

FRANET

**Victim Support Services in the EU:
An overview and assessment of
victims' rights in practice**

Malta, 2014

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1. Part A:

The information presented in this phase is primarily based on analysis of the country specific reports received in phases 1 and 2 of the project; the general overview of the situation of victim support in Member States (phase 1) and the more in depth exploration of the situation, including promising practices which offer support to victims of crime in different ways (phase 2). Information has also been taken from secondary sources such as the 2009 APAV study on Victims in Europe.¹ While phase 2 of the project was divided into two parts, focussing firstly on generic victim support services and secondly on specialised areas of victim support, this third phase of the project, comprised of Parts A and B, will focus principally on the structure or lack thereof of generic victim support services; although a limited number of questions relate to specialised areas of victim support. For this part, please provide detailed, concise answers. For guidance purposes, sample answers are often provided, which primarily draw on information provided in country-specific reports from phases 1 & 2 of the project. When returning your report to the FRA, please ensure that all sample answers have been deleted, as these are for guidance purposes only and should not form part of your response. In addition, in cases where your country is one of the examples provided, please review and revise the information as necessary, as the information provided may be outdated.

2.1 Scenarios

In the following situations, please describe the referral system (from police to victim support organisation) in the current victim support structure in your country; including whether police routinely refer the victim to a support service; where is the victim referred and who deals with the case in the end (as a guideline, keep to 2 or 3 sentences (maximum) per question within each scenario. Please choose either 'Yes' or 'No' for questions a. and c of each scenario, in addition to questions 6-13 and provide comments in the 'Description' field. For questions b and d, please provide your comments directly in the 'Description' field).

	Scenario	Questions	Yes	No	Description (max 1-3 sentences)
1	A female who has been beaten by her partner and calls the police	a. Do the police routinely refer the victim to a support service?	X		There is a Memorandum of understanding between the Police and Victim Support Malta which is mostly used by the Criminal Investigation Department and the Vice Squad. The victim is informed about the services which they provide and the Police may eventually do such referral, should the victim agree. This service however does not extend to crimes reported to district police.

¹ Aa, S. van der et al. (2009), *Project victims in Europe – Implementation of the EU Framework Decision on the standing of victims in the criminal proceedings in the Member States of the European Union*, Lisbon (see http://www.apav.pt/vine/images/report_vine_eng.pdf. All hyperlinks accessed on 12 May 2013.

		b. If yes, please name the service(s)	-	-	Victim Support Malta (VSM)	
		c. Do the police routinely contact this service on behalf of the victim?	X		Should the victim consent, the Police refer his/her details to VSM, who in turn then contacts the victim.	
		d. Which support service would in the end deal with such a case?	-	-	VSM and sometimes Aġenzija Appoġġ (Appoġġ Agency) since such Agency has a specialised Domestic Violence Unit.	
2	A teacher reports the sexual abuse of a child to the police	a. Do the police routinely refer the victim to a support service?	X		In such cases the Police opt for a referral to Aġenzija Appoġġ (Appoġġ Agency) to ensure that the child is given proper psychological support to minimise the damage caused by the offender. Family members, on the other hand, may be referred to VSM for assistance in coping with this trauma. In cases of child protection the Police refer the case to the Child Protection Services of Aġenzija Appoġġ (Appoġġ Agency).	
		b. If yes, please name the service(s)	-	-	Aġenzija Appoġġ (Appoġġ Agency) and VSM.	
		c. Do the police contact this service on behalf of the victim?		X		The Police contact Aġenzija Appoġġ (Appoġġ Agency) or VSM who in turn deal with the case.
		d. Which support service would in the end deal with such a case?	-	-		Aġenzija Appoġġ (Appoġġ Agency) and VSM.

3	A person calls the police following a burglary in their apartment	a. Do the police routinely refer the victim to a support service?	X		There is a Memorandum of understanding between the Police and Victim Support Malta (VSM) which is mostly used by the Criminal Investigation Department and the Vice Squad. The victim is informed about the services which they provide and the Police may eventually do such referral, should the victim agree. This service however does not extend to crimes reported to district police.
		b. If yes, please name the service(s)	-	-	VSM
		c. Do the police contact this service on behalf of the victim?	X		Should the victim consent the Police refer his/her details to VSM, who in turn then contacts the victim.
		d. Which support service would in the end deal with such a case?	-	-	VSM
4	A person is the victim of a racist attack by a gang of youths	a. Do the police routinely refer the victim to a support service?		X	There is no referral in these cases since this is not covered by the Protocol referred to in Point 1a.
		b. If yes, please name the service(s)	-	-	
		c. Do the police contact this service on behalf of the victim?		X	There is no referral.
		d. Which support service would in the end deal with such a case?	-	-	There is no referral system for such cases, therefore no support service will deal with such cases, unless the victim contacts the support service him/herself.

5	An elderly person is mugged on the way home from collecting their monthly pension and is in urgent need of financial assistance	a. Do the police routinely refer the victim to a support service?	X		There is a Memorandum of understanding between the Police and Victim Support Malta which is mostly used by the Criminal Investigation Department and the Vice Squad. The victim is informed about the services which they provide and the Police may eventually do such referral, should the victim agree. This service however does not extend to crimes reported to district police. ²
		b. If yes, please name the service(s)	-	-	VSM liaises with other charitable institutions since VSM cannot offer financial assistance. VSM contacts such institutions and makes the grant request on the victim's behalf. ³
		c. Do the police contact this service on behalf of the victim?	X		Should the victim consent, the Police refers his/her details to VSM, who in turn then contacts the victim.
		d. Which support service would in the end deal with such a case?	-	-	VSM liaises with other charitable institutions. ⁴
6a	In relation to how police deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.		X		Each case is treated on its own merits. Victims who have a disability are treated as equal as other victims. Still sometimes special measures are taken especially in terms of communication and mobility. One must note that irrespective of disability, race or status, all needs of victims are addressed and respected. ⁵

² Information was submitted by the Community and Media Relations Unit (CMRU), Department of Police upon request (written response of 2 May 2013).

³ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

⁴ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

⁵ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

6b	In relation to how victim support services deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.		X	There are no special measures, however cases are dealt with on an ad hoc basis, e.g. if there are mobility issues VSM meets victims in an accessible place. ⁶
7a	In relation to how police deal with victims, are there special measures in place for victims who are migrants with illegal residency status ⁷ ? If yes, describe them. If no, please provide a justification/explanation.		X	Each case is treated on its own merits. Victims who have a disability are treated as equal as other victims. Still sometimes special measures are taken especially in terms of communication and mobility. One must note that irrespective of disability, race or status, all needs of victims are addressed and respected. ⁸
7b	In relation to how victim support services deal with victims, are there special measures in place for victims who are migrants with illegal residency status ⁹ ? If yes, describe them. If no, please provide a justification/explanation.	X		Such cases are dealt with utmost confidentiality in accordance with VSM's Confidentiality Policy. Having regard to the particular sensitivity of such cases, the organisation ensures that no third party is aware of the victim's status. This makes certain routes inaccessible, for example the legal route. However, psycho social support is still provided. ¹⁰
7c	Are migrants with illegal residency status excluded from accessing support from victim support organisations in practice?		X	Victim support services assist victims irrespective of status. ¹¹
8	Is access to victim support services dependent on a victim making a formal complaint to competent authorities (e.g. the police)?		X	Victim support services assist victims irrespective of whether a formal complaint has been lodged or not. ¹²
9	In practice, do victim support services afford preferential treatment to victims who have agreed to cooperate with a police investigation into the crime they have experienced (e.g. by dealing with them more rapidly than victims who are not cooperating with a police investigation)?		X	Victim support services assist victims irrespective of their cooperation or otherwise with the police. ¹³

⁶ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

⁷ Please note that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is 'migrants in an irregular situation.' For the purposes of these guidelines however, reference will be made to 'migrants with illegal residency status.'

