

FRANET

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

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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one of the examples provided, please review and revise the information as necessary, as the information provided may be outdated.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 ²

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		The question whether the victim needs support services is part of the standard form that the police officers must fill in when they are called to the scene of violence between partners.
		b. If yes, please name the service(s)	-	-	Depends on the region but mostly referral is to the state victim support officer. When the woman needs shelter, then the referral is to the local shelters run by nongovernmental organisations.
		c. Do the police routinely contact this service on behalf of the victim?	X		Prior consent is needed from the victim. Also the victim himself/herself can contact the services.
		d. Which support service would in the end deal with such a case?	-	-	State victim support officer.

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).

² Scenarios were discussed with several experts over the course of seven interviews

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		Children who have (supposedly) fallen victims to crimes are routinely referred to child protection officials and social workers of the local municipality.
		b. If yes, please name the service(s)	-	-	Child protection officer or social worker of the local municipality.
		c. Do the police contact this service on behalf of the victim?	X		The contact is made without prior consent of the child or a parent, although the parent is usually informed unless the parent is the suspect.
		d. Which support service would in the end deal with such a case?	-	-	Child protection officer or social worker of the local municipality.
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	The police is under legal obligation to introduce victim support services to the victim among other rights the victim has. The victim would receive information on the availability of victim support services. The interviewees demonstrated that emphasis the police puts on victim support services depends on the state the victim is in. The assessment is made based on visual observation.
		b. If yes, please name the service(s)	-	-	State victim support officer.
		c. Do the police contact this service on behalf of the victim?	X		If the victim needs support, the victim can turn to the victim support services himself/herself or the police would contact the victim support officer. In latter case consent is needed from the victim.
		d. Which support service would in the end deal with such a case?	-	-	State victim support officer.
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	It is difficult to assess the police's conduct since such attacks are rare. None of the interviewees had any experience with such situation.
		b. If yes, please name the service(s)	-	-	State victim support officer.

		c. Do the police contact this service on behalf of the victim?	X		Prior consent is needed from the victim. Although such obligation is not prescribed, in practice the police offers assistance in contacting victim support services when necessary. Also the victim himself/herself can contact the service.
		d. Which support service would in the end deal with such a case?	-	-	State victim support officer.
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	The police is under legal obligation to introduce victim support services to the victim among other rights the victim has. The victim would receive information on the availability of victim support services. The interviewees demonstrated that emphasis the police puts on victim support services depends on the state the victim is in. The assessment is made based on visual observation.
		b. If yes, please name the service(s)	-	-	
		c. Do the police contact this service on behalf of the victim?		X	The person must himself/herself fill in and submit the application for financial support to the local municipality.
		d. Which support service would in the end deal with such a case?	-	-	Social worker of the local municipality.
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		There are no special measures in place for victims with disability. The police follows general rule recognised by the Constitution, ³ the Police and Border Guard Act ⁴ and the Code of Criminal Procedure (<i>kriminaalmenetluse seadustik</i> ; hereinafter as CCP) whereby participants in criminal proceedings must be treated without degradation of their dignity. ⁵

³ [Estonia] Constitution of the Republic of Estonia (*Eesti Vabariigi põhiseadus*), RT 1992, 26, 349 ... RT I, 27.04.2011, 1.

⁴ [Estonia] Police and Border Guard Act (*Politsei ja piirivalve seadus*), RT I 2009, 26, 159 ... RT I, 26.03.2013, 2.

