

COMPENDIUM OF PRACTICES

VICTIMS OF CRIME AND
THE JUSTICE SYSTEM



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FOREWORD

According to Article 47 of the EU Charter of Fundamental Rights, victims of crime should be recognized as the persons wronged by the offender, protected against repeat victimization, granted access to justice and enabled to participate in criminal proceedings.

In 2012, 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 Union - the so-called Victims' Rights Directive -, that created a fundamental legal framework for the protection of victims in the European, was adopted. Victims and their needs are central to criminal justice and the decision-making process of various authorities and organizations. In order to exercise their rights victims must be given appropriate legal support by the competent national stakeholders. Applying a victim-centered approach entails that legal support must be tailored to victims' needs and characteristics.

This publication presents a collection of best/promising practices to support victims in Bulgaria, Finland, Germany, Romania and Spain. Certain practices refer to all victims of crime, while others relate to certain types of victims. The practices were collected for the whole spectrum of the criminal proceedings: investigation, prosecution, court. Information on the practices was obtained through desktop research (analyze of legislation, jurisprudence, strategies and programmes), questions addressed to institutions and organizations that have competences in the justice system, in the protection of victims' rights (ministries, courts, prosecutors' offices, governmental agencies, law enforcement agencies, NGOs etc.)

The term "practice" is used lato sensu including programmes, strategies, services successfully implemented in the project countries (Bulgaria, Finland, Germany, Romania and Spain). Sharing practices can encourage further use of tested and effective methods, they can serve as example for similar approaches that could be developed and implemented at local, national and European level by institutions and organizations that have competences in the protection of victims' rights, access to the justice system, delivery of assistance services.

Efforts to protect the rights of victims of crime must be included in the measures taken at local, regional, national and European level from the moment the victim is identified until the end of the criminal trial procedures. There is always a need for a unified, coordinated response from stakeholders to victims who are injured parties in the criminal proceedings.

BULGARIAN PRACTICES

The Centre for Prevention of Violence and Crime, the Vselena Support Centre for Victims of Sexual Violence

Institution(s)	Burgas Regional Directorate of the Ministry of the Interior, together with the local municipality and other institutions, and the Demetra Association
Period of time since the practice is used	Centre for Prevention of Violence and Crime -since 2009 - ongoing Support Centre for Victims of Sexual Violence -since 2016 -ongoing
Area of implementation	Regional
Practice applicability (all victims of crime / certain categories)	Centre for Prevention of Violence and Crime – all victims of violence and crime; Support Centre for Victims of Sexual Violence – victims of sexual violence
Practice description	<p>The Centre for Prevention of Violence and Crime¹ does projects, prevention activities and provides services to victims and perpetrators of crime and violence. The cooperation between the Centre and police authorities takes place via multidisciplinary teams, consisting of representatives of the municipality, social services, a psychologist, a lawyer and a police officer, as well as a mobile team for working in remote areas. The work of the Centre is based on a tripartite agreement between the Municipality of Bourgas, the Regional Directorate of the Interior and the Demetra Association. So far, the Centre has held trainings and seminars, as well as surveys and information campaigns to raise public awareness of violence and crime.</p> <p>The Vselena Support Centre for Victims of Sexual Violence² was created under an agreement among the Municipality of Bourgas, the Bourgas District Prosecutor's Office, the Regional Directorate of the Interior, the Regional Governor's Office, the local hospital, the Demetra Association, supported by the Embassy of the United Kingdom. It ensures medical aid, crisis consultation and supporting investigations in cases of sexual violence via coordinating the activities of different institutions. It refers and places victims of sexual violence with services, as needed. It also provides telephone consultations.</p>

¹ [http://demetra-bg.org/
cpvc/](http://demetra-bg.org/cpvc/)

² [https://demetra-bg.org/
center-universe/](https://demetra-bg.org/center-universe/)

Legal framework for implementing the practice	Both centers are formed based on legislation, regulating police work, as well as the Criminal Procedure Code and the Law on Support and Financial Compensation of Victims of Crime.
Can the practice be used, replicated by other stakeholders as well? (taking into account the specifics of the practice)	Both centers put a significant emphasis on multidisciplinary work and the practices can be replicated by similar institutions in other regions.

The National Referral Mechanism for Support of Trafficked Persons

Institution(s)	Administration of the National Commission for Combating Trafficking in Human Beings (NCCTHB)
Period of time since the practice is used	Since 2010 -ongoing
Area of implementation	National and regional
Practice applicability (all victims of crime/certain categories)	All suspected or identified victims of human trafficking
Practice description	<p>The National Referral Mechanism for Support of Trafficked Persons (NRM)³ was created in 2008-2010, up-dated in 2015 and evaluated by the International Centre for Migration Policy Development (ICMPD). The NRM is a cooperation framework through which state authorities execute their obligations towards trafficking victims and strategically coordinate their efforts in supporting them together with NGOs and IGOs. The NRM is based on and upholds a multidisciplinary approach in identifying, referral, protection and support to victims. It is coordinated by the NCCTHB through its Administration. The Mechanism aims at observing the human rights of victims and delineates the basic principles of working with them – unconditional support, safety and security, confidentiality and protection of personal data, non-discrimination.</p> <p>³ https://antitraffic.government.bg/wp-content/uploads/NRM_Bulgaria_EN.pdf</p>

Legal framework for implementing the practice	The NRM has standard operating procedures for identification, referral, support, protection and social inclusion of victims. It also has indicators for identification of victims, as well as criteria and standards for offering social services.
Can the practice be used, replicated by other stakeholders as well? (taking into account the specifics of the practice)	The NRM was officially adopted by the Council of Ministers in 2016 and thus constitutes a piece of secondary legislation in accordance with CoE and EU standards against human trafficking and the National Strategy against Trafficking in Human Beings 2007-2021. It corresponds with a number of strategic documents on rights of children, countering organized crime and managing migration, asylum and integration.

