



**REPUBLIC OF SERBIA
MINISTRY OF JUSTICE**

**NATIONAL STRATEGY
ON THE RIGHTS OF VICTIMS AND WITNESSES OF CRIME
- for the period 2019-2025 -
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I. INTRODUCTION

1. Reasons for adopting the Strategy

Adoption of a national Strategy on the rights of victims and witnesses of crime for the period 2019-2025 (hereinafter: Strategy) has been motivated by the need to plan and provide for reform processes aiming at improving the status of victims and witnesses in line with EU standards in a comprehensive and systematic manner, taking into account the need to preserve and advance the achieved level of standards in the legislative framework and its implementation.¹

The process of aligning national legal systems with EU standards in the area of procedural guarantees poses one of the greatest challenges both to candidate countries and Member States considering the dynamics of change and advancement of EU *acquis* in that area. This applies in particular to countries that do not follow the civil law tradition, since victims' rights have not been in the focus of their traditionally adversarial structure of the process.

Recognising previous efforts to enhance the position of individual categories of victims through adoption of special laws and strategic documents, this Strategy is adopted as a result of a strategic commitment to ensure an adequate level of procedural rights for all victims and witnesses of crime, as well as access to systemic, professional and accessible assistance and support, along with a special level of protection to be afforded to particularly vulnerable categories of victims.

2. Current situation in the area of victim and witness support in the Republic of Serbia

A closer look at the legal heritage of the Republic of Serbia reveals that its legal system is, at the time of the adoption of this Strategy, aligned to a significant extent with international standards in the area of victims' rights, since the entire range of rights that are recognised and codified in the Directive 2012/29/EU has for decades been made available to victims in the legal system of the Republic of Serbia in which they have the procedural status of injured parties.²

¹ The Action Plan for Chapter 23 (Activity 3.7.1.20) provides explicitly for adoption of this Strategy and an accompanying Action Plan for its implementation.

² 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 (OJ L 315, 14. 11. 2012.).

The legislative framework is thus considerably aligned with the provisions of the Directive, although certain modifications are still required³, among others, to eliminate a terminological dilemma concerning the terms “victim” and “injured party”. The purpose of other changes would be to promote access to the right to legal aid, to information and to interpretation and translation, as well as the right to exercise a compensation claim, etc.

In addition to the amendments to criminal law mentioned above, certain interventions will have to be made with respect to law governing the organisation of the judiciary, as well as to key pieces of secondary legislation, such as the Court Rules of Procedure and the Rules on Administration in Public Prosecutor’s Offices.

The most demanding step in the process of alignment with the Directive, both in terms of organisation and provision of finances, which nevertheless should make the greatest difference in improving the current situation, is setting-up a countrywide network of victim and witness support services in the Republic of Serbia.⁴ Presently, assistance and support are provided to victims and witnesses mostly through *ad hoc* activities carried out by a handful of services set up at all higher courts and prosecutor’s offices, the War Crimes Prosecutor’s Office, the Organised Crime Prosecutor’s Office, and the First Basic Public Prosecutor’s Office in Belgrade; also, services at certain civil society organisations, legal clinics and social work centres offer support services to victims. There is a lack of exact data on the number and structure of service providers and programmes they offer, although it is known that their geographical coverage and a range of services they offer are highly inconsistent. What is also lacking are clearly defined criteria for professional qualifications of providers and the quality of services they provide. Needs assessment procedures, referral procedures along with procedural rules for provision of support have not yet been standardised. There are no formal mechanisms in place for maintaining liaison and cooperation between support providers nor has a system for coordination and funding of providers been established. This applies as well to a system for oversight of providers’ activities. Training programmes in victims’ rights have not been either standardised or established as part of initial and ongoing training for judicial office holders. Information regarding available types of support has not been systematised or made accessible via a single database.

For years, efforts to make progress in the fields mentioned above rested on support from a range of bilateral projects, so their results lasted only as long as those projects, failing to

³ For more information, please see BEJATOVIĆ, Stanko, *Directive 2012/29/EU and Serbian criminal law (degree of alignment and measures to achieve the required degree of alignment)*, OSCE Mission to Serbia, September 2018; ŠKULIĆ, Milan, *A legislative analysis of the position of the victim of crime/injured party in the Serbian criminal justice system: Current state of affairs, needs and prospects for change*, OSCE Mission to Serbia, December 2015.

⁴ Activity 3.7.1.20 from the Action Plan for Chapter 23.

produce any systemic solutions or a strategic vision of actions that should be taken by the Republic of Serbia.⁵ The context of EU accession negotiations has played a major role in that regard not only because it resulted in adopting a strategic approach to this subject matter, but also because it led to the undertaking of a thorough and comprehensive review process⁶, which was a prerequisite for collecting data on which the content of this Strategy is based. In addition, it has facilitated project support and budget allocations planning to be synchronised with planned reforms, thus leading to achieving sustainable solutions.

3. Strategy vision, objectives and beneficiaries

The vision of this Strategy is to promote the rule of law in a criminal justice system in which human rights are upheld and which allows access to justice to all victims without discrimination on any grounds.

The Strategy defines one overall objective along with a number of specific ones, as well as principles underlying their achievement through implementation of measures laid down in the Strategy.

The overall objective of adopting the Strategy is to enhance the status of victims and witnesses in the criminal justice system of the Republic of Serbia in line with EU standards set out in the Directive 2012/29/EU.

The achievement of the Strategy's overall objective entails and depends on the achievement of **its three specific objectives**.

Specific objective 1: Setting-up a National Network of Support Services

Setting up a sustainable National Network of Victim and Witness Support Services in the Republic of Serbia, while preserving and continually improving the achieved standard of quality and availability of support services.

⁵ For more on this, please refer to M. Kolakovic-Bojovic: *Victims and witnesses support in the context of the accession negotiations with EU*, in European Integration: Justice, Freedom and Security (Police Academy, Hanns Seidel Stiftung, Tara-Belgrade 2016), 355-365.

⁶ As part of this review process, supported by the OSCE Mission to Serbia and the Multi Donor Trust Fund (MDTF-JSS), a series of reviews of the Republic of Serbia's legislative and institutional framework were carried out to assess its alignment with EU standards in the period 2015-2018, including a number of comparative reviews. Their aim was to seek appropriate ways of transposing those standards to the Republic of Serbia's legal system. For a full list of relevant reviews, please refer to Annex I.

Specific objective 2: Strengthening protection afforded to victims and witnesses

Improving availability, quality and effectiveness of measures to protect victims and witnesses of crime in the Republic of Serbia, with special attention to be devoted to the protection of particularly vulnerable categories of victims and witnesses.

Specific objective 3: Raising awareness of victims' and witnesses' rights

Raising awareness of the rights afforded to victims and witnesses of crime in the Republic of Serbia's legal system, while increasing the knowledge of judicial office holders, lawyers and police officers, and continually informing the general public with this aim in mind.

3.1. Beneficiaries

Although witnesses are not expressly identified anywhere in the Directive as its beneficiaries to whom any rights are guaranteed thereunder, a distinction is made between these two categories by using two distinct terms in the title of this Strategy, as well as throughout a number of its chapters. The reasons for this are that victims often have the status of witness-injured party in criminal proceedings and a number of provisions of the Directive address the matter of the status of victims appearing before the court as witnesses. These reasons becomes even more compelling when in some cases, a witness, who may not even be a victim of a crime in connection with which they are testifying, may require protection and/or support either because they belong to the category of particularly vulnerable witnesses or on account of circumstances of the case concerned.

For the purposes of this Strategy, the term victim shall have the meaning in accordance with Article 2 of the Directive, which defines that: "Victim" means a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence, as well as family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's (direct victim's) death.