⁸ Information was submitted by the Community and Media Relations Unit (CMRU), Department of Police upon request (written response of 2 May 2013).

⁹ Please note that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is 'migrants in an irregular situation.' For the purposes of these guidelines however, reference will be made to 'migrants with illegal residency status.'

¹⁰ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

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10a	In reference to part 'c' of questions 1-5, in the event that police contact victim support services on the victim's behalf, is there an automatic transfer of the victim's data? ¹⁴		X	Unless the victim gives consent there is no automatic transfer of data. ¹⁵
10b	If the answer to 10a above is yes, is the police obliged to obtain the victim's permission/consent for the data transfer?			n/a
10c	Is there a legal basis for the communication/transfer of the victim's data? What is it?		X	

2.2 Institutional aspects: role of state in victim support structure

In the following section, please complete/verify the information requested in the following tables, placing your country in the appropriate category, or, where information is provided, checking the accuracy of the information and revising as necessary (i.e. by moving your country name from the incorrect column to the correct column along with a justification).

2.2.1 Models of generic victim support

Generic victim support organisations are for the present purposes defined as “**not limited to helping a particular type of victim of crime**”. With the above definition in mind, please:

a) Review the list and short description of structure of generic victim support organisations operational in your country provided for in Annex 2 and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned. **Countries listed in Annex 2 shaded in green (and in category 'A' below) have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations. These countries should provide a short list (in Annex 2) of the main organisation(s) providing victim support in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list). As a default, please select the area 'Domestic violence and stalking'.**

b) Place your country in one of the following categories (A, B, C, D or E) and provide an explanation about why your country should be placed in that group. For each group, one example has been provided for guidance purposes. If your country is one of the examples provided, please review and revise the information as necessary, placing your country in a different group if the information provided is incorrect. **Please delete all examples from your response and insert your country name in only ONE column.** (Note: only country codes are listed. For full country names, please refer to Annex 1).

¹⁴ For example, personal data (name, address etc.) as well as any relevant details relating to the incident being transferred rather than having to be supplied again by the victim.

¹⁵ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

A: No generic victim support provider exists	B: At least one generic victim support service provider exists at national level. The main provider or structure is state run and state funded	C: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run but relies strongly on state funding	D: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run and does not rely strongly on state funding	E (OTHER) – if you cannot place your country in any of the other categories, please describe
EL, BG, IT, LT, LV, RO, and SI	HU	NL MT	DE	
Explanation/justification:	Explanation/justification:	Explanation/justification: The main organisation providing generic victim support services in Malta is Victim Support Malta, a national NGO which offers psycho social support as well as legal advice to victims of various crimes. In 2012 50% of the funding was provided by state funding and 50% as a result of EU projects. ¹⁶	Explanation/justification:	Explanation/justification:

¹⁶ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

2.2.2 Public coordination of victim support services

Please answer the following questions by completing the tables. Two examples have been provided (for questions 1 & 2) for guidance purposes. **Please delete all examples from your response and insert your country name in only ONE column.** If your country is one of the examples provided, please review and revise the information as necessary. Please provide references to the full name of the Ministry or body in question in both English and the national language (Note: only country codes are listed. For full country names, please refer to Annex 1).

1. Please specify (by placing an 'X' in the relevant columns) which ministry or ministries have a role in victim support provision. In addition, please provide a short explanation in the comments field.						
	Ministry of Justice	Ministry of Health	Ministry of Labour/ Social Affairs	Ministry of Interior/	Any other	COMMENTS
MT					Ministeru għall-Affarijiet Interni u Sigurta Nazzjonali - Ministry for Home Affairs and National Security.	
2. Please provide a short description of which body (e.g. ministry, office for victims of crime, commission or any other body) has the overall or principal coordinating role in organising victim support services at national and federal level. If no one ministry or body has such a role, please provide an explanation/ justification.						
MT	The Justice Unit falling within the remit of the Ministry for Home Affairs and National Security was set up in November 2007 by virtue of Legal Notice 190 of 2007. This was later repealed and Legal Notice 186 of 2012 ¹⁷ was enacted. This Legal Notice implemented the provisions of Council Directive 2004/80/EC relating to compensation to crime victims, which called for a system that should include the provisions necessary for allowing the crime victim to find the information needed to make the application and for allowing for efficient cooperation between the authorities involved. ¹⁸					
3. What is the legal basis for the type of victim support model that exists in your country (e.g. is it stipulated somewhere in a legal instrument that victim support services be state-run; state-funded etc.?)						
	This Unit only deals with compensation to victims of crime. It was set up by virtue of Legal Notice 190 of 2007 ¹⁹ which was promulgated on the 20 th July 2007. There is no legal basis for victim support services in Malta. ²⁰					

¹⁷ Malta, House of Representatives (2012) Criminal injuries compensation scheme regulations, 2012, 29 May 2012, Legal Notice 186 of 2012, available at: www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8983.

¹⁸ Information was submitted by Victims of Crime Compensation Office upon request (written response of 1 April 2013).

¹⁹ Malta, House of Representatives (2007), Criminal injuries compensation regulations, Legal Notice 190 of 2007, of the 20 July 2007, available at: www.doi-archived.gov.mt/en/legalnotices/2007/07/LN%20190.pdf.

²⁰ Information was submitted by Victims of Crime Compensation Office upon request (written response of 1 April 2013).

2.2.3 Funding:

Please answer the following questions by completing the tables. Please note that countries that do not have generic victim support service providers (i.e. that fall within category 'A' under question 2.2.2) should not answer questions c & e. For questions g-k, if your country does not have a generic victim support structure in place, please respond to the question with respect to a specialised area of victim support. **Please select one of the two specialised areas of victim support you focused on in your phase 2 country report to the FRA (see annex 3 for a list). As a default, please select the area 'Domestic violence and stalking'.** If you choose to take another area, provide a short justification for why you have chosen that area.

Important for all: Whether you answer questions g-k with respect to an organisation providing generic victim support or an organisation providing specialised victim support, please choose the biggest organisation (in terms of the organisation that receives most funding, helps most victims nationwide etc.).

For the year 2012, please specify the exact amount of funding:		Amount (in EURO)		
a Budgeted by the state for compensation		There was no amount of funding budgeted by the State for compensation.		
b Paid out by the state for compensation		Ex gratia payments were effected. In total these amounted to €308,600 ²¹		
c Budgeted by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims)		€14,000		
d Budgeted by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.				
e Paid out by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims).		€14,000 ²²		
f Paid out by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.				
Reimbursement by the state of expenses incurred		Yes	No	Comments
g Are there any victim support organisations that request money from victims who benefit from services? If yes, please name one such organisation and specify (under comments) whether there is a standard fee or whether this is decided on a case by case basis.			X	
h With respect to your chosen organisation, is the organisation reimbursed by the state for expenses incurred through the provision of support to victims? If yes, please specify the criteria for reimbursement (e.g. per victim?).			X	
i If the answer to h is 'yes', please specify whether the organisation is reimbursed regardless of the victim's nationality (yes or no) and provide a				n/a

²¹ Information was submitted by Ministry for Home Affairs upon request (telephone conversation with high-ranking official in July 2013)

²² Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

short explanation in the comments field. More specifically, is a difference made between reimbursement for support provided to a) country nationals; b) EU country nationals and c) third country nationals?			
j Further to question i, is the organisation reimbursed for providing support to victims with illegal residency status? Please provide a short explanation under 'comments'.			n/a
k Are there any factors that would discourage the victim support organisation in practice from supporting third country nationals? Please specify under comments.		x	Victims are assisted regardless of nationality.