⁵ [Estonia] Savimaa, R. (2013) Vastused küsimustikule, E-mail communication, Police and Border Guard Board, 3 June 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	The victim support officers are guided by Standards of Services and the opinion is that there is no need for separate guidelines. They have received training on different clients. 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	There are no special measures in place for victims who are migrants with illegal residency status. General rules apply. Reference could also be made to the Obligation to Leave and Prohibition on Entry Act concerning illegal immigrants and requiring to take into account the special needs of vulnerable persons. 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	The victim support officers are guided by Standards of Services and the opinion is that there is no need for separate guidelines. ¹⁰
7c	Are migrants with illegal residency status excluded from accessing support from victim support organisations in practice?		x	The Victims Support Act (<i>ohvriabi seadus</i> ; hereinafter as VSA) ¹¹ does not exclude irregulars, while compensation is limited to EU citizens and citizens of the signatory states to the respective European Conv (§9).
8	Is access to victim support services dependent on a victim making a formal complaint to competent authorities (e.g. the police)?		x	Only if the victim is applying for compensation from state. ¹² All other services do not require prior formal complaint.
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 providers are independent from the police and are not, in practice, influenced by them in this regard. ¹³
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		The standard form that the police officers are filling in on the scene will be transferred to the victim support officers. ¹⁵

⁶ [Estonia] E-mail communication, Victim Support Department of the Social Insurance Board, 2 May 2013.

⁷ Please note that 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 [Estonia] E-mail communication, Police and Border Guard Board, 3 June 2013.

⁹ Please note that 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 [Estonia] E-mail communication, Victim Support Department of the Social Insurance Board, 2 May 2013.

¹¹ [Estonia] Victim Support Act (*Ohvriabi seadus*), RT I 2004, 2, 3 ... RT I, 18.04.2013, 2.

¹² [Estonia] Form of an application for state compensation to victims of crimes and the list of necessary documents (*Kuriteoohvritele makstava riikliku hüvitise taotlemise vorm ja vajalike dokumentide loetelu*), Regulation of the Minister of Social Affairs no 10 (29 January 2004), RTL 2007, 11, 176, §1.

¹³ [Estonia] discussions with several experts over the course of seven interviews

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 [Estonia]] discussions with several experts over the course of seven interviews

10b	If the answer to 10a above is yes, is the police obliged to obtain the victim's permission/consent for the data transfer?	x	According to the Personal Data Protection Act (<i>isikuandmete kaitse seadus</i> , PDPA), ¹⁶ the processor of personal data, eg. the police, must ask permission when data is processed, including disclosed (§§10-12).
10c	Is there a legal basis for the communication/transfer of the victim's data? What is it?	x	Paragraphs 10-12 of PDPA regulate the obligation to ask for a consent for the transfer of delicate personal data and the transfer itself. Specific guidelines also stipulate the more detailed rules on what and how to transfer. ¹⁷

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).

A: No generic victim support provider exists	B: At least one generic victim support service provider exists at national	C: At least one generic victim support service provider exists at national level. The main	D: At least one generic victim support service provider exists at national level. The main provider or	E (OTHER) – if you cannot place your country in any of the
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¹⁶ [Estonia] Personal Data Protection Act (*isikuandmete kaitse seadus*), RT I 2007, 24, 127 ... RT I, 30.12.2010, 2.

¹⁷ [Estonia] Procedure on reacting to the incidents of domestic violence, guidelines on exchange of information in relation to that and forwarding information to victim support (*Lähisuhtevägivalla juhtumitele reageerimise, sellega seotud infovahetuse korraldamise juhendi ja ohvriabile info edastamise kord*), approved with the Decree no 487 (17 November 2010) of the Director of the Police and Border Guard Board; and [Estonia] Guidelines on treating minors that have committed a crime or children who need support (*Alaealiste õigusrikkujate ja kuriteoohvriks langenud laste kohtlemise juhend*), Decree no 265 (15 June 2010) of the Director of the Police and Border Guard Board.

	level. The main provider or structure is state run and state funded	provider or structure is non-governmental run but relies strongly on state funding	structure is non-governmental run and does not rely strongly on state funding	other categories, please describe
	EE			
Explanation/justification:	Explanation/justification:	Explanation/justification:	Explanation/justification:	Explanation/justification:
	The state along with the local governments act as the main general service provider for victims of crimes. The regional offices of state service provide information on the available services and assistance. There is only one non-governmental organisation, Union of Support to Victims of Crime NGO "Victim Support" (kuriteohvrite toetamise ühing MTÜ "Ohvriabi") providing general victims support services but their activity has been very limited in recent years (mostly limited to online-services).			