Family members include the spouse, the person who is living with the direct victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the direct victim.

To achieve its effective implementation, this strategic document is going to be adopted along with an Action Plan for its implementation to specify measures, time frames, competent authorities and performance indicators for amending and aligning the

legislative framework, strengthening administrative and infrastructural capacities and promoting the rights of victims and witnesses of crime. Considering the scope of the reform package and its pace, the initial Action Plan will apply to the period 2019-2022, whereas the reform measures for the next three-year period are going to be laid down in another Action Plan to be adopted in 2022.

4. Principles underlying the Strategy

Considering the weaknesses currently present in the legislative and institutional framework of the Republic of Serbia, as well as a variety of findings collected in the review process preceding the development of the Strategy, strategic mapping of the process to strengthen support afforded to victims should rest on these key principles⁷:

a) **Commitment to European standards** – Since the Directive 2012/29/EU has been the first document ever to provide for the status of victims of crime in an all-encompassing, detailed and uniform manner across the EU and since the Republic of Serbia has been committed to the process of European integration, the contents of this Directive have been set as a framework for relevant standards with which the legislative and institutional framework of the Republic of Serbia has to be aligned.

b) **Comprehensive and uniform approach to all victims of crime** – Since the Republic of Serbia has, in the previous two decades, addressed the status of various categories of victims in a range of legislative acts, adoption of this Strategy will result in a comprehensive and uniform treatment of all crime victims by safeguarding their rights guaranteed under the Directive.

c) **Safeguarding and improving the results achieved thus far, unifying them and making them available to all victims of crime** – Considering the results achieved in certain segments of providing legislative and institutional guarantees to victims in the Republic of Serbia, this Strategy aims to preserve, strengthen, unify and make them available to all victims of crime. Adherence to this principle is key to preserving the level of protection already achieved as regards certain, particularly vulnerable categories of victims, such as child victims, victims of human trafficking and of domestic violence.

d) **Rational use and integration of resources** – Considering current mobilisation of human and financial resources in the field of victim support and protection, as well as the exact needs identified based on operation parameters of the Republic of Serbia's criminal justice system and provisions of the Directive, reform steps set out in the Strategy and the

⁷ The order in which the principles have been laid down does not reflect their hierarchy, but instead is the result of the logical and methodological approach in the strategic planning process.

Action Plan that accompanies it will aim for rational use of resources, their integration and synergy.

d) **Institutionalisation and coordination** – Initiatives for enhancing the status of victims in the Republic of Serbia have thus far been characterised by methodological pluralism and a plurality of coordination centres, along with a lack of communication, coordination and standardised mechanisms for cooperation between the state and civil sectors. In view of this, the Strategy will aim to establish clear legal mechanisms for institutionalisation, standardisation and coordination of support and protection afforded to crime victims and witnesses.

e) **Sustainable solutions and gradual improvements** – Given the importance of the matter governed by the Strategy, both from the perspective of its beneficiaries and that of accession of the Republic of Serbia to the EU, as well as available resources, the Strategy will seek to introduce solutions whose sustainability can be ensured. In addition, the Strategy will provide detailed forecasts for gradual improvements of the status of victims of crime, in particular regarding the development of victim support services. Such an approach will ensure long-term planning and an adequate pace of the reforms, motivated by reaching milestones.

f) **Continuous monitoring and evaluation of results** – The Strategy recognises the need to set up an effective monitoring mechanism that would integrate monitoring and evaluation of the results achieved in the implementation of the Strategy with monitoring and steering of the process of setting up (and then later the operation of) a network of victim support services.

II. VICTIM AND WITNESS SUPPORT AND ASSISTANCE PROVIDERS

A victim and witness support and assistance provider is a person whose professional qualifications, knowledge and skills have been certified by the line ministry under procedural rules specifically laid down for that purpose, employed on a permanent or temporary basis with any of the services that form part of the National Network of Victim and Witness Support Services (hereinafter: the National Network).

The level of professional qualifications required for victim and witness support providers is to be laid down in a rulebook adopted by the Minister of Justice. This rulebook will, in addition, provide for the system of initial and ongoing training to be received by providers and delivered in cooperation with the Judicial Academy; it will also lay down quality standards for assessing providers' performance quality standards as well as principles and mechanisms of providers' ethics and disciplinary accountability. This set of rules will apply uniformly, to all providers, irrespective of whether they work at support services set up in courts, the War Crimes Prosecutor's Office or for programmes in other institutions and civil society organisations that belong to the National Network.

In the process of setting up support services at higher courts and in the initial stages of their operation, as well as in improving the operation of the existing victim and witness support services at the Organised Crime Special Department and the War Crimes Department of the Higher Court in Belgrade, and the War Crimes Prosecutor's Office, positions of support providers will primarily be filled by judicial and prosecutorial assistants engaged to provide support to victims. Judicial and prosecutorial assistants will be engaged by way of recruiting an additional number of judicial and prosecutorial assistants in line with the schedule set out in the Action Plan for implementation of the Strategy, as well as by reassigning persons already employed according to the Annual Assignment Schedule of every court. In addition, the fact that they held the position of a provider will be recognised as a form of training and work experience for candidates or graduates of the initial training at the Judicial Academy prior to being appointed to judicial office. Depending on the availability of human and financial resources, psychologists already working at support services in place at courts and public prosecutor's offices will be recruited to work as providers. In addition, depending on availability of subsequently granted budget funds, support provider positions will include an additional number of psychologists, as well as other professionals in other adequate fields (pedagogues, defectologists, etc).

In addition to persons working as primary support providers, all providers of various types of specialist services within the framework of secondary support made available by the National Network have to meet criteria required for providing primary support. In addition

to fulfilling requirements necessary for acquiring the status of primary support provider, secondary support providers must also fulfil specific requirements depending on their field of specialisation, in terms of receiving specialist training for dealing with victims relevant to their field of practice.

A system of initial and ongoing training is going to be set up to ensure that support providers can acquire an adequate level of knowledge and skills. This matter will be dealt with in more detail in Chapter VI. In addition, a continuous quality assurance system is going to be established, with appropriate action to be taken depending on its results in respect of both training of providers and their accountability.

III. VICTIM AND WITNESS SUPPORT SERVICES

1. Meaning of the term “victim and witness support service”

For the purposes of this Strategy, the term “victim support services” means victim support services established in higher courts in the Republic of Serbia; Assistance and Support Services for Injured Parties and Witnesses at the Organised Crime Special Department and the War Crimes Department of the Higher Court in Belgrade, and the War Crimes Prosecutor’s Office; victim support services operating in other state authorities and institutions, as well as victim support services operating as part of civil society organisations that have been integrated in the system of the National Network in a accordance with the criteria and under a special procedure laid down by a decision issued by the Minister of Justice.

Activities set out in the Strategy and the Action Plan for its implementation are without prejudice to the right of civil society organisations to carry out their own victim support and assistance programmes independent of the National Network and using funds they raise on their own. The standards, obligations and rights that must be met, complied with and are enjoyed by services and providers working within the framework of the National Network will not apply to the categories of programmes and providers operating outside the National Network.

2. Types of victim and witness support services

2.1. Victim support services operating within the judicial system in the Republic of Serbia

2.1.1. Assistance and Support Services for Injured Parties and Witnesses at the Organised Crime Special Department and the War Crimes Department of the Higher Court in Belgrade and the War Crimes Prosecutor’s Office

In view of the past achievements in their work, as well as in light of the principle of preserving the achieved standards, Assistant and Support Services for Injured Parties and Witnesses at the Organised Crime Special Department and the War Crimes Department of the Higher Court in Belgrade and the War Crimes Prosecutor’s Office will continue to function. In accordance with the schedule set out in the Action Plan, all necessary organisational and technical measures will be taken within these Services, in order to

achieve complete adherence to the rules and procedures that will govern the functioning of the newly-established support services at higher courts.