The National Primary Legal Aid Telephone Line

Institution(s)	National Legal Aid Bureau (NLAB)
Period of time since the practice is used	Since 2016 -ongoing
Area of implementation	National
Practice applicability (all victims of crime/certain categories)	Providing legal aid to disadvantaged individuals, thus all types of victims, on facilitated terms outside the general procedure for providing legal aid.

<p>Practice description</p> <p>The National Primary Legal Aid Telephone Line (NPLATL) and the Regional Counseling Centers (RCCs) with the regional bar councils have been implemented since 2016 under the project "Improving the access of vulnerable groups to legal aid" under the Norwegian Financial Mechanism, and subsequently enshrined at legislative and regulatory level.</p> <p>Any person can receive a consultation at an RCC, if he/she establishes that his/her monthly income does not exceed the poverty line set for the country. Until 2020, a total of 13 RCCs were established. The NPLATL (0700 18 250) is a hotline, where every citizen can get free legal advice and pays only the cost of the telephone service.</p> <p>In a qualitative study conducted in 2018-2019 under a project on strategic reforms in the National Legal Aid Bureau (NLAB), the interviewed attorneys assessed positively the establishment of the RCCs as a means to better protect the interests of their users via basic guidance on their case and referral for the appointment of an ex officio counsel if necessary. Most legal aid users, including victims of crime, share their satisfaction with the advice given to them under the NPLATL and recommend opening more lines with lawyers of different legal specialization.</p> <p>According to the Bureau's annual reports, in 2018, 2,352 consultations on NPLATL were provided and 521 in RCCs, and the numbers for 2019 were, respectively, 1,390 and 784.</p>	<p>Legal framework for implementing the practice</p> <p>Can the practice be used, replicated by other stakeholders as well? (taking into account the specifics of the practice)</p> <p>⁴ https://pjp-eu.coe.int/ar/IQ/web/access-to-justice-for-roma-women/about-jstrom</p>	<p>With the legislative amendments of 2017, NPLATL and RCCs were enshrined in the Legal Aid Act (LAA) and in special regulations.</p> <p>A practice similar to the RCC was implemented under the JUSTROM programme⁴ with the participation of NLAB, the National Commission for Protection against Discrimination and other institutions and organizations. In April 2018 - March 2019, more than 1,453 persons of Roma origin, 889 of whom were women, were consulted in the counseling centers in Veliko Tarnovo and Plovdiv. Some law firms also started to apply practices similar to the NPLATL.</p>
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FINNISH PRACTICES

Multi Agency Risk Assessment Conferences (MARAC)

Institution(s)	Several police departments, Finnish Institute for Health and Welfare, Victim Support Finland
Period of time since the practice is used	The practice was first implemented in Finland in 2010 (first as a pilot project) under the Action plan to reduce violence against women. The practice was first used in 3 cities.
Area of implementation	The practice is currently used in 38 municipalities in Finland. The model can be implemented based on a decision by the municipal authorities. At the national level, the development and dissemination of the MARAC model is coordinated by the National Institute for Health and Welfare. Their activities include updating the templates and guidelines used and organizing the annual conference for all MARAC groups in the country. They can also contact municipalities to enquire about interest in establishing MARAC.
Practice applicability (all victims of crime / certain categories)	The model is used for victims of severe intimate partner violence. In most of the cases the victim has been a woman. The practice does not apply to minors.
Practice description	MultiAgencyRiskAssessmentConferences(MARAC) can be initiated in cases of severe and recurring intimate partner violence. The MARAC process has two stages. First, after a professional (e.g. from the police, social services, health care) has recognized that a person is the victim of intimate partner violence, they fill out a risk assessment form together with the victim. In some municipalities the police are the most active in referring cases to MARAC; in other municipalities the most active referent are social services. If a certain number of risk factors is present (or if the professional for another reason suspects that the person is a victim of severe/recurring violence), the case is directed to MARAC. In the second stage, a multidisciplinary group gets together to make an action plan to improve the victim's safety. The group

<p>includes, for example, representatives from the police, social and health care services, victim support services and shelter services. The main role of the police is to assess the safety of the victim and the risks associated with the perpetrator. A support person is assigned to the victim to help them and to convey information between the victim and the MARAC group. Data protection and privacy regulations pose some challenges to the multi-agency working method which requires information sharing.</p> <p>Noteworthy from victim empowerment perspective is that the victim can, and often does take part in the conference. In any case the use of the MARAC method requires the victim's consent even when they do not wish to participate in the conference themselves. The method enables different actors of the service system to combine their knowledge and expertise so that the violence intervention is comprehensive. When the method was introduced in Finland in 2010, it was also seen as a possible way to prevent familicides.</p> <p>The aim of the MARAC conference is to find a holistic solution to improve the victim's wellbeing, including preventing violence. The victim also does receive information on how to report crime and on the functioning of the criminal process. The follow-up study by Piispa & October (2017) showed that MARAC has reduced the number of new police reports by victims who have previously contacted the police for recurring domestic violence incidents.</p>
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<p>Legal framework for implementing the practice</p>	<p>The practice is not based on legislation but on national guidelines. Standard risk assessment tools are used to assess the risk of violence. MARAC participants sign a consent form. There are ongoing discussions that the practice should be based on legislation to ensure that services for victims of intimate partner violence are consistent and equal for all, irrespective of where the victim resides.</p>
<p>Can the practice be used, replicated by other stakeholders as well? (taking into account the specifics of the practice)</p>	<p>To establish a MARAC group in a municipality, all key actors need to be involved. In addition to health care, police, social services, victim support services and shelter services representatives, members may include e.g. mental health services, substance abuse services, child protection and housing services employees. An employee of any of these organizations may fill out the MARAC risk assessment form with a potential customer, but in practice it is often done by a social worker, health care worker, or a police officer.</p>