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

EE	X		X			The Ministry of Justice (<i>Justiitsministeerium</i>) is responsible for the legal regulation of the victim support system. Provision of victim support services, however, is within the competence of the Ministry of Social Affairs (<i>Sotsiaalministeerium</i>).
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.						
EE	Ministry of Social Affairs is the coordinating body for the network of cooperation in this area, which is composed of state, local government and non-governmental actors. The state institution that is the direct provider of victim support services is the Social Insurance Board (<i>Sotsiaalkindlustusamet</i>) and more particularly its Victim Support Department.					
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.?)						
EE	Victim support model is based on the VSA. The victim support services are funded directly from the state budget and from the compensations recovered from the convicted persons (VSA § 32).					

2.2.3 Funding:¹⁸

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		263,171		
b Paid out by the state for compensation		266,981.70		
c Budgeted by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims)		The budget of the Social Insurance Board does not bring out the direct costs of the victim support services specifically.		
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.		Victims of human trafficking: 95,867		
e Paid out by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims).		The budget of the Social Insurance Board does not bring out the direct costs of the victim support services specifically.		
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.		Victims of human trafficking: 95,867		
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		The chosen organisation is state victim support system within the structure of the Social Insurance Board. The budgeting is based on ordinary methods of

¹⁸ Data was provided by the Ministry of Social Affairs – e-mail communication, 2 May 2013.

			budgeting state institutions.
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 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?	X		
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'.	X		
k Are there any factors that would discourage the victim support organisation in practice from supporting third country nationals? Please specify under comments.		X	No financial impediments.

2.2.4 Capacity: ¹⁹

For the year 2012, please specify the number of victims of crime that:	No of persons:
a Applied for compensation from state sources.	391
b Received compensation from state sources.	391
c Approached generic victim support services (i.e. services not restricted to a particular category or categories of victims)	4510
d Approached specialised victim support services (i.e. services restricted to a particular category or categories of victims)	The state only provides generic victim support services.

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		
Other national studies related to victims of crime (specify)	X		(a) Ministry of Justice, "Survey of the Crime Victims", 2010. ²⁰ (b) Jokinen, A., Ollus, N. and	(a) Survey of the Crime Victims was carried out in Estonia for the fifth time. More than 4000 people were interviewed. The sample consisted of respondents aged 15-74. The overall number of crime has decreased, meanwhile the percentage of crimes against property has increased. Young people have been exposed more often to violence than to thefts. The general sense of security has become stronger. (b) The chapter dedicated to Estonia

¹⁹ Data was provided by the Social Insurance Board – [Estonia, E-mail communication, Victim Support Department of the Social Insurance Board, 2 May 2013.

²⁰ [Estonia] Ahven, A. et al (eds) (2010) *Kuriteoohvrite uuring. Kriminaalpoliitika arengud* 14. Estonia, Ministry of Justice (Justiitministeerium)