The work experience of professionals already engaged in these Services will be used as a valuable foundation for the establishment of services, their efficient functioning and conducting trainings.

2.1.2. Victim and witness support services at higher courts

To ensure continuous, available, comprehensive and quality support for victims and witnesses in the Republic of Serbia, support services are to be set up at all higher courts in the Republic of Serbia for territories under their jurisdiction during the course of the Strategy's implementation and in accordance with the schedule set out in the Action Plan for its implementation.

In defining the plan and schedule for setting up support services, including human and infrastructure resources necessary for that process, special attention will be given to the number and structure of criminal cases pending in the territory under the jurisdiction of the court concerned; capacities and performance results of services already existing in the territory under the jurisdiction of the court concerned (or lack thereof); administrative capacities of the court concerned and its infrastructure.

Support services at higher courts will be organised and they will operate as stipulated in a special decision issued by the Minister of Justice and in accordance with previously adopted amendments to procedural legislation and legislation governing organisation of the judiciary, related bylaws and internal acts governing job classification.

There will be at least one judicial assistant permanently engaged to provide victim support services at every support service set up at higher courts in the Republic of Serbia. Furthermore, every court will define in its Annual Assignment Schedule the number of additional judicial assistants who have completed specialist training on the topic of victims' rights to perform duties within the purview of the Support Service for a certain portion of their working hours.

Primary support will be made available to victims and witnesses at services set up at higher courts. On the other hand, secondary support services will be made available either at the relevant support service or by referral to secondary support services operating at partner CSOs or in the institutions of the Republic of Serbia, depending on the assessment of victims' individual needs, professional capabilities of providers working for the given service and programmes available in the territory under the jurisdiction of the court concerned.

2.2. *Victim support services at other institutions of the Republic of Serbia*

Having regard to the principle of preserving the level of protection achieved thus far, as elaborated in the introduction hereto, it is the intention of the Strategy that services previously set up at courts and public prosecutor's offices⁸ should continue operating until new services have been established at higher courts. This intention is based on a previous appraisal of the as-is situation on the ground as regards presently available services and support provided in a number of state authorities and institutions of the Republic of Serbia (public prosecutor's offices, higher courts, social work centres, the Centre for Trafficking Victims Protection, psychological counselling services, free legal aid services at local self-government units, child victims and witnesses support services, etc.). This would ensure uninterrupted provision of support services and uncomplicated takeover of professional and administrative capacities by newly founded services. In addition, efforts will be made to standardise and improve the quality of support provided by services founded at other institutions and ensure continuous cooperation between them and newly established support services at courts. This will, at the same time, bring more visibility to these victim support services and to their eligibility requirements, of which victims will be informed in the process of receiving primary support at support services operating at courts.

Establishment of a comprehensive training system will have a critical role in achieving the above-mentioned goals because persons working at such services often lack the knowledge and skills necessary for dealing with victims. Consolidation of specialist knowledge and skills they possess in their professional fields with the knowledge and skills related to the field of victims' rights will ensure that victims can receive timely assistance and support in line with the provisions of the Directive and based on the assessment of their needs and guidance given by the primary support provider.

2.3. *Victim support services operating within the framework of civil society organisations*

In appreciation of the achievements and previous efforts of civil society organisations in the field of provision of support to victims of crime as well as their professional capabilities and experience that could make a significant contribution to the process of setting up of the National Network and to its effective operation, the aim of this Strategy is to encourage these organisations to join the National Network.

⁸ This regime will not apply to Services referred to in point 2.1.1, which will continue operating even after the services at higher courts have been set up.

The Strategy also recognises special relevance and a potential role of support services operating at civil society organisations in the context of specialist support services provided to particularly vulnerable categories of victims and witnesses such as juveniles, victims of domestic violence or of human trafficking.

Considering the principles previously mentioned, namely that of institutionalisation, standardisation and coordination; of preservation of the achieved level of victim protection and of rational use of resources, a special decision by the Minister of Justice will lay down criteria, standards and procedures that should be complied with by interested civil society organisation in order to become part of the National Network. These criteria should apply not only to administrative and professional capacities of such organisations, but also to the scope, quality and sustainability of their services.

In order to ensure sustainability and improvement in the quality of services provided by services operating within the framework of civil society organisations, a special regulation will be issued to govern and afterwards ensure consistent application of rules on periodic publications of open calls to organisations interested in joining the National Network. Decision allowing these organisations to join the Network will depend on a thorough and objective evaluation based on criteria that have been established beforehand. The activities of support services will be subject to an initial evaluation as well as to periodic evaluations. To facilitate their efficient operation, services that satisfy the criteria for joining the National Network will be eligible to apply for funding to co-finance their activities. This issue will be dealt with in more detail in Chapter IV.

3. Focal points for providing information to victims and witnesses at basic courts, at basic and higher public prosecutor's offices and at police departments within the Ministry of Interior

Considering the fact that communication with law enforcement officers is the first point of contact that victims of crime have with the institutions of the Republic of Serbia, a network of specially trained focal points and mechanisms for referral to support services should be developed within this system as well.

At the same time, based on an assessment of the results achieved in the process of setting up mechanisms for victim and witness support at public prosecutor's offices in the Republic of Serbia, a network of focal points for providing information will be established at basic and higher prosecutor's offices of the Republic of Serbia. Another level at which the same mechanisms will be developed is the network of basic courts.

The main goal of establishing a network of focal points is to provide victims and witnesses with timely and reliable information about available victim support services and their

activities, as well as about types of assistance and support they can receive at such services, regardless of whether their first contact is with the police, the court or the public prosecutor's office, as well as irrespective of the type and severity of the criminal offence suffered by them.

Therefore, the process of setting up support services at higher courts will take place in parallel with the setting up of the Network of Focal Points for provision of information at police departments, basic courts, and basic and higher public prosecutor's officers. The process will also include the provision of training for future focal points and issuing the necessary procedural protocols and guidelines to ensure that they all follow a uniform procedure.

4. Victim and Witness Support Services Coordinator

Considering that it is necessary to ensure effective and continuous coordination among victim support services, focal points for providing information to victims and all other actors whose roles are relevant to the strengthening of the position of victims of crime in the Republic of Serbia, a Victim and Witness Support Services Coordinator (hereinafter: Services Coordinator) will take up office at the Ministry of Justice during the process of Strategy implementation.

Prior to coming into office of the Services Coordinator, necessary amendments will have to be made to the Rulebook on Internal Organisation and Job Classification at the Ministry of Justice. The Rulebook would define that new competences related to the establishment and commencement of operation of victim support services at higher courts, as well as the establishment of the National Network, fall within the remit of this Ministry's Sector for the Judiciary.

Duties falling within the remit of the Services Coordinator would entail, among other things, as follows: duties related to institutionalisation, funding and oversight of the victim and witness support network; coordinating international and inter-institutional cooperation; monitoring implementation of international regulations concerning victim and witness support and accordingly, taking part in drafting national regulations and providing expert opinions regarding protection of their human rights as well as participating in the process of alignment of national regulations with the *Acquis Communautaire*; oversight of the activities of support services for injured parties and witnesses; notifying victims and their families when the person sentenced for the criminal offence concerning them has been released from detention; coordination of training programmes and awareness raising campaigns as regards the rights of victims and

witnesses; providing administrative and technical support to the body in charge of monitoring and evaluation of the activities of the National Network⁹.

5. Oversight of the activities of victim and witness support services

The Ministry of Justice will be tasked with overseeing the activities of victim and witness support services operating as part of the National Network. Procedures for and modalities of performing oversight of support service activities are to be laid down in a special decision issued by the Minister of Justice.