Seri centers for victims of sexual violence

<p>Institution(s)</p>	<p>Several police departments, Seri Support Centers, National Institute for Health and Welfare, Victim Support Finland</p>
<p>Period of time since the practice is used</p>	<p>Since 2017</p>
<p>Area of implementation</p>	<p>The first Finnish Seri Support Center was opened in Helsinki University Hospital (HUS) in 2017. Since then five new centers have opened in other towns with university hospitals, as well as satellite centers in smaller towns with central hospitals. There are plans to open more centers until the coverage is national.</p>

Practice applicability (all victims of crime / certain categories)	<p>Seri centers offer services to victims of sexual violence of any gender aged 16 or older. Most of the victims (~95%) so far have been women of all ages, though the biggest group are women between the ages of 20 and 24. There are plans to better ensure that the service is also available to men and people with different genders. Child victims under the age of 16 cannot be clients at the Seri center. Child victims are referred to the children's hospital, although at least in Helsinki, the Seri employees may conduct a medical examination on teenage girls. This age-related policy is unlikely to change, however, an ongoing project called Barnahus will pay attention to different teen-sensitive services and methods for victims of abuse.</p>	Practice description	<p>Seri-centers aim to provide victims of sexual violence with multiple services in one location. The victim of sexual violence can seek assistance from the center around the clock (24/7) independently or through the referral of an authority (such as the police). The centers and the police both reported that there is close co-operation, which benefits both the victims as well as the criminal investigation. The first visit at a Seri-center should take place within 30 days from the incident. At the Seri center, the victim has access to the services of a midwife/nurse, a doctor, a psychologist, a social worker and a hospital chaplain. The victim can get medical and psychological help and information on the services of NGOs such as Victim Support Finland and Rape Crisis Center Tukinainen (to whom the victim's contact information can also be forwarded, with their permission).</p>		
	<p>Filing a police report is not mandatory in order to receive service but it is encouraged, and the victim can get help with initiating the criminal justice process. In the victim consents to it, a sexual violence medical examination and forensic sample collection can be done even if the victim wishes not to contact the police. The samples can be used as evidence in cases that eventually proceed to a criminal investigation and can be stored for 10 years (or even longer). The strength of the practice is that the quality of forensic evidence has improved as the evidence is collected by specialized staff. Also, as the evidence is stored at the center, it is available, if a victim decides to proceed in the criminal process later. The doctor, who examined the victim, can give a written statement to the police, if needed for criminal proceedings. Seri staff can be called to give an expert testimony in court. To protect the privacy of a victim the access to patient records from Seri-centers is restricted in the Patient Data Repository. Gathering different services to a single location can help the victim's access to their rights and improve their well-being. The expertise in collecting forensic samples and storing them automatically, also arguably benefits the legal protection of the victim. During the research HEUNI was informed that feedback from the clients has been overwhelmingly positive; but because only a small number of all clients give feedback, further analysis on it has not been performed.</p>	Legal framework for implementing the practice	<p>The Seri Support Centers have been established based on the obligations of the Council of Europe Convention on preventing and combating violence against women and domestic violence, the Istanbul Convention, regarding the establishment of support centers for victim of sexual violence (Article 25), as also stated in the Government of Finland National Action plan for the implementation of the Istanbul Convention 2018–2021.</p>		

Can the practice be used, replicated by other stakeholders as well? (taking into account the specifics of the practice)	According to our expert interviewees, the practice could be implemented in any hospital offering 24/7 (emergency) services and preferably in a women's hospital with expertise in sexual- and reproductive health. The center must liaise with the local police department.
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Use of video testimony and videoconferencing in criminal proceedings

Institution(s)	Several police departments, Victim Support Finland, National Court Administration Finland
Period of time since the practice is used	Based on the Victims' Rights Directive, Finland has adopted three measures in relation to the use of video technology in criminal proceedings: the possibility to record a video testimony in pre-trial investigation (since 2016), videoconferencing in a preparatory hearing (since 2019), and videoconferencing in the main hearing (since 2016). In addition, in 2019 the Ministry of Justice appointed a working group to prepare legislation for allowing video recordings made at the District Courts to be entered as evidence at the Courts of Appeal. This would mean that crime victims would not have to be heard again at the Court of Appeal – but instead, their testimony could be reviewed from a video.
Area of implementation	The practices are national, and the National Court Administration confirmed that all courts have the necessary equipment to use recorded video testimony as an evidence and to conduct videoconferencing. Police reported that practices in taking testimony on video vary to some degree between police departments.

Practice applicability (all victims of crime/certain categories)	Based on the Criminal Investigations Act, persons under 15 years, victims of sexual crimes between ages 15-17, and adults in cases in which additional requirements of the Act are fulfilled, can give a video testimony in the pre-trial phase. Although video testimony can be used with different victim groups, the professionals interviewed confirmed that video testimony is mainly used with children under 18 years, and in some rare cases with other vulnerable groups (e.g. elderly or disabled).
Practice description	The Course of Judicial Proceedings Act (17:52) provides that a victim can be heard in a trial via videoconferencing , when it is necessary to protect a person from a threat to life or health, or if a person needs special protection, considering in particular his or her personal circumstances and the nature of the offense. However, the court retains a discretion as to whether the use of a videoconference method is appropriate to a particular case. There is some preliminary evidence, that the use of video- conferencing has risen due to the COVID 19 pandemic (March 2020 onwards).