2.2.4 Capacity:

For the year 2012, please specify the number of victims of crime that:	No of persons:
a Applied for compensation from state sources.	14
b Received compensation from state sources.	12 applications were deemed to be ineligible and 2 were still being evaluated at the date of compiling this report. 0 ²³
c Approached generic victim support services (i.e. services not restricted to a particular category or categories of victims)	63 ²⁴
d Approached specialised victim support services (i.e. services not restricted to a particular category or categories of victims)	

2.2.5 Official/academic studies on victims

Have any official or academic studies been published in your country in the last 5 years on the following (note: please provide a full reference for the study (following the FRA style guidelines) and provide a link if available online):

	Yes	No	Reference	Short description of the study's objectives and findings (2-3 sentences)
Studies on under reporting of crime?	X		Malta, Equality Research Consortium (2010), Underreporting of Discriminatory Incidents in Malta – A Research Study, Commission on Domestic Violence available at https://secure3.gov.mt/social_policy/SocProt/equal_opp/eq_uality/projects/strengthening.aspx .	This report analysed the reasons why people do not report discriminatory incidents and found that most people do not report such incidents due to lack of knowledge about where to report, embarrassment or fear of further persecution, lack of faith in authorities or feelings of powerlessness. This research also identified the most effective means to encourage people to report, which are education, media attention and retraining of staff in several entities.
Other national studies related to victims of crime	X		Malta, M. Fsadni & Associates (2011), A nationwide research study	The overriding research objective of this study was to assess the prevalence of domestic violence in Malta and its impact

²³ Information was submitted by Victims of Crime Compensation Office upon request (written response of 1 April 2013).

²⁴ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

(specify)			on the prevalence of domestic violence against women in Malta and their employment prospects, Malta, Commission on Domestic Violence available at http://readapt.eu/sites/default/files/nationwide_research_study_prevalance_impact_employment_prospects.pdf .	on the employment prospects of the relative victims. Victims of domestic violence reported that violence disrupted the employment, or other income-generating activities, of some of the respondents. Some respondents also indicated that they encountered difficulty in finding another job. Through multiple responses it results that the need to have a source of income, and working to gain independence from husband/ partner, were the two main reasons that motivated respondents to seek new employment.
			Malta, Weave Consulting (2011), Racial Discrimination in Malta, Malta, National Commission for the Promotion of Equality available at https://secure3.gov.mt/socialpolicy/SocProt/equal_opp/equality/projects/think_equal.aspx .	This research was carried out on a sample of twenty-five respondents using the purposive sampling method. The respondents were interviewed face to face following an interview guide which had been developed after a literature review was carried out. The aim of this report was to identify the areas in which migrants were subjected to discriminatory treatment.
			Malta, Weave Consulting (2011), LGBT Discrimination Research Report, Malta, National Commission for the Promotion of Equality available at https://secure3.gov.mt/socialpolicy/SocProt/equal_opp/equality/projects/think_equal.aspx .	This research was carried out on a sample of twenty-five respondents using the purposive sampling method. The respondents were interviewed face to face following an interview guide which had been developed after a literature review was carried out. The aim of this report was to identify the areas in which victims were subjected to discriminatory treatment.

2.3 Victim Helplines

Please complete the information in the following table, providing details on whether the country has a national victim support helpline, who funds it, operates it etc. Where the answer is 'no', please provide a short justification or explanation of the situation in the comments field. For example, for question 3, if the helpline does not operate 24 hours a day, 7 days a week, place an X in the 'No' column and specify the operating hours under 'Comments'. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-15), please answer the question directly in the 'Comments' field. Please provide information for 2012. Where this is not possible, please provide a justification and give data for the latest year possible.

	Malta	Yes	No	Comments
1	Is there a helpline? If yes, please provide the name of the helpline and the contact details for the helpline (including the name of the body who runs it, contact phone number etc.) under 'Comments'.	X		Victim Support Malta (VSM) +356 21228333
2	Does it operate 24/7? (If no, specify the days and times of operation under 'Comments').		X	The VSM helpline does not operate throughout the night.

3	Does it operate nationwide? (If no, name the city or federal state in which it operates).	X		
4	Is the helpline free of charge?	X		
5	Does the helpline target all victims of crime? If no, please specify (under comments) which categories of victims can approach the helpline.	X		
6	Is the helpline state run (if no, describe the non-state actor(s) who runs it under 'Comments')		X	VSM
7	Is the helpline funded by the state?		X	VSM is not state funded.
8	Is the international EU victim support telephone number 116-006 available? ²⁵ If no, provide a justification and/or specify whether plans to implement this are underway.		X ²⁶	
Comments				
9	Please give a brief description (1-2 sentences) of the services provided by the helpline.	The Helpline run by VSM offers emergency emotional support and refers the case to the coordinator for a first appointment during which an initial assessment of the needs of the victim is made.		
10	What was the operational budget (in EUR) for the helpline in 2012? Please specify under 'Comments'.	No specific budget was allocated for the VSM helpline but this was integrated into its operational costs.		
11	How many people were employed to run the helpline in 2012?	VSM had no specific employees to run the helpline.		
12	What form(s) does the helpline take? E.g. just phone-line; email, web forum, walk-ins	Phone line.		
13	Of the possible ways to access the helpline, what is the most frequently used by persons contacting the helpline?	n/a		
14	Who operates the helpline? (e.g. Professional staff such as psychologists or lawyers; volunteers etc.)	A social worker operates the helpline during the day and volunteers who are psychology graduates operate it after office hours.		
15	Please specify the number of times the helpline was contacted in applic. If this information is not available, please provide a reason under 'comments'.	Although data is kept by VSM it is not processed, therefore no information is available. ²⁷		

²⁵ In 2010 the EU introduced an EU harmonised phone number (116 006) designated for use by victims of crime who need assistance in EU countries.

²⁶ Information was submitted by Aġenzija Appoġġ upon request (written response of 7 May 2013).

²⁷ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

2.4 Obligation of police to provide information

		Yes	No	Comments (max 2-3 sentences)
1	Are police legally obliged to provide all victims with information concerning victim support services? If yes, what is the legal basis for this obligation (e.g. name of the law)?		X	The Police is not legally obliged to provide the information. However the Police, on an administrative basis, informs the victims about such information.
2	Are police legally obliged to provide all victims with information concerning compensation? If yes, what is the legal basis for this obligation (e.g. name of the law)?		X	The Police is not legally obliged to provide the information. However the Police, on an administrative basis, informs the victims about such information.
3	Are police legally obliged to provide all victims with information concerning their rights and role in criminal proceedings? If yes, what is the legal basis for this obligation (e.g. name of the law)?		X	The Police is not legally obliged to provide the information. However the Police, on an administrative basis, informs the victims about such information.
4	Are victims who do not understand or speak the language provided with free of charge interpretation in the language of their choice (e.g. during any interviews or questioning of the victim by the police)	X		Both victims and suspects are provided with an interpreter, which is free of charge, should they have a language barrier.
5	Are victims notified about their right to receive information about:			
	(a) any decision not to proceed with or to end an investigation or not to prosecute the offender;		X	The Police is not legally obliged to provide the information. However the Police, on an administrative basis, informs the victims about such information.
	(b) the time and place of the trial, and the nature of the charges.		X	Usually victims are informed about a trial or court proceedings since they are usually obliged to testify in Court. Furthermore they can also have a lawyer acting on their behalf in Court known as <i>parte civile</i> .
	(c) any final judgment in a trial		X	Victims only receive this information if they are <i>parte civile</i> in proceedings. ²⁸

²⁸ Information was submitted by the Community and Media Relations Unit (CMRU), Department of Police upon request (written response of 2 May 2013).