To maintain the quality of available services, respect ethical principles and ensure responsible use of allocated funds, the Minister of Justice will issue a special decision to lay down mechanisms for ensuring accountability of providers at support services belonging to the National Network and responsible persons at such services. The instrument will also set out legal consequences for organisations belonging to the National Network should they fail to observe to the rules and meet the required standards.

Results of the oversight of the activities of support services operating as part of the National Network and how they are reflected on measures aimed at making improvements in the system will greatly depend on coordinated, continuous and effective cooperation between the Ministry of Justice and the authority tasked with monitoring and evaluating the activities of the National Network.¹⁰ The latter will be competent for creating strategic guidelines for operation and development of the Network based on evaluation of empirical (qualitative and quantitative) indicators showing its operation. This cooperation should result in application of the principles of deduction and induction with regard to exchange of information and ideas and lead to improvements, both in the context of operation of individual services and the system in general.

⁹ For more information on this topic, please refer to Chapter IV

¹⁰ For more information on this topic, please refer to Chapter IV

IV. ESTABLISHMENT AND STRENGTHENING OF THE NATIONAL NETWORK OF VICTIM AND WITNESS SUPPORT SERVICES

1. Principles and main steps underlying the establishment of the National Network of Victim and Witness Support Services

Considering the weaknesses currently present in the legislative and institutional framework of the Republic of Serbia, as well as a variety of findings collected in the course of the review process preceding the development of the Strategy, and applying the principles underlying the Strategy as formulated in Chapter I, three key principles underpinning the National Network of Victim and Witness Support Services should be as follows:

- a) Availability of support services;
- b) Making the best use of the existing resources;
- c) Sustainable operation and quality of the support services' network.

Adherence to the principles listed above should, after a six-year period of Strategy implementation, result in having in place a fully operational and viable system of support and assistance, available to victims and witnesses and suited to their needs.

A) It has been found that key steps to be taken as regards the principle of **availability** are as follows:

- Ensuring, in the first place, maximum territorial coverage for support services to prevent their concentration only in major cities, in particularly in Belgrade;
- An equitable geographical distribution and availability of services makes sense only if it entails a delivery of uniformly structured, continuous and quality services throughout the Republic of Serbia, thereby reducing the number of steps or service providers that victims have to take or come into contact with in order to receive comprehensive services and/or services specifically tailored to their needs;
- Developing a detailed plan for gradual improvement of availability of support services in terms of both their geographical availability and the variety and quality of those that are already in place; the plan should include a clearly defined improvement schedule.

B) The issue of **making the best use of the existing resources** essentially overlaps with and results from the strategic principle of the rational use of resources in the process of setting up a network of support services. This principle constitutes a prerequisite not only for setting up a network of support services at the national level, but also for their effective operation, quality and sustainability since its application guarantees that resources will not be wasted and that newly mobilised resources will form an ideal whole with the existing ones from the get-go. The measures listed below should be taken to facilitate the best use, systematisation and improvement of the existing resources:

- Mapping the existing service providers and services made available by them;¹¹
- Creating a single and easily accessible database containing information on providers and types of services;
- Setting up support services at higher courts of the Republic of Serbia;
- Creating a network of the existing and newly founded services that meet clearly defined, objective and previously set qualitative and quantitative criteria, coming both from the ranks of the institutions of the Republic of Serbia and civil society organisations;
- Effective coordination of the processes of setting up and operating of the National Network.

C) Several key segments need to be addressed as regards the **sustainability** of the National Network:

- **Financial sustainability** – due to limited funding provided for the process of setting up the National Network from the support programme, financial resources need to be secured to ensure effective operation of the National Network to cover several aspects:
 - ***Engagement of providers at services established at higher courts*** – The Ministry of Justice will ensure that proposals for the annual budget of the judiciary shall include funding allocations necessary for engagement of judicial and prosecutorial assistants to provide support to victims at support services in accordance with the schedule for the establishment of services set out in the Action Plan for implementation of this Strategy;

¹¹ These two measures have been implemented to some extent during the review process that preceded the development of this Strategy. Information gathered in that process will be of major importance in the course of further efforts to collect relevant information.

- ***Co-financing of operation of services belonging to the National Network*** – The Ministry of Justice will, according to the schedule set out in the Action Plan for implementation of this Strategy and based on a previously prepared needs assessment, identify potential sources from which funds can be allocated to finance the operation of the National Network and take all necessary procedural steps to disburse them accordingly.

The Strategy has identified that the proceeds collected by applying deferment of criminal prosecution could potentially constitute the main source of those funds. In addition, a portion of funds could be secured from the financial resources obtained on the grounds of seizure of the proceeds of crime, levying fines or organisation of games of chance. To allow allocation of funds from those and other sources identified afterwards, it should be considered if any new amendments need to be made to the relevant legislative framework (and adopt those amendments, if necessary).

As regards mechanisms for assignment of funds, appropriate bylaws should be adopted to regulate a procedure for periodic assignment of funds needed for the operation of the National Network, including provision of training, according to the schedule set out in the Action Plan for implementation of this Strategy. What will also be established in addition to assignment mechanisms is a mechanism for oversight over the use of funds allocated for the purpose of providing support to victims.

- **Sustainable quality** – Having regard to the standards laid down in the Directive, continuous action should be take with a view to:
 - ***Establishing a system of training in the field of victims’ rights*** that includes basic, ongoing and specialist types of training as well as training for trainers to cover the broadest range of providers of victim and witness support;
 - ***Adopting standards and quality control mechanisms*** that require passing appropriate bylaws and their continuous implementation.

2. Strengthening and expanding the National Network of Victim and Witness Support Services

Given the six-year period provided for the implementation of the Strategy, as well as the time required for modifying the legal framework, the aim is to have the National Network

consisting of support services at all higher courts and support services at other institutions of the Republic of Serbia and civil society organisation established and operational after the expiration of the period to which the Strategy applies, keeping to the schedule set forth in the Action Plan for implementation of this strategic document. In drawing up a schedule for expanding the Network, close attention should be given to ensuring that this process takes place in a continuous and gradual manner. Major roles in that regard will be played by the factor of securing that the burden of financing the Network is evenly placed on the budget at the annual level, as well as by the need to ensure equitable geographical distribution of newly established and newly joined services.

In the process of strengthening and expanding the National Network, special attention will also be given to the aspect of quality of delivered support and assistance. To this end, continuous efforts will be made to broaden the spectrum of available programmes and services as well as to raise the quality of the existing ones.

Given the concept of availability of services already elaborated above among Strategy's key principles that should be adhered to in the process of setting up and strengthening the Network, another aim of the Strategy is that focal points operating at basic courts, public prosecutor's offices and police departments should contribute to the strengthening of the position of victims and witnesses of crime in addition to the National Network. This would ensure more efficient exchange of information concerning the needs of victims and difficulties faced by them in criminal proceedings before basic courts and in contact with the police. This category of victims and witnesses would thereby also be given an opportunity to receive reliable information about services available at higher courts which they can approach for individual assessment to identify their needs and provision of adequate support or referral to services which provide such support.

V. SUPPORT AND ASSISTANCE MEASURES AND SERVICES PROVIDED TO VICTIMS AND WITNESSES OF CRIME

1. Types of support and assistance provided to victims and witnesses of crime

Primary and secondary support and assistance services will be made available to victims and witnesses of crime within the newly established system of the National Network.

The term ***primary support and assistance*** denotes provision of necessary information regarding the rights and status of victims and witnesses in criminal proceedings; provision of information about available support services and secondary assistance and support services provided within the National Network; individual assessment of victims to identify their specific needs; notifying victims when the offender concerned has been released from detention.