	In early 2019, legislative changes (423/2018, HE 200/2017) expanded different parties' possibility to participate in criminal hearing via videoconferencing. Due to the expansion of videoconferencing, a victim of a crime has a broader right to participate in judicial proceedings through video. It is still up to the court to decide whether on a particular case videoconferencing is used. In the preparation of the legislation, it was argued that videoconferencing can make the process more effective and cut costs. Another benefit of participation through video is that it can reduce the mental strain that the victim is under when they must again go through the incident or encounter the perpetrator.
Legal framework for implementing the practice	The Victims' Rights Directive (Article 23 (3b)) states that a victim of crime may be heard in the courtroom without being present, in particular through the use of appropriate communication technology. In national legislation: (1) the Course of Judicial Proceedings Act (1.1.1734/4) (2) the Criminal Investigations Act (22.7.2011/805) (3) the Criminal Procedure Act (11.7.1997/689)
Can the practice be used, replicated by other stakeholders as well? (taking into account the specifics of the practice)	The European Union Victims Directive 2012/29/EU calls for video recording of interviews and allowing its use in court, as well as videoconferencing as a method to protect vulnerable victims. These video-related practices would be applicable in every Member States in case adequate equipment and skills for the use of such methods is available.

GERMAN PRACTICES

Gewaltschutzambulanz (violence protection outpatient clinic) Berlin

Institution(s)	Several <i>Gewaltschutzambulanzen</i> or similar programmes
Period of time since the practice is used	Since 2014 (Charité n.d.). Permanent
Area of implementation	Local/regional (Berlin)
Practice applicability (all victims of crime / certain categories)	Adult and child victim witnesses of domestic violence, interpersonal violence, sexual crimes (§§ 174 ff., §§ 223 ff StGB ⁵) <small>⁵ Strafgesetzbuch (StGB): Criminal Code.</small>
Practice description	<p>The Gewaltschutzambulanz (GSA) (violence protection outpatient clinic) Berlin is a forensic medical facility, which is not part of an investigative authority. The GSA creates a free forensic medical documentation of visible injuries caused by criminal acts. Only specially trained forensic doctors work in the GSA, which are bound by medical secrecy. The forensic evidence is court-proof and can later be used for legal proceedings (criminal, civil and/or family court). The evidence is stored securely. The victims decide for themselves whether they want to use the secured evidence in the context of a criminal complaint. Their self-efficacy remains intact.</p> <p>In the first five years since the establishment of the GSA in Berlin, 4,700 victims sought help at the violence protection outpatient clinic, indicating how important the work of the GSA is (Ärzteblatt 2019). At the GSA, crime victims receive advice on further assistance. Information is offered to victims also in other languages than German and also in easy language (Charité 2014). Mobile counsellors of the organisation <i>Opferhilfe e.V.</i> also work in the rooms of the violence protection outpatient clinic. They not only clarify the victims' living conditions and their need for help, but also accompany them to the authorities or to a women's shelter (BMFSFJ 2020).</p>

Legal framework for implementing the practice	No legal basis, as it is not part of the criminal justice system in the strict sense
Can the practice be used, replicated by other stakeholders as well? (taking into account the specifics of the practice)	The practice cannot be used by other institutions. The practice or similar projects are also implemented in other federal states (e.g. <i>ProBeweis</i> of the Hannover Medical School, <i>Gewaltschutzambulanz</i> of the Ludwig-Maximilians-University Munich etc.).

Public prosecution offices specialist departments

Institution(s)	Public prosecution offices
Period of time since the practice is implemented	Permanent
Area of implementation	Regional - Specialist department of the public prosecution office for the prosecution of sexual crimes (Senate Administration for Justice, Consumer Protection and Anti-Discrimination Berlin)
Practice applicability (all victims of crime/certain categories)	Victims of sexual crimes [offences against sexual self-determination] (§§ 174-184j StGB)
Practice description	<p>In Germany, the public prosecution office (<i>Staatsanwaltschaft</i>) is obliged to follow-up on each initial suspicion based on the principle of legality (§ 152(2) StPO⁶, § 160(1) StPO). The public prosecution offices specialist departments - so-called Sonderdezernate or Fachabteilungen - have been set-up for sexual crimes, where specialised trained judicial staff work that e.g. have specialised knowledge in interviewing alleged victims (Dr. Böttner Rechtsanwalt n.d.).</p> <p>In the Staatsanwaltschaft Berlin such a specialist department has been established, in which specialised trained and sensitised prosecutors work that regularly participate in continuing training programmes on the topic of sexual crimes and dealing with alleged victims. Further, this specialised department has strong networks with</p> <p><small>⁶ Strafprozeßordnung (StPO): Criminal Procedure Code.</small></p>

	specialised counselling centres and the specialised department of the <i>Landeskriminalamt</i> (LKA) (state criminal police office). The strong ties to other specialists ensure that this specialist department can meet the needs of their victim witnesses.
Legal framework for implementing the practice	Victims of sexual crimes [offences against sexual self-determination] (§§ 174-184j StGB) <i>Principle of legality</i> (§ 152(2) StPO, § 160(1) StPO).
Can the practice be used, replicated by other stakeholders as well? (taking into account the specifics of the practice)	<p>The practice can be used by other public prosecution offices in other federal states in Germany. Additionally, other specialized departments can be set-up in the public prosecution offices. The German Women Lawyers' Association (DJB) has e.g. set-up a list showing how these specialized departments for domestic violence function in the given federal states (DJB 2012).</p> <p>Further, the police can also set-up specialized departments for sexual crimes, which have been committed in the given federal state.</p>

Victim support & psychosoziale Prozessbegleitung (psycho-social process support)

Institution(s)	Federal states' district and regional courts (victim support) (judicial) state institutions such as victim support services, victim protection organizations as well as NGOs (psycho-social process support)
Period of time since the practice is used	Witness support since mid-1990s Psycho-social process support since 2017
Area of implementation	regional (victim support) (Bavarian State Ministry of Justice) national (psycho-social process support)