2.5 Training of practitioners on dealing with victims of crime

Please complete the information in the following table, selecting either 'yes' or 'no' and providing a short explanation in the comments field. Where 'Yes' or 'No' answers are not applicable, 'NA' has been inserted. In these instances, please answer the question directly in the 'comments' field.

With respect with how to deal with victims of crime, Is systematic training of the following categories of professionals who come into contact with victims of crime carried out (if yes, please indicate under 'comments' the nature of the training and whether it is on dealing with all victims or just certain categories of victims (e.g. victims of domestic violence):				
		Yes	No	Comments (max 2-3 sentences)
1	Police	X		Domestic violence and victims of crime support forms part of the curriculum tailor-made for in-service training for serving members of the Police Force. This is also part of the basic training prepared for the new trainees. Lectures are delivered by members of the Force who are experienced in the topic and by organisations such as Aġenzija Appoġġ and VSM. ²⁹ VSM cooperates with police for in-service training on how to deal with victims of crime in general with a special focus on victims of domestic violence. ³⁰
2	Prosecutors		X	
3	Judges		X	
4	Court staff		X	
5	Are Victim Support Organisations involved in this training? If yes, how are they involved? (e.g. they provide input through lectures; they fund the training; they organise and run the training themselves etc.)	X		VSM organise and run this training themselves.

²⁹ Information was submitted by the Community and Media Relations Unit (CMRU), Department of Police upon request (written response of 2 May 2013).

³⁰ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

6	Is systematic training of victim support staff carried out on how to deal with victims of crime? If yes, please indicate the nature of the training,	X		Upon recruitment, victim support staff is given training on how to deal with victims of crime. This training consists of approximately seven hours of group training and is conducted by a professional psychologist. During this training, staff is trained in the stages of trauma, VSM policies, justice agencies, offenders and victims, what it means to be a volunteer, self-development and presenting VSM to others. ³¹
7	Please briefly list any other category of officials coming into contact with victims that receive systematic training on how to deal with victims of crime (e.g. lawyers, restorative justice services etc.)	X		Probation officers and social workers employed by Aġenzija Appoġġ are also trained in how to deal with victims of crime. ³²

2.6 Rights of victims in criminal proceedings

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary.

2.6.1 Definition of victim

Please provide a definition of the term victim in your country:

	Description	Explanation (max word count 200)
1	What is the main or generic legal definition of the term 'victim' (as provided for in national legislation)?	There is no definition of 'victim' in Maltese legislation. The relevant legislation refers to the term 'victim' without defining such term and this has never been defined in case law.
2	Is there a separate definition of 'vulnerable victims' (as separate from the main or generic definition of 'victim')?	No
3	Are parents, children, other family members, same sex partner & first responders included under the main definition of the term victim? If not, are they included as 'indirect' victims or similar?	No

2.6.2. Decision not to prosecute

With regard to victims' rights to review a decision not to prosecute, please answer the following:

³¹ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

³² Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

	Yes	No	Comments (Max word count 80 words)
If the prosecutor decides to discontinue a case, does the victim have the right to file for a review of the decision not to prosecute?		X	
Who undertakes this review?			n/a
Does the victim have the right to institute private prosecution in cases where the prosecutor drops charges? If yes, under what circumstances?		X	The Criminal Code (Chapter 9 of the Laws of Malta) ³³ makes a distinction between crimes which can only be prosecuted upon the complaint of the injured party and crimes where the police can prosecute <i>ex officio</i> . The victim can only institute civil proceedings for damages in cases where the prosecutor drops charges, however in such a case it might be difficult for the victim to prove his/her case since police would have dropped charges.
Does the prosecutor's office have a dedicated hotline or mechanism whereby victims can inquire about the progress of a case?		X	

2.6.3. Right to be heard

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Some examples have been provided.

	Yes	No	Comments (Max word count 80 words)
Do victims have a right to be heard during criminal proceedings?	X		Only in cases where the injured party is parte civile in the case.
Do victims have a right to supply evidence during criminal proceedings?	X		Only in cases where the injured party is parte civile in the case.
Is there a right for vulnerable victims to be questioned & testify in court in a protected manner – e.g. are screens in place when victims testify/video link available or other measures to separate victim from accused? Please specify whether this applies to all victims or just certain categories of victims (please specify):	X		Teleconferencing is possible but however this is seldom used in practice.

2.6.4 Rights of victims at trial

The International Criminal Court (ICC) has created a special unit for victims and witness to provide support before, during and after the trial. Services are delivered by professionals who are often salaried employees of the

³³ Malta, House of Representatives (1854), Criminal Code, Chapter 9 of the Laws of Malta, (1854 and subsequent amendments), available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8574&l=1>

court, and includes persons with expertise in trauma, including trauma from sexual violence. When providing testimony victims may also have support from family members, psychologists or legal representatives. These specialists are also able to advise prosecutors on appropriate security arrangements for victims and the court must take measures to protect the safety, physical and psychological well-being, dignity and privacy of victims. The statute allows for identities not to be made public, testimony to be provided by electronic means and the hearing to be confidential. The statute also calls for the court to establish principles relating to “reparations to victims, including restitution, compensation and rehabilitation” and to establish a trust fund which “works for victims by mobilizing people, funding opportunities for the benefit of victims and implementing court-ordered reparations awards.”

With the example of the ICC special victims’ unit in mind, please answer the following questions, choosing ‘yes’ or ‘no’ and providing a short description. If the answer is no, please provide a justification. Where ‘Yes’ or ‘No’ answers are not applicable (i.e. questions 2-4), ‘NA’ has been inserted. In these cases, please answer the question directly in the ‘Description/justification’ field.

