the work of the United Nations Development Programme in Croatia in establishing witness support programmes which provide support and advice for witnesses in four pilot courts, calls on the competent authorities in the states and territories concerned to establish and provide funding for witness support programmes, using those that have been set up by the United Nations Development Programme in Croatia as a model, in all courts dealing with witnesses in serious crimes¹⁰⁶



Louisa Vinton, UN Resident Coordinator and UNDP Resident Representative in Croatia, and Orsat Miljenić, Minister of Justice of the Republic of Croatia, together with representatives from Albania, Bosnia and Herzegovina, Montenegro, the Former Yugoslav Republic of Macedonia, Turkey and Ukraine, upon signing of the joint statement, 14 November 2012, Zagreb, Croatia. Photo: UNDP Croatia

103 Peer to peer meeting on witness and victim support held in Belgrade, and organized and hosted by OSCE Serbia on 6 May 2011.

104 Round table on Development of Witness and Victim Support System in Croatia held in Zadar, organized by Zadar county court and the Victim Support Volunteer Association as part of the Matra-financed project, 11 May 2011.

105 *Strengthening of the Witness/Victim Support System in Croatia*, Final Project Evaluation Report. (2012). UNDP, p.49.

106 Council of Europe Parliamentary Assembly Resolution 1784 (2011)1: *Protection of witnesses as a cornerstone for justice and reconciliation in the Balkans*, 26 January 2011, sections 15 to 16.1.7.

<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta11/ERES1784.htm>

9. Lessons learned

Overview of lessons learned in the section that follows is based on the knowledge and findings collected from the Project implementation team and the hands-on experience of the WVS staff in seven county courts in Croatia, during the first four years of Project's implementation. It covers a wide range of both normative and practical concerns, which have been identified as critical success factors and should, as such, be taken into account for any similar initiatives in future.

9.1. Operational preparations and management

The experience has shown that for the establishment of the WVS system in courts to be successful it should be made part of the judicial reform agenda, and the following should be taken into account:

The States need to ensure provision of comprehensive support to victims during criminal procedure, as well as provision of social and psychological support, always bearing in mind that, equally as perpetrator, victim needs rehabilitation in terms of returning to community without unnecessary traumas and feeling like being abandoned.

- The creation of the system requires an integrated approach and a strong commitment by the leaders of the judiciary;
- The efforts need to ensure participation not only of legal professionals (judges, prosecutors, lawyers) but also of all segments of the community;
- It should be approached with a long-term point of view and in a strategic manner;
- It should take into consideration international developments;
- Research and assessment exercises carried out prior to and during the intervention proved to be value added for strategy formulation and management.

9.2. Legislative framework

Although legislative norms regulating standing of victims of crimes, their rights and support provision existed to some extent prior to the commencement of the Project, the

2007 survey revealed that substantial efforts are still needed to lay solid foundation for future victim and witness support system in Croatia that would meet the EU standards.

For a long time Croatian penal legislation has not been following, in a systematic and expeditious manner, global trends in the development of victim's rights and provision of protection and support for witnesses during criminal and investigation procedures. During the implementation of the Project, and mostly as a result of the Project's support and advocacy efforts, positive developments related to legislative framework took place, which will allow for the provision of efficient and high quality support to victims and witnesses in the future: amendments to the Courts Act, new Criminal Procedure Act, and the Crime Victims Compensation Act. All county courts included in the Project formalised establishment of offices for provision of support to victims and witnesses participating in court procedures through amendments to respective court rules of procedure. WVS office staff invested significant efforts working on the draft amendments to the Court Rules of Procedure so as to incorporate their practical experience. However, in the Republic of Croatia there are still no regulations in force that would directly provide for victim and witness support, although support standards are defined by a whole range of international policies.¹⁰⁷ These standards serve as guidelines for formulation of the support systems and criminal justice system reforms with the aim of not regarding victims and witnesses any more as mere instruments for establishing facts, but as entities whose fundamental rights need to be respected and, above all, protected. It is clear that a widespread, sustainable and efficient support provision to victims and witnesses will primarily depend on clear Government's policy towards victims and witnesses, and joint work of a number of ministries, departments, national institutions and non-governmental organizations towards achieving mutual purpose and goals.

9.3. Communication with other services and departments in court

Newly established WVS offices represented an entirely new service and a working model integrated into already existing, somewhat inflexible structures rooted in traditional views and approaches to judicature. It was therefore necessary to formally in-

¹⁰⁷ See pages 5 and 6 for more details.