The term ***secondary support and assistance*** denotes, among other things, as follows: provision of psychological and psychosocial support; medical assistance; providing accommodation at safe houses; provision of free legal aid; access to individual and group rehabilitation therapies; access to psychosocial and economic empowerment programmes.

2. Referral mechanism and individual assessment of victims to identify their needs

Victims' first contact with competent state authorities is rarely with persons employed at any of the support services. Therefore, an effective mechanism will be put in place in the process of Strategy implementation to ensure that all victims go through a previously set out and standardised process from the moment of their first contact with state authorities through the provision of necessary types of primary and, if necessary, secondary support and assistance. In addition, procedures laid down in the law for granting the status of particularly vulnerable witness and protected witness apply only to persons who are examined as witnesses in the proceedings concerned. They, therefore, do not necessarily pertain to persons who have suffered physical, mental or emotional harm or economic loss in consequence of a criminal offence. There are also special measures in place applicable to juveniles, but there is no individual assessment envisaged from the moment of identifying a juvenile victim of crime. In practice, victims rarely receive individual assessment to identify their protection needs and there is also a lack of exchange of collected information among the authorities conducting the proceedings.

In that regard, action should be taken to ensure as follows:

- That judges, (deputy) public prosecutors and police officers acquire a minimum of necessary skills in the rights and needs of victims to prevent secondary victimisation from the time of the first contact with the authorities and in the course of the proceedings;
- Uniform and consistent treatment of victims in the process of notifying them about available support and assistance services based on previously defined guidelines and accompanied by adequate informational brochures;
- Timely admission and interview of the victim by staff working at a support service operating at the court;
- Quality individual assessment of victims to identify their specific needs for support and protection measures by means of a standardised questionnaire that encompasses all necessary elements of such assessment:
 - Personal characteristics of the victim;
 - Type, nature and circumstances of the criminal offence in question;
 - Proper and professional conduct of the interview with the victim.
- That records on every individual case are always kept up-to-date by using a special software tool developed for that particular purpose, thereby facilitating access to the collected data at later stages of the process of provision of support and assistance. At the same time, victims are thus spared from being subjected to multiple interviews by staff working at different segments of the National Network;
- Continuous maintenance and updating of the database containing all relevant information regarding support and assistance services made available to victims and witnesses as well as continuous distribution of information materials to victims.

3. Victims' right to receive information

A necessary requirement for ensuring practical exercise of rights guaranteed to the injured person is to provide them with timely and correct information about their rights and status of the criminal case in which they have the capacity as an injured party.¹² Adhering to the

¹² BEJATOVIĆ, Stanko, *Directive 2012/29/EU and Serbian criminal law (degree of alignment and measures to achieve the required degree of alignment)*, OSCE Mission to Serbia, September 2018, p. 9.

principle guaranteed by the Directive itself (Articles 3 through 6), under which victims and witnesses of crime enjoy the right to receive information from their first contact with the competent authority, irrespective of the fact whether or not they have reported the criminal offence, by offering them basic pieces of information concerning:

- the procedure for reporting a criminal offence to the competent authority;
- their role in the proceedings, meaning the rights of victims in criminal proceedings if they should decide to report the offence;
- the contact details of the nearest support services at the higher court.

This information will be made available to victims by means of informational brochures produced using simple and accessible language. Focal points responsible for providing information to victims and witnesses that operate at courts where there is no support service in place, then at public prosecutor's offices and police departments will be tasked with distribution of these brochures and additional clarifications of their contents. Adequate conditions must be created to implement this procedure by amending the relevant legislative framework (this applies, first and foremost, to the Criminal Procedure Code).

In addition to the mechanism described above, such information will be made available to victims by means of a national website or a national call centre to be set up at the later stage.

When a victim who has reported a criminal offence contacts a support service set up at a higher court, or Support Services previously established at the Higher Court in Belgrade and the War Crimes Prosecutor's Office, a judicial or prosecutorial assistant responsible for provision of victim support will provide them with detailed information about the following:

- victims' rights to receive support and assistance through providers and services made available within the National Network as well as about the existing rights and restorative justice mechanisms;
- how and under what conditions they can obtain protection measures;
- under what conditions they are entitled to interpretation and translation in criminal proceedings,
- victims' right to free legal aid,
- entitlement to compensation accessed through the mechanism of the compensation claim and in civil litigation;
- how victims and witnesses can obtain reimbursement of the expenses incurred as a result of their participation in criminal proceedings;
- victim's right to be notified of defendant's release from custody;

- the contact details of the competent authority for communication about the development and outcome of their case and mechanisms of electronic tracking of the development of their case since all victims are entitled to obtain information about:
 - the time and place of the main hearing,
 - nature of the charges against the defendant,
 - any decision to dismiss a criminal complaint, discontinue the investigation or abandon criminal prosecution and of the final judgment in the given case.

In addition to the information listed above, mechanisms should be put in place for notifying victims when the defendant has escaped or is released from detention, taking into account victim's express request or wish to be notified of any such facts; nature and type of the criminal offence; as well any potential risk of harm to the life and limb of the defendant or the sentenced person which may result from the provision of such information to the victim.

4. Victims' right to use their own language and to interpretation and translation

In accordance with Article 7 of the Directive, victims who do not understand or speak the language of the criminal proceedings concerned are to be provided with, upon request and in accordance with their status in such criminal proceedings, as follows:

- ***Right to interpretation***, which is granted to victims who do not understand or speak the language of the criminal proceedings, at least during questioning or interviews during criminal proceedings before investigative and court authorities, including during police investigations, as well as interpretation to facilitate their active participation in court hearings;
- ***Translations*** of information essential to the exercise of their rights in criminal proceeding ***in a language understood, free of charge***, where translations of such information must include at least:
 - translation of any decision ending the criminal proceedings related to the criminal offence suffered by the victim (upon the victim's reasoned request);
 - reasons or a brief summary of reasons for such decision, except in cases set out as exceptions to this right of victims (*e.g.* where reasons for such decision are confidential or in case of decisions for which the national law does not require a statement of reasons).
- ***Victim's right to file a complaint (legal remedy)*** in cases of a decision not to grant their request for interpretation and translation;

- ***Procedure for making decisions concerning their right to interpretation and translation as well as that interpretation and translation will be done in such a way not to unreasonably prolong the criminal proceedings.***

Since the CPC in force provides adequately in its Article 11 only for guarantees related to the entitlement of parties, witnesses and other persons participating in the proceedings to use their own language and script during the proceedings and that where proceedings are not conducted in their own language, interpretation of what they or others state before the court is to be secured and covered from the budget, it is more than clear that the CPC classifies victims as “other persons”.

Unlike the right to interpretation already guaranteed under the provision of the CPC mentioned above, the other three guarantees must be expressly provided for by making amendments to the provisions of this Code and then continuously monitoring their implementation in the case law.

5. Victims’ right to compensation

Article 16 of the Directive provides that in the course of criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time, except where the national law provides for such a decision to be made in other legal proceedings.

An analysis of the provisions contained in Articles 252 through 259 of the CPC reveals that this right has been provided for in the legislation presently in force. Information regarding implementation of these provisions in the case law shows that decisions on injured parties’ compensation claims made in criminal proceedings are rather an exception to the rule than the rule itself. This is because courts usually refer injured parties to pursue compensation claims in civil litigation. As a result, compensation procedures are significantly prolonged, victims are put to additional expenses and more burden is placed on the judiciary because it has to deal with additional cases.