		<p>Aromaa, K. (eds.), "Trafficking for forced labour and labour exploitation in Finland, Poland and Estonia", 2011.²¹</p> <p>(c) Ministry of Justice, "Victims and witnesses in criminal procedure", 2012.²²</p> <p>(d) Ministry of Justice, "Practical work on the cases of domestic violence", 2010.²³</p>	<p>provides an in-depth analysis on the issues of de jure and de facto employment exploitation in or connected to Estonia. Various official resources and legal, economic and sociological literature and statistics were used, in addition to that when possible interviews were conducted. Estonia is mainly a source country of human trafficking for forced labour and labour exploitation. To a lesser extent, Estonia is also a destination country for migrants coming from former republics of Soviet Union. At the time of the making of the survey Estonia lacked legislation specifically created for combating human trafficking and this made the mapping of the issue specially complicated, only one victim was interviewed and from this interview it came clear that his/her situation was characterized by shame, confusion and little hope for improvement.</p> <p>(c) In general the victims and witnesses are content with the work of the investigative bodies, however they tend to lack the necessary knowledge of their procedural rights and the course of the proceedings. Half of the interviewees were disturbed by having to see or be in contact with the accused person during the court hearings, as much as 63% expressed the same concern about having to face the presence of the accused while waiting for the hearing.</p> <p>(d) The survey focuses on gathering statistics on the process and outcomes of domestic violence cases by comparing the case law of different districts and conducting interviews with different professionals. The survey itself is not very voluminous but some of the conclusions should be highlighted: when working on cases involving domestic violence the police initiates proceedings more often in the southern districts than in northern districts, also restraining orders are applied more often in the south. As the police shows up more initiative in the south, the</p>
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²¹ Jokinen, A., Ollus, N. and Aromaa, K. (eds.) (2011) Trafficking for Forced Labour and Labour Exploitation in Finland, Poland and Estonia. Publication Series No. 68, Helsinki, European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI).

²² [Estonia] Tartu Ülikool, sotsiaalteaduslike rakendusuringute keskus RAKE (2012) *Kannatanud ja tunnistajad süüteo menetluses*, Tallinn, Ministry of Justice (*Justiitsministeerium*).

²³ [Estonia] Salla, J. and Surva, L. (2010) *Perevägivalda juhtumite menetluspraktika*, Tallinn, Ministry of Justice (*Justiitsministeerium*).

				question of equal protection of the residents of the different regions arises. In general, this type of crime tends to be moderately reported and prosecuted, reported cases of domestic violence make up 28% of all the cases of physical abuse. Allegedly about half of the cases are reported.
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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.

	EXAMPLE: AUSTRIA	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		(a) NGO Ohvriabi, teleph: +3726585087, website: www.ohvriabi.ee ²⁴ (b) NGO Living for Tomorrow, teleph: +3726607320, website: http://lft.ee/ ²⁵ (c) NGO Estonian Women`s Shelters Union, teleph: 1492, website: www.naisteliin.ee ²⁶ (d) NGO Spiritual Assistance Association USALDUS, teleph: 126 (EE), 127 (RU), website: www.usaldus.ee ²⁷ (e) NGO Eluliin, teleph: +3726558088 (EE), +3726555688 (RU), +3726314300 (crisis counselling), website: www.eluliin.ee ²⁸ (f) NGO Eesti Abikeskused, teleph: 116000, website: http://lasteabi.ee ²⁹ In addition there are regional helplines operated by different NGOs
2	Does it operate 24/7? (If no, specify the days and times of operation under 'Comments').			(a) 10:00-14:00 on weekdays, answering machine on other times (b) 10:00-18:00 on weekdays, answering machine on other times (c) 10:00-18:00 on weekdays, sometimes also on Saturdays and Sundays. (d) Every day 126 (EE): 17:00-03:00,

²⁴ Information based on e-mail correspondence. – [Estonia] Union of Support to Victims of Crime NGO "Victim Support", e-mail correspondence, 13 May 2013.

²⁵ Information based on the interview conducted. – [Estonia] NGO Living for Tomorrow, April 2013.

²⁶ Information based on the interview conducted. – [Estonia] NGO Estonian Women`s Shelters Union, April 2013.

²⁷ Information based on their website www.usaldus.ee, since the organisation did not respond to request of additional information.

²⁸ Information based on e-mail correspondence. – [Estonia] NGO Eluliin, e-mail correspondence, 26 April 2013.

²⁹ Information based on e-mail correspondence. – [Estonia] NGO Eesti Abikeskused, e-mail correspondence, 26 April 2013.