! *In order to avoid potential drawbacks and delays due to unclear definitions of WVS office role or support persons' duties, it is critical to have detailed descriptions ready from the outset.*

roduce the Project and its aims together with WVS offices and support staff to presidents and judges of respective courts. Familiarity with the concept itself, alongside with clear understanding of the office roles and responsibilities were fundamental prerequisites for healthy communication among all stakeholders.

Apart from communication with presidents of respective courts, which proved to be of vital importance for the success and sustainability of the WVS model, it was

important for the WVS offices to establish communication channels with judges, court reporters and judicial police.

Unique modality of work needed to be agreed upon with all **judges** dealing with/presiding in criminal cases. In this phase it was necessary to clarify all the details relating to the work of WVS offices in order to establish and maintain functional relationship between judges and WVS offices. It was particularly important to inform judges about the work of volunteers and to emphasize that volunteers have been specially trained to work with victims and witnesses and that they are obliged to keep in strict confidence all information concerning the case acquired in the course of their work. Judges also needed to get acquainted with relevant tools and forms used by the WVS office, such as journal book of daily activities and record sheet of witnesses and victims who received support.

Informing witnesses and victims about their existence and obtaining information about upcoming hearings and participating witnesses happened to be particularly challenging for WVS offices. Close cooperation with **court recorders** was identified from the very beginning as the most appropriate solution for receiving necessary information. Court recorders would not only share details about witnesses and victims with the WVS office but would also share contact details and information about the WVS office with witnesses and victims. Once the judges agreed to such cooperation, relevant details were determined with court recorders. According to the agreement, court recorders are obliged to deliver relevant information to the WVS office once a week. The information includes the name of the witness/victim, date and time of the hearing, and the name of the judge presiding over the hearing. Similarly, WVS offices are obliged to inform court recorders about witnesses and victims visiting the office on the day of the hearing, and about telephone inquiries by witnesses and victims.

Another important communication channel that needed to be established was with

the **judicial police**¹⁰⁸. Judicial police officers are now well acquainted with the work of WVS offices. They refer witnesses and victims, upon their arrival in the court building, to WVS volunteers waiting for them near the entrance, or contact the WVS office in case of visits without prior arrangements.

9.4. Cooperation with NGOs and public institutions

One of the underlying tasks of the Project was creation of network of NGOs that would, together with the institutionalized WVS offices, provide assistance to victims and witnesses within territorial jurisdiction of individual pilot courts.

In this regard it was necessary to identify particular NGOs with adequate capacities and programme-based activities directed towards provision of applicable social services, and to initiate discussions about possible cooperation modalities with WVS offices.

Experience of NGOs in provision of psychosocial assistance to refugees and war veterans during, and especially in the aftermath of the Homeland War, was considered as highly important factor for the success of the Project in that particular segment.

It was also necessary to take into account those NGOs with various aspects of work when it comes to provision of specific services crucial for psychosocial assistance to victims and witnesses, particularly those providing support to victims of sexual violence and/or violence in general.

The positive effects of this approach are twofold: it ensures continuity in the work with victims and witnesses, while NGOs strengthen their capacities and gain valuable experience in their work with victims and witnesses.

Services that are offered to victims and witnesses include individual and group therapies, family therapy, psychological and legal counselling, etc. All of them are outside the scope of work of WVS offices.

¹⁰⁸ A body of the Ministry of Justice carrying out the tasks related to protection and security of persons, court property and facilities, as well as maintenance of order in the court (as per Article 123 (2) of the Courts Act, Official Gazette 150/05).

As regards public institutions, in spite of several positive examples of cooperation with the local counselling centres, Office of the Ombudsman for Children, Governmental Office for Human Rights, and the social welfare centres, additional efforts are needed to raise awareness about the existence and work of WVS offices in particular.

9.5. Cooperation with the media

Media had played one of the most important roles in raising awareness of the newly founded WVS offices. Thousands of victims and witnesses were informed about possibility of getting support in courts. Information was disseminated through targeted thematic articles, press releases and press conferences. Media representatives were also present during the official opening of each WVS office attended by the Supreme Court President, representatives of the Ministry of Justice and UNDP, and municipal and county court judges, as well as during conferences, round tables and other events organized by the Project.

! Witnesses often feel particularly uncomfortable when the trial is covered by the media – when their testimony is quoted or photographs from the courtroom published. This is usually the case with war crime trials.