Practice applicability (all victims of crime/certain categories)	<p>Victim witnesses (victim support)</p> <p>children, minors and people, who are unable to defend themselves, who are victims of severe sexual or violent offences or persons, who are victims of severe violent offences, such as e.g. grievous bodily harm, robbery, human trafficking (§397a (1 Nr.5) StPO) (psycho-social process support)</p>	
Practice description	<p>Victim support (Zeugenbetreuung) in criminal proceedings are offered locally in district and regional courts. The purpose of this victim support is to counteract unnecessary burdens on victims through the criminal proceeding. The victim supporters (mainly with a professional social work background) act as contact persons in all questions on the criminal proceeding and take care of witnesses prior, during and after the trial. Victim support services have their own rooms in the district and regional courts, which are also equipped with toys. These rooms offer a safe space for victims during waiting times in criminal proceedings. In a quiet atmosphere, the injured party is informed about the court proceeding as well as rights and obligations as injured party and victim. The victim support enables that victims can get to know the court room beforehand and can be personally accompanied to the court proceeding.</p> <p>For victims that are crime victims, there is the further possibility of receiving psycho-social process support (Psychosoziale Prozessbegleitung). Hereby victims have the possibility to receive intensive, professional, non-judicial support throughout the whole criminal proceeding. Aim of the psycho-social process support is to reduce the risk of individual burdens for the injured party and to prevent <i>secondary victimisation</i> during the criminal proceeding. In cases, in which the victims are minors or particularly vulnerable adults and have</p>	<p>been victims of severe crimes, the possibility exists that courts can order psycho-social process support. Psycho-social process support is offered by (judicial) state institutions such as victim support services, victim protection organizations as well as NGOs. In some federal states, the possibility exists that victim witnesses are also accompanied by a <i>Prozessbegleiter*</i> in during the criminal proceeding in court.</p> <p>Legal framework for implementing the practice</p> <p>§48(2) StPO; 406f(2) StPO (for Victim Support in criminal proceedings). §406g StPO; Law on psycho-social support (PsychPbG) (for psycho-social process support).</p> <p>Can the practice be used, replicated by other stakeholders as well? (taking into account the specifics of the practice)</p> <p>The practice can be used by courts in other federal states in Germany. Psycho-social process support is only offered by specially trained professionals that have a professional background in social work, social pedagogy, psychology, or similar and have completed a training in <i>Psychosoziale Prozessbegleitung</i>.</p>

ROMANIAN PRACTICES

Programme for the coordination of victims of human trafficking in criminal proceedings

Institution(s)	In Romania, the efforts to protect victims of human trafficking are also found in the measures taken during the criminal process, from the identification of the victim to the completion of the trial. To this end, the National Agency Against Trafficking in Persons (ANITP) ⁷ , in partnership with the General Inspectorate of the Romanian Police (IGPR), the General Inspectorate of the Border Police, the General Inspectorate of the Romanian Gendarmerie (IGJR) and the Directorate for the Investigation of Organized Crime and Terrorism (DIICOT) have intensified and coordinated their efforts, through the implementation of the "Programme for the Coordination of Victims of Human Trafficking in Criminal Proceedings". ⁷ National Agency against Trafficking in Persons http://anitp.mai.gov.ro/
Period of time since the practice is used	The programme is implemented in Romania since 2008. The programme is carried out for an indefinite period.
Legal framework for implementing the practice	The programme is based on an Interinstitutional Cooperation Protocol on the coordination of victims of human trafficking in criminal proceedings.
Area of implementation	The programme is implemented at national level. In specific situations, cooperation with foreign institutions takes place. At the request of the judicial authorities of the state where the criminal investigation was carried out, victims of human trafficking under ANITP monitoring are offered support in order to participate in judicial proceedings in that state, in various forms, such as: <ul style="list-style-type: none">• planning and organizing travel abroad.• planning and organizing the hearing in a video conference / online system.• accompanying and assisting the victim during the trip, but also during the judicial proceedings in the state of destination.

Practice applicability (all victims of crime/certain categories)	The programme targets victims of human trafficking exploited in Romania, as well as victims who are Romanian citizens exploited abroad.	
Practice description	<p>The objectives of the programme are:</p> <ul style="list-style-type: none"> • increasing the number of victims of human trafficking to become injured parties or witnesses in criminal proceedings. • increasing the degree of participation of victims of human trafficking in the phases of the criminal process. • respecting the rights of the person related to participation in all phases of the criminal process. • improving the knowledge of the victim on the applicable judicial and administrative procedures. • facilitating the access of victims of human trafficking, who have come into contact with the criminal investigation bodies, to specialized assistance services. <p>According to the collaboration protocol, the National Agency Against Trafficking in Persons has stipulated the following attributions regarding the implementation of the coordination programme for victims of human trafficking in criminal proceedings:</p> <ul style="list-style-type: none"> a) to inform the specialized structures within DIICOT or IGPR about the identification of victims of human trafficking who wish to participate as witnesses or injured parties in the criminal proceedings, in order to prosecute traffickers. b) to maintain contact with the person until the cases are resolved, including in situations where he or she did not wish to receive assistance and protection measures during the criminal proceedings. 	<p>c) to ensure, upon request, either directly or with the support of the institutional partners, the information of the person on the aspects related to the participation in the criminal trial and the conduct of the case, in the situation where he / she has procedural capacity.</p> <p>d) to assist, at the request of the prosecutor and with the consent of the court president, the victim of human trafficking during the court hearing.</p> <p>e) to request the IGPR to elaborate the risk assessment regarding the victim of human trafficking under the coordination of ANITP within the criminal process, in order to establish the protection measures.</p> <p>f) to cooperate with IGPR and IGJR for the accomplishment of the procedural activities requested by DIICOT, in the phase of criminal investigation, regarding the transport and protection of victims of human trafficking, through the subordinated structures.</p> <p>g) to liaise with the DIICOT prosecutor and the delegated officer in the case, in order to achieve the objectives of coordinating victims of trafficking in human beings.</p>
	Can the practice be used, replicated by other stakeholders as well?	This programme is specially designed for victims of human trafficking, but the way in which it was carried out and the fact that hundreds of victims received adequate support can serve as an example for other national authorities to adapt the strategy used for other categories of victims, because supporting the victims of crime always requires a multidisciplinary and interinstitutional approach (aspect considered by this programme).