In the light of the above, a range of measures need to be taken in the process of implementing this Strategy to improve certain important aspects of enhancing the effectiveness of decision-taking on compensation claims in criminal proceedings. What should be done in that regard is to:

- Develop guidelines on decision-taking procedures on compensation claims for public prosecutors and judges working at criminal divisions;

- Deliver training on the topic of decision-taking procedures on compensation claims designed for judges working at criminal divisions and public prosecutors;
- Produce compensation claim forms and render assistance to victims with filling out of such claim forms within the framework of a primary support programme;

In addition to this, it should also be considered that more than 20,000 (twenty thousand) criminal cases are disposed every year by means of deferment of criminal prosecution.¹³ Provisions of the CPC, specifically those contained in Article 283 thereof, regulating the so-called deferment of criminal prosecution stipulate that one of several obligations that can be imposed on the suspect when issuing a decision to defer criminal prosecution is “to rectify the detrimental consequence caused by the commission of the criminal offence or indemnify the damage caused”. Amending this Article to make this obligation compulsory could significantly increase the effectiveness with which victims obtain compensation.

At the same time, such a measure would follow the legislature’s tendency towards simultaneously applying simplified forms of procedure and settling the matter of compensation claim in the cases concerned. This tendency is displayed in the provision of Article 314(1)(4) of the CPC, which lays down that in addition to other elements, plea agreements must include “an agreement... on the compensation claim, if submitted.”

6. Victims’ right to legal aid

Article 13 of the Directive guarantees the right to legal aid to victims who have the status of parties to criminal proceedings and Member States are left to provide for the conditions and procedural rules under which victims can have access to legal aid in their national laws.

A comprehensive legislative framework for exercise of rights to free legal aid in the Republic of Serbia was established for the first time by the enactment of the Law on Free Legal Aid in late 2018. Establishment of an appropriate institutional framework will commence along with the expected commencement of the enforcement of this Law during implementation of the Strategy (October 2019). Considering that it will take several years for the system of legal aid to become fully established and operational, implementation of the pertinent law should be monitored effectively from the perspective of victims’ access to the right to legal aid.

¹³ For more information about trends towards exercising prosecutorial discretion and applying deferment of criminal prosecution in the justice system of the Republic of Serbia, please refer to: Kolakovic-Bojovic, M. (2018) *Organisation of the Judiciary in the Republic of Serbia – the framework for reform and EU standards*, Institute of Criminological and Sociological Research, Belgrade, p. 222.

7. Protection of victims

Victims and their family members should be protected from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, as well as against physical injury.

Articles 18 through 23 of the Directive provide clear guidelines for the framework of victim protection that should be established in the legal system of the Republic of Serbia. In this process, a distinction should be made between general protection measures that must be made available to all victims and special protection measures to be taken where it has been found that they are required following an individual assessment.

In the context of provisions of Articles 18 through 20 of the Directive, it should be noted that the provisions of the CPC on witness protection (since injured parties usually have the role of witnesses in criminal proceedings) offer three modalities of providing protection, namely by:

- Ensuring basic protection to witnesses in the proceedings, then under the provisions on particularly vulnerable witnesses and finally, as the ultimate level of protection, under the provisions on protected witnesses;
- What is also relevant in this regard are the provisions of the Law on Protection Programme for Participants in Criminal Proceedings, which regulates the terms and procedures for providing protection and assistance to participants in criminal proceedings and their close persons who are facing a danger to life, health, physical integrity, freedom or property due to testifying or providing information significant for the purpose of proving of a criminal offence; it would be reasonable to expect that such occurrences are relatively frequent in connection with organized crime offences;
- Finally, the provisions of Part 3 of the Law on Juvenile Offenders and Criminal Protection of Juveniles also apply to this issue.¹⁴

In general, these provisions have been aligned with the requirements of the Directive for their greatest part, although certain improvements still need to be made both at the legislative level and with regard to the implementation of regulations.

7.1. General protection measures

General protection measures are taken to ensure:

¹⁴ BEJATOVIĆ, Stanko, *Directive 2012/29/EU and Serbian criminal law (degree of alignment and measures to achieve the required degree of alignment)*, OSCE Mission to Serbia, September 2018, p. 21.

- Avoidance of contact between the victim and the offender;
- Protection of victims during investigative actions (such as interviews and forensic examinations);
- Protection of victim's privacy.

The matter of **avoidance of contact between the victim and the offender** (Article 19 of the Directive) is provided for in the law in force in the Republic of Serbia in such a way that rules thereon apply only to particularly vulnerable witnesses and juvenile witnesses (Article 103 CPC, Articles 152, 153 and 155 of the Law on Juvenile Offenders and Criminal Protection of Juveniles). In practice, however, victims often confront defendants during investigations and they are almost always present at the same place as the defendants and their attorneys if they are testifying at the main hearing.

To minimise the amount of contact between the victim and the offender, these measures should be taken:

- Consider making amendments to the provisions of the CPC governing the confrontation of the witness and the defendant, as well as developing a protocol or a set of guidelines to prevent harm to the victim caused by their confrontation;
- Make efforts to standardise premises housing courts and prosecutor's offices so that separate entrances and waiting areas could be built during their construction or renovation to prevent any unnecessary contact between victims and witnesses.

As regards the **victim's right to protection during investigations**, Article 20 of the Directive identifies four key elements of such protection: (a) interviews of victims being conducted without delay after filing of the complaint; (b) avoidance of unnecessary repeated interviews; (c) right to be accompanied by their legal representative or a person of their choice, unless a reasoned decision is made to the contrary and (d) medical examinations are kept to the minimum and are carried out only when strictly necessary for the purposes of criminal proceedings.

The current situation in the criminal justice system of the Republic of Serbia is indicative of the problem of multiple interviews. Namely, in practice, victims are interviewed usually immediately after a complaint has been filed and then again before the prosecutor and the court. An exception to this are special provisions governing limitations on repeated interviewing of children (Article 152 of the Law on Juvenile Offenders). In addition, the existing procedural rules allow the presence of a legal representative, but not of a person of trust (with the exception of juvenile victims of crime). Forensic medical examinations of victims are, as a rule, performed as physical examinations, and only exceptionally by examining medical records (Article 127 CPC). Further education of judicial office holders shows to be necessary for the purpose of avoiding the unnecessary traumatising of

victims by subjecting them to medical examinations in situations where it is not necessary. The case law shows that victim protection measures are not applied consistently because of inconsistent capacities and a lack of standardised internal procedures.

What should be done to overcome these problems is consider making amendments to the relevant provisions of the CPC, as well as to bylaws and internal acts. This would enhance the protection of victims during investigations, and bring about standardisation and uniformity to the case law.

Protection of the victim's right privacy has been recognised in Article 21 of the Directive as one of key issues, stressing the need for the protection of victim's personal data and prevention of its public dissemination.

Consistent implementation of those guarantees is based on:

- A clearly set legislative framework that governs the matters of exclusion of the public and public dissemination of information pertaining to victims;
- Continuous capacity building of public information officers working for the police, public prosecutor's offices and courts;
- Continuous training of journalists reporting about criminal proceedings;
- Strengthening accountability mechanisms for leaking information about victims' personal data.

8. Particularly vulnerable groups of victims

In addition to classifying victims and witnesses into specific groups that are *a priori* recognised in the law as particularly vulnerable, as elaborated in more detail in Chapter VI, Section 2, an individual assessment of victim's needs should include another aspect as well and that is assessing whether or not the victim is in need of special protection measures. In that way, the measures set out in relevant laws are kept in proportion to the individual needs of victims.

The purpose of making additional protection measures available to particularly vulnerable groups of victims, without prejudice to the rights of the defence and in accordance with the rules of judicial discretion, is that victims with specific protection needs identified as a result of an individual assessment can benefit from the measures listed below, in accordance with Article 23 of the Directive:

During the investigation – (a) interviews with the victim being carried out in premises designed or adapted for that purpose; (b) interviews with the victim being carried out by or through professionals especially trained for that purpose; (c) all interviews with the

victim being conducted by the same person, unless this is contrary to the good administration of justice.