When presenting the work of WVS offices to media, it was extremely important to explain specific roles of support staff and volunteers, so as to make it clear for witnesses and victims what kind of support they can expect in courts, i.e. practical information and emotional support before, during and after the trial, in accordance with standardized procedures.

Media, trials and victims/witnesses

Most of the trials are not covered by the media. Those interesting to the media are serious crime cases and cases involving public figures. Victims and witnesses in such cases arrived to court even more emotionally disturbed due to the presence of journalists and cameras, which represented additional stress related to public exposure.

In such cases it was even more important and more challenging to win the trust of the victim or witness, particularly because support staff and volunteers were sometimes perceived as additional source of information for journalists.

For that reason, training for volunteers and support staff includes clear instructions that any discussion about the case or mentioning the names of victims or witnesses to journalists is strictly forbidden. Any information disclosed in such manner would jeopardize credibility of the office.

Certain victims, however, realizing the strength and power of the media contacted journalists themselves, hoping that the case would be resolved in their favour and that the increased interest of the public would affect the judge's decision. It is important to emphasize that such actions were undertaken by individual victims at their own initiative. WVS office staff and volunteers NEVER give such advice.

Media and volunteers

Media have proved to be a valuable tool for finding volunteers. On several occasions, both electronic and paper media notified the public that WVS offices are in search for new volunteers, and explained and promoted the benefits of volunteering in courts.

Media and WVS offices

Shortly after becoming operational, WVS offices started receiving inquiries by journalists regarding the results of their work. In this regard, it was important to:

- Respect the hierarchy (statements to the press are given by the president of the court and by the head of WVS office);
- Always have PR material and statistical data ready ;
- Always keep in secrecy information about victims and witnesses, but be able to present concrete example;
- Request the journalist to carefully and correctly interpret statistical data, and to always use authentic source of information.

9.6. Training of WVS staff and volunteers

Training modules were developed gradually. Initial package was built on thorough and systematic analysis of practice in other European countries (Sweden, The Netherlands, UK). Knowledge and insights generated in this way were adjusted to Croatian legislative framework and court practice. It is important to emphasize that the subse-

quent changes of training package reflected first-hand experience and lessons learned from the pilot sites.

Basic training package covers the following topics:

- Witness and Victim Support Project;
- Stakeholders in the Project and their roles: Ministry of Justice, UNDP, Association for Witness and Victim Support, WVS offices;
- Roles and responsibilities of the WVS office;
- Explanation of procedures from the moment the crime is committed, through reporting to trial:
- Roles of different participants in the criminal procedure;
- Course of the main hearing;
- Rights of victims and witnesses in the criminal procedure;
- Free legal aid;
- Literature and handout materials needed for working with victims and witnesses;
- Emotional aspects of testifying in court and most probable reactions of victims and witnesses;
- Scope of information to be provided to victims and witnesses;
- Eligibility criteria for becoming a WVS volunteer;
- Roles and responsibilities of WVS volunteers;
- Step-by-step description of WVS volunteers' work;
- Actions that follow after basic training.

When it comes to training of volunteers, it has to be adjusted to the needs and composition of volunteer group, their age and educational background. For example, training module for volunteers who are law students should be different from the one developed for volunteers who study philosophy.

Basic training usually takes one or two days, depending on the size of the group. After undertaking basic/induction training, newly recruited volunteers spend the following three months working alongside WVS office staff or volunteers who have more than one year of experience in court. This provides opportunity for them, under the guidance of a more experienced volunteer or WVS staff member, to clarify all the uncertainties about the work. Newly recruited volunteers sign the volunteer contract with the Association for Witness and Victim Support only if and when the head of WVS office determines that they are ready for independent work. All volunteers in court

are members of the Association and as such are bound by provisions defined in the volunteer contract and in the Ethical Code of the Association. Upon signing the contract volunteers receive official badge and accreditation.

Additional training is organised based on expressed interest and identified needs of WVS staff and volunteers, the Ministry of Justice regularly organizes additional training to include topics as: volunteer management, working with persons suffering from post-traumatic stress disorder, working with other specific categories of victims and witnesses, etc.

9.7. Stress management and supervision of support persons

Expectations of witnesses and victims

Witnesses often experience various emotional and physical reactions to giving testimony in court. They may feel upset, angry, anxious, afraid, guilty, insecure or ashamed. Sometimes these feelings lead to physical reactions such as dizziness, sudden rise in blood pressure, tremor in hands or entire body, increased heart rate, headache, and many more. They can also affect attention, thinking or memory and cause a wide range of problems such as concentration difficulties, disorientation, dissociation, or inattention. Likewise, emotional pressure and stress can result in different behavioural patterns. Witnesses may act subdued or refuse to communicate. They may even demonstrate intolerance, cynicism, annoyance or agitation, sometimes accompanied with verbal outbursts.