Juvenile and Family Tribunal

Institution	Juvenile and Family Tribunal Brasov
Period of time since the practice is used	Operating in Brasov, Romania, since 2004.
	<p>It was established by Order of the Minister of Justice no. 3142 / C / 22 in November 2004 and started operating in the city of Brasov starting with this date. It started as a pilot project and over the years the court had very good results in solving civil and criminal cases involving minors, meeting the current European requirements for the protection of the rights of minors. The activity of the court is in accordance with the provisions of the Law no. 304/2004 on judicial organization, republished, with subsequent amendments and completions -Article 36 (3) stipulates that specialized courts may be established and can operate at the level of counties and of the municipality of Bucharest.</p>
Area of implementation	The Brașov Juvenile and Family Tribunal is within the territorial jurisdiction of the Brașov Court of Appeal, together with the Brașov Tribunal and the Covasna Tribunal, and has its headquarters, together with the Brașov Tribunal and the Brașov District Court, in the municipality of Brașov.
Practice applicability (all victims of crime / certain categories)	Minor victims
Practice description	<p>The Brașov Juvenile and Family Court solves both civil, juvenile and family cases, as well as criminal cases.</p> <p>Its jurisdiction - material and functional - includes <i>criminal cases</i> - in which at least one of the defendants or one of the injured persons / civil parties are minors (in the first instance, cases of tribunal competencies and the appeal procedure regarding decisions pronounced by the district courts from its territorial area, with reference to preventive measures, precautionary and security measures, judgments rendered in the matter of</p>

	<p>execution of criminal judgments or rehabilitation), as well as <i>civil cases</i> - in first instance (placements and adoptions), and appeal cases (cases regarding minors and families pronounced by the courts within its territorial jurisdiction). From the point of view of territorial competence, the Juvenile and Family Tribunal Brașov has jurisdiction at the level of Brașov County, being a court of judicial control in the matters mentioned for the courts of Brașov, Făgăraș, Rupea and Zărnești.</p> <p>At the level of the tribunal, there are specialized panels for solving cases in the first instance. All judges have a double specialization, respectively in civil law (regarding the family relations and the protection of the minor), as well as criminal law cases/matters. By way of example, some quantitative/statistical information on the tribunal's activity⁸:</p> <p>number of solved cases year 2019: 1,404 number of solved cases year 2018: 1,234 number of solved cases year 2017: 1,291</p>
Can the practice be used, replicated by other stakeholders as well? (taking into account the specifics of the practice)	<p>Although there is a legal framework for the establishment of courts specializing in solving criminal and civil cases involving minors, at present there are not enough of these tribunals available at national. Given the high number of minor victims, such courts should be set-up. Failure to resolve the cases within a reasonable time due to the burden of the courts with files of another legal nature, may have long-term consequences on the minor, maybe also being suffered in their adulthood. The establishment of such courts could be achieved with the allocation of appropriate financial resources from national governments, ministry of justice, with the in-depth specialization of more magistrates on child rights issues under national and international law.</p>

Provisional protection order for victims of domestic violence

Institution(s)	Romanian Police
Legal framework for implementing the practice	<p>Law 174 / 13.07.2018 on amending and supplementing Law 217/2003 for preventing and combating domestic violence.</p> <p>Before the legislative changes occurred in 2018, in order to obtain the protection order, a procedure had to be followed before the court. As a result of the legislative changes, the police can issue this provisional protection order much faster.</p>
Area of implementation	National
Practice applicability (all victims of crime/certain categories)	Victims of domestic violence
Practice description	<p>The provisional protection order (OPP) is issued by the police officers who, in the exercise of their duties, find that there is an imminent risk that the life, physical integrity or freedom of a person may be endangered by an act of domestic violence. The police officers ascertain the existence of the imminent risk based on the assessment of the factual situation resulting from the obtained evidence and a risk assessment form. If, as a result of the risk assessment, it is found that the conditions for issuing the provisional protection order are not met, the police has the obligation to inform the persons who claim to be victims of domestic violence about the possibility of making a request for issuing a protection order from the court. The provisional protection order issued by the police officer provides one or more protection measures for a period of five days:</p> <ul style="list-style-type: none"> - temporary eviction of the aggressor from the common home, regardless of whether he is the owner of the property;

	<ul style="list-style-type: none"> - reintegration of the victim and, if applicable, of the children in the common home; - obliging the aggressor to maintain a determined minimum distance from the victim, from his/her family members, or from the residence, place of work or educational unit of the protected person/s; - forcing the aggressor to hand over the weapons in his possession to the police. <p>The provisional protection order also includes the information that the violation of any of the ordered measures constitutes a crime and is punishable by imprisonment from one month to one year.</p> <p>The five day period is calculated per hour, i.e. 120 hours from the time the provisional protection order was issued. The provisional protection order is communicated to the aggressor and the victim. The provisional protection order is submitted by the police unit to the prosecutor's office attached to the competent court in whose territorial area it was issued, within 24 hours from the date of issue.</p> <p>The prosecutor from the competent prosecutor's office decides on the need to maintain the protection measures ordered by the police body within 48 hours from the issuance of the provisional protection order. If the prosecutor finds that it is no longer necessary to maintain the protective measures ordered, the prosecutor may reasonably order the cessation of the protective measures, stating the moment from which they cease.</p> <p>If the prosecutor confirms the need to maintain the protection measures ordered by the police through the provisional protection order, he/she will apply an administrative resolution on its original copy. The prosecutor will then submit the OPP, accompanied by the documents underlying its issuance and confirmation</p>
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	<p>to the competent court in whose territorial area it was issued, accompanied by a request for the issuance of the protection (OPP with a maximum duration of six months). The initial duration (of five days) for which the OPP was ordered is extended with the duration necessary to fulfill the judicial procedure for issuing the OPP, informing the aggressor about this fact. The OPP can be contested in the competent court within 48 hours from the communication.</p>
Can the practice be used, replicated by other stakeholders as well? (taking into account the specifics of the practice)	A protection order issued directly by the police can ensure better protection for victims of domestic violence, in a timely manner. Currently it is applied at national level only for this type of victims, but it would be useful to use it also to protect victims of sexual harassment/other forms of aggression.