During court proceedings – (a) measures to avoid contact between victims and offenders including during the giving of evidence, through the use of communication technology where appropriate; (b) measures to ensure that the victim may be heard without being physically present, in particular through the use of appropriate communication technology; (c) measures to avoid unnecessary questioning concerning the victim’s private life not related to the criminal offence; (d) measures allowing a hearing to take place without the presence of the public.

Even though the legislative framework in the Republic of Serbia has been aligned with the requirements of the Directive to a sizable extent, certain issues nevertheless arise in its practical implementation. Specifically, only a limited number of courts and prosecutor’s offices has premises specially designed for interviews with victims. Particularly vulnerable witnesses can be interviewed with the assistance of a professional pursuant to a decision of the authority conducting the proceedings (Article 104 CPC). It is also required that interviews with children¹⁵ are conducted by officers of the relevant authority possessing specialist knowledge in the field of children’s rights and criminal protection of juveniles (Articles 150 through 151 of the Law on Juvenile Offenders). Due to the previously mentioned rules on admissibility of statements, victims are interviewed at least twice. Only few authorities have audio-visual equipment and it has not been sufficiently taken advantage of. There is no review of the interviewing practice with regard to posing questions about victim’s personal life to be compared with international standards, in particular as regards victims of sexual offences, nor are there any guidelines in that regard. The same applies to the possibility of excluding the public from the main hearing, which can be ordered only upon a motion by a party or *ex officio* (Article 363 CPC). This can be an insufficient measure to protect the interests of the victim or ensure their participation in the main hearing.

In addition to the planned activities aimed at setting up support services at higher courts, which are covered in Chapter IV, the measures listed below should be taken in the upcoming period:

- Carry out a review of the existing interviewing practices applied by authorities and parties to the proceedings with regard to vulnerable witnesses;
- Carry out a review of the existing practice with regard to imposing sanctions for acts that disrupt the court’s normal process, ordering measures of procedural protection of victims and witnesses, cautioning and sanctioning defence attorneys and other

¹⁵ For the purposes of this Strategy, “child” shall designate a person under 18 years of age.

participants in the proceedings who insult the witness or the injured party, or threaten them or endanger their safety;

- Consider if it is necessary to amend the relevant provisions of procedural laws;
- Make continuous efforts to strengthen judicial infrastructure to provide adequate premises and equipment intended to facilitate implementation of protection and support measures as regards particularly vulnerable categories of victims and witnesses.

8.1. Children as a particularly vulnerable category of victims

In addition to special protection guaranteed to all particularly vulnerable categories of victims, the Directive pays special attention to child victims, providing in Article 24 that in addition to protection measures available to other victims, persons under the age of majority must have access to these measures:

- A possibility of audio-visual recording of interviews with the child and admissibility of such recording as evidence, according to the law;
- Appointing a temporary representative for the child, where necessary;
- Appointing an attorney to ensure that the child can exercise their right to legal advice and representation.

Ever since the adoption of the Law on Juvenile Offenders, all guarantees listed above have been recognised in the legal framework of the Republic of Serbia. However, certain problems have been noticed in the case law with regard to their implementation.

The measures listed below should be taken in the upcoming period to address those problems:

- Look for inconsistencies in the implementation of the legislative framework in the case law, identify any potential weaknesses and define what actions should be taken to overcome them;
- Adopt amendments to the Law on Juvenile Offenders, where necessary;
- Continuously monitor practical implementation of measures to ensure protection and support of child victims.

8.2. Other particularly vulnerable groups of victims

There are numerous factors such as old age, health, disability, gender, sexual orientation or membership of a specific social group due to which persons may become particularly vulnerable. The state of multiple vulnerability arises as a result of two or more reasons

based on which a person is identified as belonging to a particularly vulnerable group. Persons belonging to vulnerable groups are as a rule more susceptible to victimisation, which is easily perceived in cases of victims of human trafficking and discrimination. At the same time, it should be recalled that vulnerable groups more often become victims of discrimination or unjustified unequal and prejudicial treatment. This is particularly important when it comes to persons who are victims of any of the aggravating forms of discrimination defined under Article 13 of the Law on Prohibition of Discrimination. Therefore, all types of psychosocial support set out in this Strategy must be made equally available to the victims who have suffered this criminal offence as well.

Victims of crime belonging to the groups of persons with multiple vulnerabilities require special protection and additional, continuous and long-term psychosocial support in the process of their resocialisation and reintegration. Belonging to a vulnerable group on its own often means that victims are not capable of realising the negative impacts of their situation or taking steps to improve it without outside support. As regards victims of hate crimes, the fact that they are victimised because they belong to a specific social group additionally burdens the process of rehabilitation and reintegration.

In the previous decade, the Republic of Serbia adopted national strategic documents and special laws laying down rules and procedures for provision of protection and support to a range of vulnerable groups of victims such as children, victims of human trafficking, victims of domestic violence and intimate partner violence, victims of discrimination, victims of sexual violence and the like. Building on this, the Strategy aims to advance the principle of enforcing and improving the standards achieved by implementing that strategic and legislative framework. It also seeks to strengthen and synergize capacities of all competent actors to deal with particularly vulnerable groups of victims. At the same time, a comprehensive and uniform system of support and assistance to be established in line with this Strategy will facilitate access of particularly vulnerable victims to support and assistance services. The system will also ensure that particularly vulnerable victims are identified in a timely manner and that they may benefit from individual assessment of their needs.

VI. RAISING AWARENESS OF THE RIGHTS AND STATUS OF VICTIMS OF CRIME IN THE REPUBLIC OF SERBIA

To identify efforts to raise awareness of the rights and status of victims of crime in the Republic of Serbia as successful, measures must be put in place to impact several key points:

- Basic and specialist training to be received by providers of support and assistance to victims and witnesses;
- Raising the level of expertise and sensibility of police officers, judicial office holders, court and prosecutor's offices staff and lawyers;
- Raising awareness among victims of crime about their rights in criminal proceedings and support services available to them;
- Raising awareness among the general public.

1. Establishing a system of training in the area of victim and witness support and assistance

In accordance with Article 25 of the Directive and to ensure an adequate level of quality of primary and secondary support, including as well improving the treatment of victims at various segments of the Republic of Serbia's institutional framework, a system of general and specialist training will be established and made available to all professionals according to their responsibilities and to a level appropriate to their contact with victims to increase their awareness of the needs of victims and enable the competent authorities who come into contact with victims to identify them and deal with them in a respectful, professional and non-discriminatory manner.

One of the biggest challenges in that regard will be the process of transition from the previous, *ad hoc* approach to training in the area of victims' rights and dealing with victims (mostly focused on certain categories of victims) to the new one which requires comprehensiveness and uniformity. In addition, previous training programmes have been focused more on knowledge rather than on skills necessary for practitioners to be able to understand the needs and problems of victims and to deal with them in an adequate manner.¹⁶

¹⁶ In Serbia, police officers, prosecutors and judges receive training on victims of domestic violence, of human trafficking and juvenile victims. The majority of training programmes on the topic of victims have been organised within the framework of international, often one-off projects. In the period 2012-2014, the OSCE Mission to Serbia organised, for example, basic training for support providers at higher courts as well as a

The following steps must be taken with a view to responding to this challenge:

- Introduce the subject matter of victims' rights into the curriculum of initial training provided at the Judicial Academy;
- Introduce the subject matter of victims' rights into the training curriculum intended for judicial office holders, as well as for judicial and prosecutorial assistants, police officers and lawyers;
- Develop curricula for basic training in victims' rights for the categories of practitioners mentioned above;
- Develop curricula for specialised training for providers of primary and secondary support, focusing on training curricula for future trainers as guarantors of the system's sustainability.