In addition to negative effects of stress and trauma, it is also very important to take into considerations expectations of witnesses and victims, as they can significantly influence their willingness to testify and their behaviour during the hearing.

Expectations of witnesses and victims could, to a great extent, be affected by experience during previous testimonies, which can be either positive or negative.



Providing clear information about the role and functions of the WVS offices is important for managing expectations of witnesses and victims. It is therefore crucial to maintain close relationship with the media and to ensure that only clear, precise and accurate information is given.

Witnesses were likely to have had **positive** experience if they felt respected by other parties in the procedure, if during testimony they were not interrupted by other parties, if the judgement met their expectations, or if they received support in court.

However, experience can also be **negative**, usually due to formal procedures in court – witnesses waiting their turn sometimes for several hours, often in the corridor together with friends and family of the defendant, without possibility to get some refreshments, etc. Meeting with the defendant could add to distress, especially if the defendant addresses the witness in an inappropriate or even threatening manner. Likewise, refusal to cover travel expenses by court, insulting remarks from defence lawyers, interruptions during testimony, and similar, could cause additional discomfort.

Witnesses can have different and often unrealistic expectations from court and even from the WVS office if they were not well informed about criminal proceedings and the rights and obligations of witnesses and victims.

Emotions and expectations of witnesses influence the way they act towards support persons. It can be, for example, verbal aggression stemming from the feeling of anger at perpetrators or other persons but manifested towards support persons, crying, refusal of communication, repetitive questioning, etc.

It is precisely because of said expectations and reactions of witnesses that the support persons are exposed to stress, directly or indirectly, in their daily work.

Direct exposure of support persons to stress is due to the fact that they work with people who themselves experienced or witnessed somebody else's trauma and suffering and were as a result summoned to court to testify. As mentioned above, because of trauma they were exposed to, victims and witnesses come to court burdened with various emotions and expectations which are reflected in their behaviour before, during and after giving testimony. Reactions such as anger, resentment and disappointment can significantly influence communication with victims and witnesses, and as such can cause a stress for support persons. Additional causes of stress for support persons could be various physical and health difficulties which certain witnesses suffer from, and often unpredictable physical reactions as a consequence of such conditions (e.g. seizure, faintness, etc.).

Support persons are **indirectly** exposed to stress in their daily work with witnesses and victims, when they provide emotional comfort and support, and when they ac-

company them to the courtroom. Indirect exposure to stress is often not noticeable at first and it can have delayed effects – support persons can be contemplating about the stories they heard from witnesses, their problems and traumas, outside the working hours or sometimes even for days after.

Because of all the stressful and demanding situations support persons face on a daily basis, they themselves could feel angry (towards inefficiency of the system, injustice, other people's behaviour, or even witnesses themselves if they were aggressive to them), powerless (because they are not able to help witnesses and victims, or because the system is not functioning as it should), or unease (because witnesses or victims are arrogant, aggressive, under influence of alcohol or narcotics, etc.).

In order to avoid burnout in the workplace, and to ensure standardized and quality support provision, it is important to make sure that support persons receive adequate training – both general and thematic, have regular peer meetings, and undergo regular supervision.

The purpose of supervision in this context is not only to make sure that support persons are doing their job, and that the work they do is of high quality. It is also to provide advice, information, and emotional support for work that can be demanding and difficult. For that purpose, supervisors should be able to apply various techniques, including stress management, assertiveness, and even psychological counselling, either individually or in a group setting.

The Project has helped develop and made possible supervision at several levels and on several tracks. Qualified staff member of the Ministry of Justice – coordinator in charge of psychological aspects of Project implementation – carries out regular consultations with support persons working in courts, and is also available online in cases of urgency. Operations coordinator of the Ministry of Justice supervises the work of the WVS offices, analyses weekly and monthly reports, and provides advice and guidance related to day-to-day operations. Regular monthly meetings between WVS staff and volunteers provide a platform for supervision through discussions about burning issues, problems, and situations each of them is facing, as well as examination of solutions and possible ways of stress relief. During a "trial" period, volunteers are supervised by their senior peers or by the WVS staff on a daily basis. External supervision has proven to be very effective and was always met with positive feedback. During such supervisions external experts, usually persons with psychological counselling background, apply a series of techniques targeting support persons' coping skills in an effort to make them more resilient to aforesaid stressors.