SPANISH PRACTICES

Victim's Status in Legal Procedure as Private Prosecutor

Institution	Red Jurídica (Law Firm)
Period of time since the practice is used	Since 1882. Reinforced for gender-based violence victims at least since 2015
Legal framework for implementing the practice	- Royal Decree dated 14th September 1882, on Criminal Procedure Code (Art. 110 on Private Prosecution). - Spanish Constitution, 1978 (Art.21.1, Art. 125) - Law 4/2015, 27th de April, on the Statute of the Victim of the Crime.
Area of implementation	National level
Practice applicability (all victims of crime / certain categories)	All victims of crime
Practice description	<p>Spanish criminal proceedings allows that a victim can take part in criminal proceedings with an active role as a private prosecutor. This option in the Spanish national law is in line with the plurality of accusers, foreseen in the Spanish Constitution. It appears as a novel element in the Spanish legislation with respect to other legal proceedings, in which only one possible accusation and that is the public accusation is dealt with.</p> <p>The constitutional recognition of the right of the victim to exercise criminal and civil actions is part of the right to effective judicial protection, right to a high level of protection in the Spanish law.</p> <p>In addition to the official nature of the prosecution action entrusted to the Public Prosecutor's Office, other channels are established, including the possibility that the person harmed by the crime may act as the accuser. This right to active participation of the victim in the process has been consecrated and developed by the Law 4/2015, of 27 April 2015 on the Statute of the Victim of Crime.</p>

	<p>A victim can act as private prosecutor, before the indictment is prepared; i.e. before the start of the oral proceeding, except in the case of criminal proceedings against a minor.</p> <p>The victim will be represented by his/her lawyer, who will defend the case, and by her/his court representative, who will represent the victim formally in the proceedings.</p> <p>In any case, the public prosecution will continue being carried out by a public prosecutor when the consideration of the public prosecutor's office is to move forward with the prosecution.</p> <p>The main advantages of being a private prosecutor is that the victim's lawyer will have access to the case documents, and other rights, very similar to those of the public prosecutor:</p> <ul style="list-style-type: none"> • to request the collection of more evidence; • to propose new witnesses or experts who will support their case; • to propose confrontations, etc. • to be informed of all the procedural orders taken so that the relevant appeals can be submitted in proper time; • the victim may request the conviction of the aggressor and compensation for the injuries, damages and losses suffered. <p>Given the importance of the impulse of the measures and proceedings in court, the private prosecution is a particularly important figure for victims of offences related to gender-based violence: they are assisted by a specialized lawyer from the beginning of the criminal proceeding.</p> <p>Following the reform of the Organic Law on the Judiciary (LOPJ) with Organic Law 7/2015, the courts with jurisdiction for violence against women also deal with offences against privacy, the right to self-image and honour of women and the offence of contempt of court or disregarding an interim measure.</p>
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	<p>In private prosecution (cases), the work from specialized lawyers as Red Jurídica mainly focus on:</p> <ul style="list-style-type: none"> • to provide legal assistance for victims from the moment prior to filing the complaint or prior to requesting precautionary measures for protection; • to guarantee the victim's right to be accompanied at police or in the judicial proceedings by a person of her/his choice; • to guarantee the victim's right not to be confronted visually/personally with the person being denounced; to ensure that all measures are fulfilled regarding the protection of self-image and honour.
Statistics	<p>In Spain, a total of 168,057 reports of gender-based violence were recorded in 2019 (35,7% per 10,000 inhabitants). In the same year, a total of 40,720 protection orders were issued; 93,5% at the request of the victim in the exercise of this Status of Private Prosecution and only 5% at the request of the Public Prosecutor's Office.</p>

THE MUNICIPAL VICTIM ASSISTANCE SERVICE (S.A.V.) – Local Police of Fuenlabrada, Region of Madrid

Institution	SERVICIO DE POLICIA LOCAL DE FUENLABRADA (SPLF) FUENLABRADA LOCAL POLICE SERVICE
Legal framework for implementing the practice	Law 4/2015 of 27th April 2015 on Statute of the Victim of the Crime and Royal Decree 1109/2015 of 11th December 2015 implementing Law 4/2015 of 27th April 2015 on the Statute of the Victim of the Crime and regulating the Crime Victim Support Offices.
Area of implementation	Local
Period of time since the practice is used	Since 2000

Practice applicability (all victims/certain categories)	<p>The service is offered to all types of crime victims. Due to the frequency and crime rates, the service is mainly specialized on victims of gender-based violence.</p>	<p>In the field of psychological support, the S.A.V. provides:</p> <ul style="list-style-type: none"> • emergency support; • treatment aimed at overcoming trauma and reducing sequels; • coordination with other public resources such as the social workers system. <p>The S.V.A. offers social support:</p> <ul style="list-style-type: none"> • attention to urgent needs and risk reduction; • information on public and free of charge resources • coordination and referral to specialized resources; • advice on aid and compensation. <p>The S.V.A. staff supports in following mediation matters:</p> <ul style="list-style-type: none"> • extra-judicial mediation in conflicts.
Practice description	<p>The Municipal Victim Assistance Service (S.A.V.) is a free service provided by professionals specialized in assisting victims of any crime, antisocial and/or traumatic acts.</p> <p>Victims of injury, damage for sexual assault, gender-based violence, robbery, theft, fraud, medical negligence, coercion, harassment, threats, traffic accidents, school bullying, youth violence, neighborhood disputes, can turn to the S.A.V.</p> <p>The S.A.V. works in close cooperation with the local police service of Fuenlabrada city, in the Region of Madrid, and the whole network of local resources. As result of this coordination and based on the service experience, the local police of Fuenlabrada started a new approach in certain crime cases, in particular those referred to racism and discrimination, designing the first protocol in Spain for non-discriminatory police investigations. They have also implemented a special unit for Diversity Management. Several actions and awareness campaigns have been developed⁹.</p> <p>The service offers protection especially at the investigation level, guiding the victim in all the procedures, taking into account the safety and psychological needs.</p> <p>The S.A.V offers legal assistance:</p> <ul style="list-style-type: none"> • information and advice on victims' rights; • advice on legal proceedings; • monitoring of the actions undertaken; • activation of protection measures; • coordination with other resources or with judicial bodies. 	
		<p>Statistics</p> <p>Each year the S.A.V from Fuenlabrada supports around 600 crime victims.</p> <p>During COVID 19 pandemic lockdown period (March to May 2020) the S.A.V supported 34 new cases of gender-based violence and a total of 324 actions.</p> <p>Can the practice be used, replicated by other stakeholders as well? (taking into account the specifics of the practice)</p> <p>The actions carried out by this Service can be replicated as a model of approach. S.A.V. can meet the demand of any institution and share its know-how, under previous request.</p>