		Yes	No	Description/justification (max 1-3 sentences)
1	Looking at your own criminal court system, is there a special unit or service for victims of crime providing support?		X	
2	Is there a separate waiting area for victims at court?		X	
3	Is special seating reserved for victims at trial?		X	
4	What other services are available?	NA	NA	There are no services available.
5	Who provides the services (e.g. professional or specialised staff; volunteers etc)?	NA	NA	n/a
6	In reference to question 5, do the service providers provide advice to prosecutors with respect to the safety, physical and psychological well-being, dignity and privacy of victims?			n/a
7	Do they provide advice to judges with respect to the safety, physical and psychological well-being, dignity and privacy of victims?			n/a
8	Are the rights and protections that should be afforded to victims mentioned in the founding law (e.g. a statute) establishing the court?		X	
9	Do victims have the right to be accompanied by support persons during the trial?	X		Victims have a right to be accompanied by social workers during the trial.
10	Can victims access & copy trial records	X		However only if they are <i>parte civile</i> in the proceedings. ³⁴

³⁴ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

2.6.5 Legal aid for victims:

Experts consider provision of legal advice the area where there is most room for improvement in the area of victim support activities, with significant advances needed to ensure free and easily accessible legal advice for all victims. With this in mind, please answer questions 1 -5 in the table below selecting only **one option** (a, b, c or d) for each question and providing a description under 'comments'. **Please specify what criteria, if any, entitle a victim to avail of certain categories of legal aid. There may be several criteria (as in the example below – please be as detailed as possible. If none of the descriptions match the situation in your country, please choose 'd' and provide a short explanation of the situation.**

Categories of legal aid		A: Available to all victims of crime as a fundamental right of victims	B: Available to certain categories of victims; e.g. only victims of serious crime, only victims who are nationals of that country etc. (please specify which victims are entitled to such advice):	C: Subject to other criteria; e.g. an economic 'means test' (please specify):	D: Other (please specify)
1. Free legal advice	Place X in appropriate column			X	
	Comments:			Free legal advice is only given if the victim is eligible to legal aid, which is calculated according to the value of the property of the person requesting legal aid and which amount does not exceed 6,988.12 euro. This value of the residence of the person requesting legal aid is not taken into account in this computation.	

					Account is also taken of the income of the person.	
2. Free legal representation	Place X in appropriate column				X	
	Comments:				This is only applicable to persons eligible to legal aid.	
3. Exemption from court fees	Place X in appropriate column				X	
	Comments:				This is only applicable to persons eligible to legal aid.	
4. Exemption from or reimbursement for expenses related to interpretation and/or translation	Place X in appropriate column				X	
	Comments:				This is only applicable to persons eligible to legal aid.	
5. Reimbursement for loss of earnings, travel and accommodation costs with regard to role in criminal or civil proceedings	Place X in appropriate column				This is not available.	
	Comments:					
		The state	A victim support service	Both	Other (explain)	

2. Who provides legal aid? place 'X' in one column only)	X			
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2.7 Compensation

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer: e.g. for question 2.7 (2), please select 'Yes' or 'No' and under comments, specify what measures victims can ask for during criminal proceedings. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary; i.e. by moving your country from the 'Yes' column to the 'No' column and vice versa.

	Victims' rights with regard to compensation	Yes	No	Comments and sources (max 2-3 sentences)
1	Do victims have the right to ask for compensation during criminal proceedings?	X		The right for victims to ask for compensation arises by virtue of Article 28H of the Criminal Code ³⁵ whereby it is established that the court may fix the compensation due to the victim only in cases of a suspended sentence. Furthermore Article 3 (3) of the same Code gives the right to victims to pursue civil action before the courts of civil jurisdiction, and to demand compensation for the damage caused by the offence. If the Court establishes an operative sentence, then the only recourse available to victims is by virtue of Article 3(3).
2	Aside from compensation, do victims have the right to ask for other measures during criminal proceedings (e.g. return of property, reimbursement of expenses, measures for physical protection)?	X		In cases of a suspended sentence victims can also ask for the restitution of property by virtue of the same Article 28H as well as measures for physical protection, referred to as a protection order, which right arises by virtue of Article 412C of the Criminal Code.
3	Is compensation paid by the offender?	X		In accordance with provisions of Article 28H and civil action by virtue of Article 3(3) of the Criminal Code.
4	Is there such thing as a 'victims of crime fund' that convicted persons must contribute to?		X	
5	Does compensation paid by the offender under a 'victims of crime fund' go towards victim support services?			n/a
6	Is compensation paid by the state?	X		Compensation paid by the State is regulated by Legal Notice 186 of 2012 'Criminal Injuries Compensation Scheme Regulations'. ³⁶

³⁵ Malta, House of Representatives (1854), Criminal Code, Chapter 9 of the Laws of Malta, (1854 and subsequent amendments), , available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8574&l=1>

³⁶ Malta, House of Representatives (2012), Criminal injuries compensation scheme regulations, 2012, Legal Notice 186 of 2012, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=23282&l=1>.

7	Will the State advance payment of the compensation if the offender does not pay? Under which conditions?		X	Compensation paid by the State and compensation due by the offender are two separate issues.
8	Does a compensation order exist?	X		Under Article 28H a court may order restitution or compensation by an offender to the injured party of anything stolen or knowingly received or obtained by fraud or other unlawful gain by the offender to the detriment of such party by or through the offence. The court will also take into account any harm or injury caused to such party by or through the offence; and any such order may include both a direction to make restitution and, in default, to pay as aforesaid.
9	Do prosecutors have the power to mediate between the offender and the victim?		X	
10	Do prosecutors have the duty to attempt to obtain compensation from the offender?		X	Prosecutors do not have the duty to obtain compensation from the offender. It is up to the injured party to be represented <i>parte civile</i> in criminal proceedings and thus ask for compensation.
11	Is compensation, when paid by the offender to the victim, taken into account in decisions to prosecute?		X	
12	Is compensation, when paid by the offender to the victim, taken as a mitigating factor in sentencing?		X	
13	Is there a limit from the time of the crime within which claims for compensation would have to be made? If yes, what is the time limit?	X		If a victim wants to claim compensation from the offender this has to be done during the criminal proceedings. If this is done through the Justice Unit this has to be done within one year from when the violent intentional crime occurred (Article 4(3) of Legal Notice 187 of 2012). ³⁷
14	Do third country nationals have the right to apply for compensation?	X		However only through <i>parte civile</i> in criminal proceedings. Compensation under Legal Notice 187 of 2012 is only applicable to EU citizens and who are resident in Malta.

³⁷ Malta, House of Representatives (2012), Joint Investigation Teams (EU Member States) regulations, 2012, Legal Notice 187 of 2012, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=23283&l=1>.

15	Do third country nationals with irregular status (i.e. residing in the country illegally) have the right to apply for compensation?	X		However only through parte civile in criminal proceedings. Compensation under Legal Notice 187 of 2012 is only applicable to EU citizens and who are resident in Malta.
16	Are there exceptions prescribed in law for different types of crimes? If yes, what are they?	X		Compensation payable by the state under Legal Notice 187 of 2012 is only payable to an applicant who is a qualifying claimant with regards to a victim of a criminal injury sustained on or after 1 January 2006 who has since died due to the same criminal injury sustained.

2.8 Cross border support

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-12), please place your answer directly in the 'Description' field.