10. Challenges and future developments

The establishment of witness and victim support offices in seven county courts, together with capacity-building activities, has significantly improved victim and witness support in Croatia. Interviews with support staff and some judges, undertaken during the Project's final evaluation, confirmed the view that the Project was an encouraging innovation in the court system and court proceedings. Moreover, Croatian model of witness and victim support could serve as the best practice model in the region and the basis for further development of an efficient judiciary system and upgrading and strengthening of victim and witness support system. However, further efforts are needed to improve certain deficiencies in the latter, notably: capacity building and expansion; strengthening the network between different courts; providing information about the rights of victims and witnesses before trial and in all trial phases; providing psychological and emotional support and free legal aid: providing systematic training of all who come into contact with victims and witnesses on the rights of victims and witnesses, ways of dealing with them and forms of support, particularly psychological and emotional support; developing a network of organizations that provide psychological support to victims and witnesses and promoting the development of specialized organizations/services to help certain categories of victims (children, victims of rape, domestic violence, organized crime, etc.).¹⁰⁹

For this reason, the 3rd phase of the Project has been set to motion. This section will describe remaining key challenges and the way forward, as identified by the Project. The said challenges are planned to be addressed mainly through developing and strengthening capacities of the main stakeholders, but also through ensuring access to information for victims and witnesses nationwide.

¹⁰⁹ *Strengthening of the Witness/Victim Support System in Croatia*, Final Project Evaluation Report. (2012). UNDP, p.50.

10.1. Strategic development of the national capacities to address the needs of victims and witnesses and to protect their rights

It is important to note that, simultaneously with the establishment of witness and victim support offices in courts, other, complementary and important developments took place at the institutional level, clearly indicating Government's commitment to adequately address the needs of witnesses and victims within the justice system.

Firstly, Directorate for Probation and Victim and Witness Support was established in 2010, within the Ministry of Justice. It was in charge for development, coordination and organization of support victims and witnesses of crime and their families. The establishment of the directorate presented a notable shift from sole focus on support in the context of war crime trials. In 2012, victim and witness support was transferred from the directorate into the Independent Sector for Witness and Victim Support, within the Ministry of Justice. The sector operates through two departments: the department for victim and witness support and international cooperation, and the department for compensation. The Independent Sector for Victim and Witness Support takes the leading role in institutionalizing the system of victim and witness support within the judiciary and in managing the strategic development of the system in the Republic of Croatia.¹¹⁰

Secondly, in 2010 UNDP initiated and supported the establishment and capacity building of the National Committee for Witness and Victim Support as the key coordinating and policy-making body, responsible for strategic development of the system. Members of the committee are representatives of the Ministry of Justice, Ministry of Interior, Ministry of Health and Social Care, Ministry of Family Affairs, War Veterans and Intergenerational Solidarity, Supreme Court, State Prosecutor's Office, Government's Office for Human Rights, universities and NGOs. Establishment of the committee was an important step towards development of a more structured, coordinated, consultative and multi-agency arrangement for victim and witness support.

¹¹⁰ For more information about the Sector and its scope of work see: <http://www.mprh.hr/independent-sector-for-victim-and-witness-support>.

As mentioned earlier, one of the main tasks of the committee is to produce policy papers among which the national strategy takes central place. UNDP continuously supports development of the strategy in terms of sharing expertise, experience and best practice. For that purpose, a study visit to UK will be organized for selected key partners (members of the committee and of the Association for Witness and Victim Support) to help them in getting greater insight in functioning of well established and long existing WVS systems, especially in terms of cooperation between criminal justice system agencies and non-governmental sector. Once adopted, the strategy will serve as a starting point for any future developments in this area.

Furthermore, in spite of all the progress made to date, governmental bodies and public institutions still do not create a unified and interlinked network for providing support to victims and witnesses prior to, during and after criminal proceedings. Certain segments of support that exist in some institutions are not sufficiently developed and strengthened to completely respond to the needs and rights of victims and witnesses. An efficient and interlinked system requires that all criminal justice system institutions establish support offices. Similarly, other institutions, such as social welfare, health care and family centre, should secure the sufficient number of staff qualified to assist victims and witnesses. In addition, the entry into force of the new Criminal Procedure Act (Official Gazette 121/11) caused further complications in the witness and victim support system. According to its provisions, the public prosecution office took over the responsibility for criminal investigation. However, the public prosecution office does not, for the time being, cooperate with WVS offices, which basically leaves victims and witnesses without any support at the initial stages of criminal procedures.