2. Raising awareness among victims of crime of their rights in criminal proceedings and support services available to them

Constant improvements in the availability of victim and witness support and assistance services are not contingent only on improving the quality and variety of services and increasing the number of support services set up thus far. It also depends on continuous efforts to improve the visibility of services made available to victims and witnesses as well as on enhancing the availability of information about the rights of victims in criminal proceedings.

In view of this and to strengthen the activities related to the role of support providers and focal points for providing information to victims as mentioned above, actions aimed at raising the awareness of all matters mentioned above among victims should be concentrated on several parallel tracks:

- Creating a specialised website intended for providing information to victims and containing comprehensive and detailed information about victims' rights and support and assistance services made available to them;
- Linking this specialised website to as many as possible websites of state authorities, other institutions, civil society organisations and healthcare institutions;
- Setting up a call centre to provide information to victims;
- Producing, printing and distributing victims' informational brochures.

seminar on communication skills for public prosecutors, deputy public prosecutors and support providers at higher prosecutor's offices in the period 2016-2017. This training project also involved producing a handbook called "Communication with witnesses and injured parties: Applying communication skills in a public prosecutor's office", for the purpose of facilitating the application of new knowledge and skills in day-to-day work of public prosecutors and support providers.

3. Raising awareness among the general population of the rights of victims of crime

Article 26 requires that appropriate action be taken to increase awareness of the rights of victims of crime, reduce the risk of victimisation and decrease the negative impact of crime and the risks of secondary and repeat victimisation, of threat and retaliation, in particular by targeting groups at risk such as children, victims of gender-based violence and violence in close relationships.

To achieve this goal, comprehensive and target information and awareness raising campaigns should be created and conducted, including through the following channels:

- Research and education programmes;
- Online campaigns focusing on social media;
- Increasing the proportion of information regarding the rights of victims reported through state and private media.

Publication of reports on implementation of reform measures in the context of implementation of this Strategy will have a significant role in developing awareness of the rights of victims. Another important aspect of developing awareness is organisation of roundtables and presentations to discuss the progress made and measures taken thus far. Competent state authorities and institutions of the Republic of Serbia, the academic community and civil society organisations will make sure that the visibility of the results achieved and action to be taken constitute tasks that require making concerted efforts, ensuring the best interest of victims.

VII. MONITORING AND EVALUATION

1. Monitoring and evaluation of operation of the National Network of Victim Support Services

Continuous monitoring and evaluation of results, defining corrective measures and taking steps towards their implementation are vital to the establishment and effective operation of the Network of Victim and Witness Support Services. Considering how many institutions and other actors are going to be involved in these processes, an effective coordination mechanism should be set up to oversee and improve Network's performance immediately upon the adoption of the Strategy and the accompanying Action Plan.

Within a period of 30 days from the date of adoption of the Strategy, a Victim and Witnesses Support Coordination Body (hereinafter: Coordination Body) will be established as an *ad hoc* working body of the Government to coordinate, monitor and strengthen the Network. The Coordination Body will consist of eleven members and as many deputy members representing the Ministry of Justice, the Ministry of Interior, the Supreme Court of Cassation, the High Judicial Council, the State Prosecutorial Council, the Republic Public Prosecutor's Office, the Ministry of Labour, Employment, Veteran and Social Affairs, the Ministry of Health, Judicial Academy, civil society organisations and the academic community.¹⁷ In proposing members that make up the Coordination Body, due regard should be paid to their rank in the internal hierarchical system of the state authority they represent, which should be such as to ensure they can effectively influence the passing and implementation of strategic decisions. The relevant criteria for representatives of the academic community and civil society include their results and professional experience in their respective fields of expertise. In appointing deputy members of the Coordination Body, what should be taken into account are their previous experience and performance of duties relevant to the operation of victim and witness support services to ensure that the Coordination Body can become operational and achieve synergy between decision-makers and professionals directly involved in the implementation of those decisions.

¹⁷ The Minister of Justice will propose a member to represent the Ministry of Justice; the Minister of the Interior will propose a member to represent the Ministry of Interior; the High Judicial Council will propose a member to represent the High Judicial Council; the State Prosecutorial Council will propose a member to represent the State Prosecutorial Council; the President of the Supreme Court of Cassation will propose a member to represent the Supreme Court of Cassation; the Republic Public Prosecutor will propose a member to represent the Republic Public Prosecutor's Office; the Minister of Labour, Employment, Veteran and Social Affairs will propose a member to represent the Ministry of Labour, Employment, Veteran and Social Affairs. A proposal for appointing members of the Coordination Body from the ranks of civil society organisations and the academic community will be formulated following an open competition organised by the Office for Cooperation with Civil Society and the Ministry of Justice.

For the purpose of coordinating, monitoring and strengthening the Network, the Coordination Body shall:

- Collect and analyse information about functioning of the Network;
- Organise meetings with competent institutions, civil society organisations and the academic community to analyse current issues and formulate potential solutions;
- Adopt recommendations for making improvements in the operation and further building of the Network and submit them to competent authorities for further action;
- Monitor implementation of the Strategy and the accompanying Action Plan;
- Assess if there is a need to review the Strategy and the accompanying Action Plan and initiate the review procedure with the competent ministry;
- Cooperate with other bodies responsible for monitoring implementation of related strategic documents;
- Perform other duties relevant to the operation and strengthening of the Network.

The Ministry of Justice will provide administrative and technical support to the operation of the Coordination Body. The activities related to the administrative and technical support will be coordinated by the Services Coordinator.

A constitutive session of the Coordination Body will be held within a period of 30 days from the date of the decision to constitute the Coordination Body. The Rules of Procedure of the Coordination Body shall be adopted at the constitutive session to provide for its operating procedure in further detail. The Coordination Body shall hold regular sessions four times a year, whereas extraordinary sessions are to be held if necessary for its operation. Sessions of the Coordination Body will be chaired by the Coordination Body Chairman appointed from the ranks of the Coordination Body membership for a term of one year. The Coordination Body will take its decisions by majority vote of its membership. Representatives of other institutions, civil society organisations and the academic community may attend sessions of the Coordination Body if their presence thereat is relevant to the functioning of the Coordination Body.

2. Monitoring and evaluation of Strategy implementation

Setting up an effective mechanism for monitoring and evaluating successfulness of implementation of the Strategy is essential for keeping to the schedule and maintaining the quality of implementation of this strategic document and the accompanying Action Plan. Another important point in this regard is to define and implement measures for their improvement in a timely manner.

The Coordination Body will be vested with the duty to monitor implementation of the Strategy and the accompanying Action Plan. The Coordination Body shall adopt quarterly reports on the results of Strategy implementation prepared by applying a methodology for collecting and evaluating data to be adopted by this Body in the first three months of Strategy implementation. In defining and adopting a methodology for collecting and evaluating data about implementation of the Strategy, due regard will be paid to ensure its compliance with similar mechanism in related fields, including previous experiences with such mechanisms.¹⁸ On the one hand, this will ensure rational mobilisation of human resources in the process of drawing up reports on implementation of these strategic documents. On the other hand, it will ensure comparability of data concerning the effects of reforms in this area and facilitate its processing and analysis. At the same time, it will preclude problems already identified in the process of monitoring and evaluating the results of related strategic documents adopted at a previous time.

To ensure transparency of the reform process, reports on implementation of the Strategy will be published regularly on websites of the Ministry of Justice and other institutions participating in the Coordination Body.

¹⁸ Action Plan for Chapter 23, National Judicial Reform Strategy, National Strategy for the Prosecution of War Crimes, etc.

Annex I

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