	Victims' rights with regard to cross border support	Yes	No	Description (max 2-3 sentences per question)
1	Is there a formal system of cross-border referral of victims (to a victim support organisation in the state in which the victim lives) when the victim who has approached the VSO or competent authority is resident in another state?		X	There is only an informal system of cross-border referral of victims between Victim Support Europe members. ³⁸
2	Can victims of crime report crimes in their own country if the crime was committed in another state?		X	
3	Are victim support services made available to all victims, regardless of legal status, country of origin or nationality?	X		
4	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.		X	This is done through the normal intake system. ³⁹
5	Is information made available to victims in different languages by the police? If yes, which languages?	X		Police provides interpretation if necessary.
6	Is information made available to victims in different languages by victim support services? If yes, which languages?	X		This is made available in Maltese and English. ⁴⁰
7	Do victim support services offer interpretation or translation services? If yes, in which languages?	X		Interpretation and translation services are offered on an ad hoc basis whenever possible. ⁴¹

³⁸ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

³⁹ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

⁴⁰ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

⁴¹ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

8	Does the main generic victim support organisation in your country maintain contact with victim support organisations in other countries? If yes, how? (E.g. through formal cooperation agreement; international consultative forums or conventions etc.)	X		This is done informally through Victim Support Europe. ⁴²
		Description (max 2-3 sentences per question)		
9	What is the mechanism for victims to apply for compensation once they are back in their own country?			If the crime was committed in Malta on a citizen of another EU country, that citizen fills in the application form transmitted to him on request by the competent authority in that country and files it with the Justice Unit in Malta, which will then, together with the Attorney General's Office, liaise with the other country concerned. ⁴³
10	What is the number of victims accessing victim support services who are non-nationals of the state?			In 2012, 2 victims who were non-nationals of the state accessed the services of Victim Support Malta. ⁴⁴
11	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.			This is done through e-mail, website, phone and Facebook. ⁴⁵
12	Are there any measures put in place for the protection of a victim's right to privacy when dealing with cross border victims?			There are no special measures. ⁴⁶

2.9. The role of volunteerism in victim support

From the research carried out in phases 1 & 2, one of the most striking features of the more robust generic victim support systems in Europe is the crucial role played by volunteers.

- a. With this in mind, please provide an overview (max 500 words) of the tradition of volunteerism in the area of the victim of support in your country; i.e. outlining whether such a culture exists, what is the historical background for why it does or does not exist; how is the situation changing and focusing on any discernible trends; explaining also the typical profile of volunteers who work in the field - e.g. well educated? Professional background - working in a particular field (e.g. legal, social work); typical tasks? (E.g. provision of legal/psychological advice? Or restricted to informing victims of rights etc.). How many hours a week do volunteers typically give of their time? Are numbers of volunteers increasing or decreasing?**

⁴² Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

⁴³ Information was submitted by Victims of Crime Compensation Office upon request (written response of 1 April 2013).

⁴⁴ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

⁴⁵ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

⁴⁶ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

Originally when Victim Support Malta was first set up in 2004, the aim was to provide emotional support services through volunteers. In time, particularly when the organisation started becoming better known and therefore more referrals were being made, it started encountering situations where the volunteers were either inconsistent in their availabilities (for instance they would be available to provide the first session but not the second, and so on...), or the volunteers needed further training/skills to be able to effectively deal with the client, due to the severity of the case. Since then, VSM has been identifying students who would need to carry out a number of hours as a traineeship. This gave the organisation the benefit of having more skilled people providing its services. At the time being, Victim Support Malta has 2 trainee psychologists who offer their services on two afternoons per week.⁴⁷

The service of Victim Support Malta was originally completely manned by volunteers who were ordinary citizens and received specialised training. Over the years it was felt that more professional services were required so now volunteers are either students or graduates in relevant fields e.g. social work/psychology and law. The major reason for using volunteers is due to the lack of funding. Volunteers typically dedicate 7 hours a week. The number of volunteers has remained static over the years.⁴⁸

- b. If there is no tradition of volunteerism in the area of the victim of support in your country, please outline (in max 500 words) any recent initiatives or attempts in the area of victim support to encourage a greater culture of volunteerism.**

N/A

2.10. The tradition of social work

In max 400 words, please provide an overview of whether there is a tradition of social work in your country, and if so, in what way (if any) is it linked to the victim support services structure in your country. In your answer, please include the level of education of a typical social worker (e.g. is university or third level education necessary?).

A typical social worker is a university graduate. The full-time coordinator employed by Victim Support Malta is in fact a social worker by profession. The social work profession has links with state and non-state stakeholders in the sphere of victim support services and in fact these stakeholders are nearly fully staffed by social workers.⁴⁹

2.11. Promising practices in the area of victim support

From the following list of promising practices (detailed explanations found under Annex 1), please identify whether there is a similar practice in your country (yes or no) and provide a brief explanation/description. If you have identified other promising practices not similar to the ones presented here, please provide details under '16' – 'Other promising practices'.

	Promising practice	Does a similar practice exist in your	Short description of the practice in your country, outlining similarities; differences etc. If there is no such practice, please provide
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⁴⁷ Information submitted by Victim Support Malta (VSM) upon request (written response of 1 July 2013)

⁴⁸ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

⁴⁹ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

		country?		a justification for this (e.g. this is not an issue; it is dealt with in other ways; it is a gap that still needs to be addressed)
		Yes	No	
1	Initiative to provide cross-border victims of crime with basic information: In May 2009, the Inter-Regional Crime Prevention working group of the <i>Grande Région</i> (LU, FR, DE, BE) published a basic information guide for victims, detailing what to do in the event one is a victim of a crime or an accident.		X	This is a gap that still needs to be addressed.
2	Assistance to tourist victims of crime: e.g. In Ireland, the Irish Tourist Assistance Service (ITAS) is specialist service offering immediate support and assistance to tourists who are victimised while visiting Ireland. The Service is free and confidential. ITAS is run by staff and volunteers who speak a variety of languages.	X		When tourist victims of crime are referred Victim Support Malta offers its support.
3	Schemes for compensatory fines to help fund support services: In addition to other funding sources, several EU Member States generate money for generic victim support services through a 'Victims of Crime fund' or the like, whereby persons convicted of an offence pay a fine to help the funding of services for victims of crime (for example, in BE, LT, NL, PL & SE).		X	This is a gap which still needs to be tackled on a state level.
5	In some countries, victims can be accompanied in court by victim support services, ensuring a fuller realisation of victims' rights and helping to prevent secondary victimisation.	X		When asked either by victims or by Aġenzija Appoġġ, Victim Support Malta usually provides volunteers.
6	In some countries, victims are provided with free psychosocial and legal assistance throughout the entire criminal proceedings.		X	Victim Support Malta had started offering these services however could not sustain them due to lack of resources.
7	Some countries have legal clinics that provide free legal assistance to victims of crime.	X		Victim Support Malta piloted this service in 2011 in conjunction with University of Malta law students. However it found that this scheme is rather difficult to implement in practice.
8	Some countries are exploring new and innovative ways of disseminating information to victims of crime in the form of web-based material, using social media and e-support etc. e.g. In SE, the Crime Victim Compensation and Support Authority initiated web-based information site called the Trial School which uses narrators' voices, texts, photographs, films and 3D animations to explain what happens at a court trial. Victim Support Finland (RIKU) operates a mobile phone service providing advice to crime victims through automatic text messages, while in NL; the Victim Support fund has a website and a smart phone app to guide victims to support organisations.	X		Victim Support Malta has created a Facebook Group in order to raise awareness of its services.
9	Some countries have created a 'Victim's Charter' which, not a legally binding document in itself, rather aims to describe the criminal justice system to a victim of crime, setting out victims' rights and providing clear information		X	This is a gap which needs to be addressed.