In that respect, UNDP will continue to provide expert input and advice to the committee in preparation of key policy documents: action plan and guidelines for multi-agency approach to victim and witness support in accordance with the 2012 Directive, which would form an operational framework for a comprehensive national referral system.

The committee will continue the policy development work initiated by the Project staff members and stakeholders.

10.2. Capacitating of the Association for Witness and Victim Support

The WVS offices in courts are supported by a network of more than 200 volunteers, members of the Association for Witness and Victim Support. The Association is relatively newly established non-governmental organization. It has been created for the sole purpose of supporting the work of WVS offices in courts. Over the years and owing to very good results of the WVS offices' work, judges became more and more appreciative of the existence of a victim-oriented support system. However, for that system to become sustainable UNDP will support policy work of the committee, which will lead to signing of the agreement between the Ministry of Justice, Supreme Court and the Association, thus making the Association accredited partner and national service provider for the criminal justice system. The national strategy should therefore recognize the Association as the main partner in support provision while other NGOs will be encouraged and approached by the Association to cooperate in specific areas of work.

Taking into account positive developments led by the Government – establishment of the committee and of the Sector for Witness and Victim Support – clearly indicating a shift from single to multiagency approach, the Association should, in its future work, follow the same direction. This means that, in the future, the Association will have to be capacitated to assume the role of service provider for other agencies that victim encounters throughout the process – i.e. from the moment the crime is reported, prior to, during and after the trial – such as police, health care and social services. Well targeted training activities will enable key Association members to produce high quality annual plans and strategic documents and will also help them in identifying priorities, allocating resources and developing human capacities and skills necessary for fulfilling the Association's expanding role.

10.3. Development of referral system

Non-governmental organizations are an integral part of the WVS referral system. Currently available data on NGOs is obtained from two research studies: *Capacity assessment of existing nongovernmental organizations providing help/support to victims of*

criminal offences in the Republic of Croatia conducted by UNDP Croatia in March 2009 and *NGOs providing specialized services to women victims of violence as key stakeholders of democratization of society*¹¹¹ conducted by NGO Women's Room Zagreb in 2010. According to the research results, organizations providing support are not numerous and 1/3 of organizations are located in Zagreb. However, three additional support offices were opened last year and opening of further three is planned in near future, meaning that support offices in courts will be operational in 2/3 of the Country. To make their work more efficient and to optimize service provision the data will have to be updated.

Furthermore, taking into account special needs of vulnerable categories of victims, it is also necessary to assess the capacities of health care centres, social welfare centres and family centres. A mapping exercise will therefore be conducted to assess the mandate, the role, governance structures, and capacity of relevant institutions/organizations active in Croatia as well as identify partnership opportunities with the Ministry of Justice and the Association.

10.4. Widening access to information

So far development of the WVS system was mainly focused on providing support in courts. Witnesses have used available services provided by WVS office staff and volunteers, not only in courts but also by telephone. People who do not have access to other communication channels (Internet) or simply prefer telephone communication are more than eager to call and to find out information relevant for the upcoming court hearing. The nature of conversation differs from user to user, but more than 8,000 callers seeking advice are a proof enough that a telephone line is a necessary toll for communicating with victims and witnesses. The phone calls have been placed directly to the WVS offices in courts and were not free of charge. However, majority of callers were witnesses from the piloted seven county court areas, as they received the info about the telephone number of the respective WVS office together with the court summons.