Specialized Service in Public Prosecutor's Office for hate crimes and against discrimination through a network of Delegated Prosecutors

Institution	Network of Delegated Prosecutors for hate and anti-discrimination crimes in the Public Prosecutor's Office
Period of time since the practice is used	The Service is implemented in Catalonia - Barcelona- first in 2009, to be after established nationwide since 2011 for an indefinite period.
Legal framework for implementing the practice	<ul style="list-style-type: none"> - Regulation of the functions of specialized prosecutors, Art. 20.2. of the Organic Statute of the Public Prosecutor's Office - Organic Law 1/2004, of December 28, on Comprehensive Protection Measures against Gender Violence. - Organic Law 3/2007, of March 22, for the effective equality of women and men - Law 19/2007, of 11 July, on violence, racism, xenophobia and intolerance in sport Organic Law 1/2015, March 30, modifying art.510 of Penal Code - Law 4/2015, of April 27, on the Statute of the Victim of Crime. - Instruction 7/2019 of 14 May, with guidelines to help prosecutors to identify hate crimes based on Article 510 of the Spanish Penal Code. The document refers to many judgments of the European Court of Human Rights, and is therefore based on jurisprudence at EU level.
Area of implementation	National and regional level
Practice applicability (all victims of crime/certain categories)	Victims of discrimination and hate crimes
Practice description	In order to provide attention, identify and prosecute crimes related to discrimination and hate crime, the Provincial Prosecutor's Office of Barcelona (under command of the Superior Prosecutor of the Autonomous Community of Catalonia) established the first service specialized in hate crimes in October 2009. From this Service, the first police protocol on the investigation of hate crimes was issued, the Police

	<p>Corps of the Autonomous Community of Catalonia (Mossos d'Esquadra), and the subsequent ones developed by the Ministry of the Interior, in 2013, were promoted. The inclusion of training concerning these specific crimes was also promoted in law enforcement as well as in judicial and fiscal careers.</p> <p>In 2011, the Delegated Chamber Prosecutor for the criminal protection of equality and against discrimination was created, this legal position paved the way for the current figure and since 2015 is called the Coordinator Delegated Chamber Prosecutor for hate crimes and against discrimination, valuing specialization within the Public Prosecutor's Office.</p> <p>At the territorial level, in each Provincial Prosecutor's Office, Delegated Prosecutors have been appointed at the forefront of the area of hate crimes and discrimination and they have the support and collaboration of a Liaison Prosecutor in certain areas such as that dedicated to cybercrime (many times there is a special relationship between the cybercrime and the hate crimes). Delegated Prosecutors work also in close coordination with professionals from areas related to minors, foreigners, and disabled persons.</p> <p>The network of Delegated Prosecutors implies important advances for greater awareness and training for all those officials and professionals involved in the long and sometimes complex judicial process. Against this background, the Center for Legal Studies and Specialized Training of the Government of Catalonia published a Practical Manual for the Investigation and Prosecution of Hate crimes and discrimination in 2015. The publication of the practical manual was initiated by Miguel Angel Aguilar, the Prosecutor Coordinator of the Hate Crimes Service and the Provincial Prosecutor's Office of Barcelona with the aim of providing practical tools for the investigation phase, for police and justice, and for the prosecution of criminal offences caused by hatred or discrimination.</p>
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Practice applicability (all victims/certain categories)	<p>Likewise, other positive practices have emerged from the practice of a specialized service such as the training and psychological treatment programme that was launched by the Directorate General for Alternative Criminal Measures of the Department of Justice of the Government of Catalonia. This is applicable to those people convicted of crimes motivated by hatred or discrimination.</p> <p>The convicts obtain the suspension of the penalty with the assistance to human rights programmes aimed at the acceptance of the diversity of people and the prohibition of discrimination, as well as the acquisition of values of equality, tolerance and interculturality.</p> <p>In 2013, the Agency for Fundamental Rights of the European Union (FRA) at its annual meeting in Vilnius (Lithuania) recognized the Hate Crimes Service of the Provincial Prosecutor's Office of Barcelona as a good European practice.</p>
Statistics	The 2019 report of the Public Prosecutor's Office collected data on the judicial procedures on which these prosecutors followed-up: 744 cases in total, 129 open investigation proceedings, 146 indictments and a total of 133 sentences.

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¹¹ Literally translated from German: Raped? – This is how anonymous forensics works. The BMFSFJ describes how violence protection outpatient clinics function and what type of support is available at these clinics.

¹² Literally translated from German: djb-survey on the implementation of the 2011 violence protection act – the answers. The djb describes several matters on the implementation of the violence protection act, whereby it also lists specialized departments for matters of domestic violence in the given German federal states.

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