	in relation to various aspects of criminal proceedings, state agencies, victim support organisations etc. (e.g. what happens when a crime is reported; what to expect during the investigation process, which agencies are involved in providing support etc.).			
10	In SE referral from the police works effectively since several local BOJ victim support services operate on the same premises as the local police station which also is seen as a way to quickly identify victims. All police districts, in over 100 districts around Sweden, have a Crime Victim Emergency Service. People who have training in and experience of the issues faced by victims of crime are available at these offices.		X	It would be ideal to extend the protocol which Victim Support Malta has signed with the CID Section of the Police to district offices.
11	The multi-disciplinary, national referral system introduced in Bulgaria with regard to trafficking might be considered a promising practice.		X	This is a gap which still needs to be addressed.
12	As part of the National Social Roma Inclusion Strategy in HU, Roma victim support volunteers are recruited to work in the volunteer support network. There is also a network of on-site legal aid stations led by an active member of the local Roma community, while the attorneys of the organisation are available online and provide free legal advice via Skype. Their area of operation also includes legal support to victims of hate crime.		X	Not applicable as there is no Roma community in Malta.
13	Police forces in England and Wales have policies on dealing with repeat victimisation. An example of such a policy is the Thames Valley Police policy on repeat victimisation (drafted and audited in accordance with Human Rights Act 1998): Sample Extract from the policy: 1. Rationale 1.1 Research and organisational experience indicate that victims of crime and other incidents may be targeted for subsequent victimisation. This is particularly relevant in relation to offences of burglary, assault, domestic violence and hate crime. 1.2 Repeat incidents often occur soon after the initial victimisation; therefore it is important to take preventative measures quickly. Likely victims must be identified immediately and subject to a targeted crime reduction initiative. 1.3 Every victim should be asked whether they have been subject to other offences. The primary means to prevent repeat victimisation is to arrest and prosecute the offender, although other tactical options are available [...]. ⁵⁰		X	This is a gap which still needs to be addressed.
14	Many countries have practices in place to respect the rights of victims during court proceedings, particularly with regard to their rights to privacy and protection; e.g. the trial being conducted behind closed doors; witness' testimony being taken so they do not come into contact		X	This is a gap which still needs to be addressed.

⁵⁰ <http://www.thamesvalley.police.uk/pub-policiesandprocedures-repeat-victimisation.pdf>

	with accused (e.g. in SI, taking of testimony using technical devices (protective screen, voice disguising devices, transmission of sound from separate premises and other similar technical devices); ban on use of images related to the victimisation; other measures undertaken by judges or prosecutors (or jury?) in respect of victims' rights? (e.g. jurors in FR swear an oath pledge not to betray the interests of the victim).			
15	In some countries, police, prosecutors and judges work for victim support organisations in an official capacity that forms part of their training (e.g. in Austria)		X	This is a gap which still needs to be addressed.
16	Other promising practices: please include any other promising practices in your country with regard to victim support and enabling victims' to exercise their rights.	NA	NA	Victim Support Malta has established links with the University of Malta to provide services to victims. Victim Support Malta has also established a multi stakeholder working group which works well across stake holders. The aim of this working group is to eventually look into crime prevention as a victim support service in itself. ⁵¹

2.12 Role of the victim in practice

When it comes to perceiving or conceptualising victims of crime, certain ideal types or models can be distinguished. Based on your research and responses so far, please choose one from the following 4 descriptions of the role of the victim in the criminal justice system of your country (if possible indicating the most common view of legal practitioners (judges, prosecutors, lawyers) in your country. (If you believe that there are different perceptions of victims depending on various types of criminal offences, please consider cases of violent crimes.):

	Please choose the most appropriate description of how the victim is perceived in the criminal justice system	Place X in the appropriate box (choose only one)	Explanation (maximum word count 200)
1	The victim is seen essentially as a witness.	X	The victim within the Maltese system is seen essentially as a witness. The victim can then elect to be party to the criminal proceedings by filing an application in court, whereby the court will then recognise the victim as an injured party. In such a case, the victim will have the right to be assisted by a lawyer, present witnesses, cross-examine witnesses and produce any evidence and make any submission in support of the charge.

⁵¹ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

2	In addition to 1, if the victim has suffered damage as a consequence of a criminal offence, importance is attributed to allowing the victim to claim compensation within the framework of criminal proceedings.			
3	In addition to 1 or 2, the victim is seen as a person who has suffered moral harm and therefore is in need and deserving of help.			
4	In addition to 1, 2 & 3, the victim is perceived as a person whose rights have been violated by the criminal offence and who therefore is entitled to see that justice is done and, to that end, to participate in criminal proceedings.			
In the new EU Victims' Directive, the Commission refers to the varying roles of victims in criminal proceedings in each Member State as being determined by one of the following criteria. ⁵² With regard to the following descriptions, please choose 'yes' or 'no' for each concerning the role of the victim in the criminal justice system of your country, and provide a short explanation.				
	Description of victims' role in EU Directive	Yes	No	Explanation (maximum word count 200)
1	The national system provides for a legal status as a party to criminal proceedings;	X		This Directive has not been transposed yet, however Maltese legislation does provide the mechanism for a victim to have legal status as a party to criminal proceedings. Article 410 (5) of the Criminal Code (Chapter 9 of the Laws of Malta) states that any person '... claiming to be an injured party may apply to the court to be admitted into the proceedings as an injured party and if his claim that he is an injured party is allowed by the court that person shall thereupon have the right to be present at all subsequent hearings even if he is a witness'.
2	The victim is under a legal requirement or is requested to actively participate in criminal proceedings, for example as a witness.		X	This Directive has not been transposed yet, however under Maltese law anyone who is called as a witness by the court is legally obliged to do so.
3	The victim has a legal entitlement under national law to actively participate in criminal proceedings and is seeking to do so, where the national system does not provide for a legal status as a party to the		X	This Directive has not been transposed yet.

⁵² See Recital 20 Of the Victims' Directive, p 11 (<http://register.consilium.europa.eu/pdf/en/12/pe00/pe00037.en12.pdf>).

criminal proceedings.			
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IMPORTANT:

In accordance with question 2.2.1b, if you have identified your country as belonging to category 'A'; please respond only to questions 3.3 and 3.4 of part B.

In accordance with question 2.2.1b, if you have identified your country as belonging to any category other than 'A'; please respond only to questions 3.1 – 3.3 of part B.

2 Part B:

3.1 Establishment of generic victim support organisations^{*53}

3.1.1 Please outline who (i.e. state or non-state actor) took the initiative for first setting up victim support services.

Victim Support Malta was set up as an NGO which provided support to offenders. Eventually it was felt that a similar service providing support for victims was necessary.⁵⁴

3.1.2 Where did the money come from to support this first attempt?

Fund raising.⁵⁵

3.1.3 What were the circumstances leading to the establishment of the victim support service(s)?

Victim support services evolved through practice with offenders. In certain instances through offering support to offenders, volunteers came into contact with victims and this need for offering support to victims was felt. Academic thinking also prompted this need.⁵⁶

⁵³ Questions marked with * should NOT be answered by countries falling into category 'A' (in accordance with question 2.2.1

⁵⁴ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

⁵⁵ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013) and written response of 1 July 2013).

3.1.4 Quality standards

	Yes	No	Description (max 3-5 sentences)
Do formally adopted key performance indicators exist in relation to the quality of services provided by generic victim support services? If yes, please describe them.	X		Victim Support Europe has developed a set of standards that members are required to abide by. These standards can be accessed on http://victimsupporteurope.eu/publications/eu-handbook-for-implementation-and-best-practice-for-victims-of-crime/ . These standards provide guidelines on how staff should deal with victims of crime during all stages i.e. from crime prevention stage to post-trial. ⁵⁷

3.2 Personnel (professional staff and volunteers)*:

Taking the below as an example, please provide information with regard to professional staff and volunteers working in the area of generic victim support in 2012 (if more than one organisation dealing with generic victim support please produce a separate table for each organisation).