¹¹¹ http://www.zenskasoba.hr/docs/OCD_i_kljucni_akteri.pdf

In order to ensure access to information nationwide, introduction of a WVS information centre as well as a national telephone line was initiated and will be carried out in the course of the 3rd phase of the Project. That would clearly represent a step forward towards integrated WVS model. This integrated model should unite provision of assistance and guidance for victims from the moment when the crime was committed and prior to, during and after the court procedure. Together with development of the national strategy and corresponding action plans and guidelines, a common toll free line would be a step in that direction and catalyst of a consolidated victim-oriented approach in the country. The Project foresees building of the Customer Relationship Management (CRM) system for the call centre. Also, the call centre will be adequately equipped, and telephone operators (volunteers of the Association) will receive adequate training. Ministry of Justice will provide premises and a telephone line necessary for functioning of the call centre. In addition to the call centre, the Project plans to create a user friendly web site, outside the web pages of the Ministry of Justice, containing all relevant information that could be of use for victims of crime. This type of an on-line information centre is, among other things, convenient for victims that are not yet ready to talk about their trauma and want to privately read the available information. The web site should contain as much information as possible, but this information has to be composed in a way to allow a victim to easily navigate the website. For this purpose, all relevant data (legislation, knowledge products, etc) will be collected. Also, a step-by-step on-line guide for victims and witnesses will be produced. Using this guide on the WVS web-site, victims and witnesses will be able to get a whole range of information: from what to do when the crime occurs to where they can seek additional professional help, support and assistance. This will represent a significant step forward in bringing service closer to the citizens especially taking into account fast growing usage of smart phones and other modern technologies which allow citizens a quick access to information from every corner of the world.

11. Conclusion



The project on establishment and development of the victim and witness support in Croatia has provided an institutional arrangement which increases the efficiency of crime prosecution and improves the positions of victims in criminal justice proceedings. The UNDP-assisted project has already helped more than 12,000 victims and witnesses of criminal offences, easing their distress and discomfort

when testifying before the court and helping to restore the trust of citizens in the justice system.

When UNDP first raised the idea of witness support offices, Croatian judges were sceptical, fearing interference in their own work. Today, however, they are among the system's biggest advocates.¹¹² As a result of positive experience and based on the feedback from witnesses and victims on WVS office support provision, judges gradually started to appreciate new services, finding WVS offices useful for their day-to-day work. They cite a reduction in the number of proceedings that are delayed because witnesses fail to appear in court; an increase in the number of particularly vulnerable victims who decide to report crimes and give evidence; and a rising number of victims and witnesses who are willing to testify.¹¹³

¹¹² *Strengthening of the Witness/Victim Support System in Croatia*, Final Project Evaluation Report. (2012). UNDP. p.46.

¹¹³ *Ibid*

Under the leadership of UNDP and the Ministry of Justice, the Project successfully introduced a new policy aimed at supporting witnesses and victims during their participation in criminal proceedings. It also facilitated the integration of the witness and victim support function into the Croatian court administrative service thus achieving the overall objective of strengthening the criminal justice system in Croatia. The success was due to the development of relevant capacities and the acquisition of knowledge vital to stakeholders' ability to assume full responsibility for the management of the witness and victim support programme. Through the advocacy and advisory activities of all stakeholders, witness and victim support issues gained prominence and were recognized as national priorities in the Croatian Government's efforts to fulfil requirements for the EU Accession.

The costs of creating the witness and victim support system in courts have been modest. The seven offices were set up on a budget of under USD1.1 million, with funding from UNDP, the Kingdom of the Netherlands, the Millennium Development Goals Achievement Fund (MDG-F), the Bureau for Crisis Prevention and Recovery (BCPR), the USA, and the Organization for Security and Co-operation in Europe (OSCE).¹¹⁴

UNDP will continue to work on regional initiative for development of witness and victim support systems in Southeast Europe (Croatia, Bosnia and Herzegovina, Montenegro, Serbia and the Former Yugoslav Republic of Macedonia). UNDP Regional Centre for Europe and the CIS will support this sub-regional initiative in capturing lessons learned and good practices to ensure knowledge generation, East-East collaboration, and enhance mutual collaboration among UNDP offices in the region and beyond.

114 Source: <http://www.undp.hr/show.jsp?page=86296>

**JOINT STATEMENT
of the Representatives
of the Republic of Albania, Bosnia and Herzegovina, Republic of
Croatia, Former Yugoslav Republic of Macedonia, Montenegro,
Republic of Turkey and Ukraine**

Zagreb, Republic of Croatia, 28 November 2012

Taking into account the importance of the accession process to the EU for the countries in South-East Europe as well as common endeavour of the Member States of the European Union and their Eastern European Partners to support political and socio-economic reforms contributing to prosperity of the entire European continent based on Eastern Partnership launched in 2009 (at a summit held in Prague);

Emphasizing the high importance of strengthening position of victims in criminal judicial system;

Recalling the resolution of the UN General Assembly (GA/RES/50/34) in 1985 which called upon Member States to take the necessary steps to give effect to the provisions contained in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

Considering the Council of Europe Recommendation on the position of the victim in the framework of criminal law and procedure (Recommendation 85/11), Council of Europe Recommendation Rec (2006) 8 of the Committee of Ministers to member states on assistance to crime victims; Recommendation No. R (87) 21 on the assistance to victims and the prevention of victimization, intended to complement the European Convention on the Compensation of Victims of Violent Crime and Recommendation No. R (85) 11 on the position of the victim in the framework of criminal law and procedure; European Convention on the Protection of Human Rights and Fundamental Freedoms, the Council of Europe Convention on the Prevention of Terrorism and the Council of Europe Convention on Action against trafficking in Human Beings; Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; Council of Europe Convention on preventing and combating violence against and

domestic violence; Guidelines of the Committee of Ministers of the Council of Europe on Child Friendly Justice;

Considering 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;

Taking into account the Draft of the UN Convention on Justice and Support for Victims of Crime and Abuse of Power; UNODCCP The Guide for Policy Makers and the Handbook on Justice for Victims (1999); Statute of Rome in 1998 (and later the Rules of Procedure and Evidence) to establish the International Criminal Court; Convention on Trans-national Organized Crime (2000) and its optional protocol (2002) on trafficking that include specific sections for victims; ECOSOC adoption in 2002 of the Guidelines on Restorative Justice; ECOSOC adoption in 2005 of the Guidelines for Child Victims and Witnesses; ECOSOC acceptance in 2002 of crime prevention guidelines; UN General Assembly adoption of the Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law in 2005;

Determined to support the Rule of Law reforms, strengthening the rights and protection of victims with special emphasis on disadvantaged and vulnerable groups;

The Representatives of the Republic of Albania, Bosnia and Herzegovina, Republic of Croatia, Former Yugoslav Republic of Macedonia, Montenegro, Republic of Turkey and Ukraine, participants in the Plenary Session of the Conference "Judicial Reform and the Empowerment of Victims" held in Zagreb, Republic of Croatia, on 28 November 2012, have gathered with a view to sharing experiences and enhancing cooperation regarding the incorporation of victim empowerment in a broader Judicial Reform Agenda;

I. The participants have agreed that empowerment of victims is a priority of their judicial reforms, and underlined that it is required to take measures and activities at national level, aimed at:

- Establishment of witness-victims support systems required by EU Directive on minimum standards,

- Development and improvement of special programmes integrated with judicial system on meeting the needs of vulnerable victims – such as children, victims of rape, or persons with disabilities – and are properly protected,
- Establishment of special coordination bodies responsible for inter-governmental cooperation on development of overall witness-victims support system,
- Undertaking assessment on needs of victims,
- Implementing the recommendations of international organisations and fulfilling the commitments arising from the ratified international documents in the field of strengthening position of victims in criminal judicial system,
- Considering the need to enact a special charter on the rights of victims ("Victim's Bill of Rights"),
- Organizing and implementing specialised trainings for officials in criminal justice system on international standards regarding witness-victims' rights and needs of victims,
- Support awareness-raising among citizens about rights of victims who should be treated with respect and dignity and their importance for criminal justice system
- Establishment of cooperation between the criminal justice system and non-governmental organisations dealing with victim.

II. The participants have agreed to continuously take measures at international level, aimed at:

- Development of international cooperation on empowerment of victims through joint projects and activities which can improve national measures,
- Organizing international meetings for exchange of experience and informing on global trends regarding empowerment of victims,
- Strengthening institutional cooperation between countries regarding the facilitating the position of victims and witnesses in crime with cross-border elements.

On the basis of this:

We, the Representatives of the Republic of Albania, Bosnia and Herzegovina, Republic of Croatia, Former Yugoslav Republic of Macedonia, Montenegro, Republic of Turkey and Ukraine are unwavering in the determination of the states we represent for a comprehensive, systemic and efficient action in developing of rule of law as an area of freedom, security and justice, where victims' rights are recognized and respected.

Reaffirming our invitation to the governments, international institutions and organisations and to the civil society, welcome all representatives of authorities, institutions and organisations that join us by acceding to a reinforced cooperation in strategising and implementing the reforms in judiciary with special view on victims of crime by establishing maximum coordination, which will contribute to development of democracy, protection of human rights and freedoms and stability and prosperity of our countries.

Done in Zagreb, Republic of Croatia, 28 November 2012



*Empowered lives.
Resilient nations.*

**UNDP Regional Centre
For Europe and the CIS**

Yalikosku Cad. No: 16 Floor: 3 Fatih
34112 Istanbul
Turkey
Tel: +90 212 512 58 52
<http://europeandcis.undp.org>

Lessons Learned Series: Rule of Law, Justice and Human Rights