Country	Name of organisation	Professional staff		Volunteers		
		# staff	hours contracted per week	# volunteers	hours contracted per week	Value of volunteer work
Malta	Victim Support	2	52	2	15	Approx EUR 180 a week ⁵⁸

3.3 Services provided by the state:

From the below list, please answer 'yes' or 'no' if the following general services are provided directly by the state free of charge to victims and provide a short description – **to be answered by all**.

Services provided to victims by the state (free of charge)	Yes	No	Description
a Free legal advice by courts or free legal assistance	X		If eligibility for legal aid is satisfied.
b Free health/psychological assistance (e.g. crisis intervention centres)	X		Mater Dei Hospital which is the main state hospital has a crisis intervention unit. ⁵⁹

⁵⁷ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

⁵⁸ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

⁵⁹ Information was submitted by Victim Support Malta (VSM) upon request (face to face meeting with a high-ranking member in March 2013).

c Emergency financial assistance		X	
d Court accompaniment/support services		X	
e Other (specify)			

3.4 (Failed) Attempts to establish national generic victim support service provider**⁶⁰

Please describe whether there has ever been any attempt to establish a generic victim support service organisation in your country, specifying the year in which it was established and who attempted it (i.e. state or non-state actor). Why did it not succeed? If you cannot identify such an attempt, please explain the absence of the establishment of such an organisation (historical reasons etc.) and identify whether there is any discussion at government level/media etc. concerning the need to establish/improve services for victims.

Max 250 words

⁶⁰ **This question should ONLY be answered by countries falling into category 'A' (in accordance with question 2.2.1).

Annex 1 – Country codes

Code	Name of country
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
UK	United Kingdom

Annex 2 –list of generic victim support organisations by country

In accordance with question 2.2.1a, please review the list and short description of structure of generic victim support organisations operational in your country and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned.

Countries shaded in green have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations. These countries should please provide a short list of the main organisation(s) providing victim support in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list). As a default, please select the area ‘Domestic violence and stalking’.

	Name/short description of organisation(s)
AT	In every of Austria’s nine provinces (<i>Bundesländer</i>), branches of national organisations and local victim support organisations are operative. Weisser Ring (NGO) is currently the largest general victim support organisation operating in Austria. Today, the White Ring operates out of a federal office in Vienna and nine branches in all Austrian provinces, as well as 14 representation offices at regional level.
BE	Bureaux d’assistance aux victimes; Victim’s reception service in each of the 27 judicial districts and at the community level, assistance to victims is organized through Centres for Victims of Crime;
BG	
CY	The Social Welfare Services which is the only umbrella service providing support to various victim “groups”, the rest of the initiatives are targeted on specific victim “groups” and are under the non-governmental sector. However, the services provided by the SWS are targeted mainly towards victims of domestic violence and victims of trafficking.
CZ	The Probation and Mediation Service (“PMS”); the White Circle of Justice
DE	The largest volunteer victim support service (operating nationwide) is the Weisser Ring e.V. In Berlin, Hamburg, Lower Saxony, Saxony, Mecklenburg-Western Pomerania and Hesse independent victim support charities (Opferhilfe e.V) run local offices. A nationwide coverage of professional victim support services does not exist, although a number of the professional support services are organised under the auspices of the umbrella organisation Working Group of Victim Support in Germany ‘ado’. In many states (Bavaria, Baden-Württemberg, Bremen, Saarland, Rhineland-Palatinate, Saxony-Anhalt, Schleswig-Holstein and Thuringia) generic professional victim support services as described above do not maintain offices. Here volunteer support services fill this gap.
DK	The Victim Support in Denmark (VID) (Offerrådgivningen, OID). The general victim support service in Denmark consists of 33 different general local entities with VID as their umbrella organisation.
EE	The citizen-initiated Union of Support to Victims of Crime “Victim Support” (Kuriteohvrite Toetamise Uhing “Ohvriabi”), founded in 1994. It is still the only organisation that provides support to victims of crime in general, without specialisation to any type of victim group.
EL	
ES	The management of the Offices for Support to Victims of Crimes (Oficinas de Asistencia a las Víctimas de Delitos, OAV) is the responsibility of regional governments having the Spanish government used the ability to “set up management agreements entrusted with the Autonomous Communities and local Corporations”. In Spain, these are the only victim support services that can be considered to have a generic character because of dealing with many sorts of victims particularly since this very year.

FI	In 1994, Victim Support Finland (Rikosuhripäivystys / Brottsofferjouren) began its activities. It was the first organisation to offer victim support services and still is the only organisation providing services to victims of various different types of crimes, as most other third sector actors specialise in providing assistance to certain specific victim groups.
FR	The National Institute for Victims and Mediation (L'Institut national d'aide aux victimes et de médiation, INAVEM) was established in 1986 to promote greater coherence and activity for victim support services. Since June 2004, the INAVEM has had the status of federation, representing member associations (www.inavem.org). Services for victims (services d'aide aux victimes, SAV) are members of the INAVEM. 150 associations are adherents to the INAVEM and provide psychological, logistic, financial and legal support to victims .
HR	County Court level: There are special departments for victim and witness support (Odjeli za organiziranje i pružanje podrške svjedocima i žrtvama), established at the following seven county courts as part of the court administration: Zagreb, Split, Rijeka, Osijek, Zadar, Vukovar, Sisak. Special departments provide victim and witness support in trials for all criminal offences.
HU	Metropolitan and county offices of the Victim Support Service. There are also a few NGOs that operate in the field of victim support. The White Ring Association is specialised in assisting victims of any crime and it provides similar services as the state agency, however the scope of its activities is rather limited due to financial burdens
IE	Various non-governmental victim support organisations – e.g. the Federation for Victim Assistance (10 branches); Support After Crime Services; ITAS.
IT	
LT	
LU	In Luxembourg there are few generic victim support organisations, as typically, each organisation is tasked with clear missions and has clear responsibilities. They are two; Waisse rank Service d'aide aux victimes du parquet general. Other organisations offer assistance to victims of a particular type of violence.
LV	
MT	Victim Support Malta (VSM).
NL	Victim Support Netherlands (VSN) (<i>Slachtofferhulp Nederland</i> , SHN).
PL	Support Network for Victims of Crimes (consisting of 16 regional support centres); social welfare centres (<i>ośrodki pomocy społecznej</i>), crisis intervention centres (<i>ośrodki interwencji kryzysowej</i>) or the support centres (<i>ośrodki wsparcia</i>), which offer support for people in various crisis situations.
PT	Portuguese Association for Victim Support (<i>Associação Portuguesa de Apoio à Vítima</i> , APAV) - 15 victim support offices located throughout the country.
RO	
SE	The Swedish Association for Victim Support (<i>Brottsofferjouernas Riksförbund</i> , BOJ) is the national umbrella organisation for victim support services with about 100 local victim service centres in Sweden.
SI	
SK	Non-governmental organizations are virtually the only active players in the field of victim support services. <i>Pomoc obetiam násilia</i> is the leading victim support service provider.
UK	Victim Support (England and Wales) Victim Support (Scotland) Victim Support (Northern Ireland)

Annex 3 –list of specialised areas of victim support chosen in phase 2 (for countries with no generic victim support organisations)

BG	Domestic violence and stalking and trafficking in human beings.
EL	Domestic violence and stalking and trafficking in human beings.
IT	Trafficking in human beings and sexual abuse of children
LT	Domestic violence and stalking and trafficking in human beings.
LV	Sexual abuse of children and stalking and trafficking in human beings.
RO	Sexual abuse of children and stalking and trafficking in human beings.
SI	Domestic violence and stalking and trafficking in human beings.