				127 (RU): 19:00-23:00; skype: 19:00-23:00. (e) The crisis counselling operates 8:00-20:00, calls outside this period are directed to the other two numbers, which operate 19:00-7:00. (f) 24/7
3	Does it operate nationwide? (If no, name the city or federal state in which it operates).	X		(a-f) All operate nationwide
4	Is the helpline free of charge?	X		(a-f) All are free of charge
5	Does the helpline target all victims of crime? If no, please specify (under comments) which categories of victims can approach the helpline.	X	X	(a) No specialisation. Also target victims of accidents. (b) human trafficking, labour exploitation (c) victims of violence against women (d) No specialisation. (e) General counselling numbers target all victims. In addition, the NGO operates special programmes for women involved in prostitution (ATOLL) and victims of human trafficking (VEGA). (f) The main target group are minors, the helpline offers phone counselling to other groups of victims and when necessary provides the contacts for further counselling.
6	Is the helpline state run (if no, describe the non-state actor(s) who runs it under 'Comments')			(a) Fully non-governmental, project-based (b) Fully non-governmental, project-based (c) Fully non-governmental, project-based (d) Fully non-governmental (e) Fully non-governmental, project-based (f) State run
7	Is the helpline funded by the state?			(a) Partly by the Ministry of Social Affairs through the Gambling Tax Board, partly by membership fees and partly by donations. (b) Fully by the Ministry of Social Affairs (c) Funded by the Ministry of Social Affairs through the Gambling Tax Board. Norway is going to provide funding starting from 2013 through its EEA Grants programme. (d) Partly funded by the Ministry of Social Affairs through the Gambling Tax Board and partly by private funds. Eg in 2010, the NGO was funded by the Open Estonia Foundation. (e) Funded by both the state and

				private sponsors. The crisis counselling number is funded by the Tallinn City Government. (f) Fully state funded
8	Is the international EU victim support telephone number 116-006 available? ³⁰ If no, provide a justification and/or specify whether plans to implement this are underway.		X	There are several helplines available already, some of them long-running. There is no urgent need for another one.
		Comments		
9	Please give a brief description (1-2 sentences) of the services provided by the helpline.	(a) psychological, social, crisis and initial legal counselling through phone, website, e-mail and face-to-face meeting. (b) initial legal, social counselling and advice to prevent human trafficking and to offer support to victims (c) initial counselling, also legal (d) emergency psychological counselling (e) psychological crisis counselling, family counselling and therapy, social and psychological rehabilitation, legal counselling, shelters to victims of human trafficking (f) initial social and legal counselling, crisis counselling		
10	What was the operational budget (in EUR) for the helpline in 2012? Please specify under 'Comments'	(a) 1,785 EUR (b) appr. 15,978 EUR (250000 EEK) (c) 23,490 EUR (covered 11 months, one month was purely volunteer work based) (d) In 2010 the budget was 499,604 EEK (appr 31,930 EUR (information on 2012 is not yet available). (e) 183,000 EUR (per all the services and programmes provided by NGO Eluliin) (f) appr. 138,000 EUR		
11	How many people were employed to run the helpline in 2012?	(a) none (80 volunteers) (b) 3 (c) 6 (d) appr 4 (data from 2010, data on 2012 is not available yet) (e) 27 (f) 8		
12	What form(s) does the helpline take? E.g. just phone-line; email, web forum, walk-ins	(a) telephone, e-mail, web-based form, walk-ins (b) telephone, e-mail, skype, walk-ins (c) telephone (d) telephone, skype (e) telephone, e-mail, walk-ins, chat (f) telephone, e-mail, skype, walk-ins, chat		

³⁰ 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.

13	Of the possible ways to access the helpline, what is the most frequently used by persons contacting the helpline?	(a) E-mail (b) E-mail (c) telephone (d) N/A (e) telephone (f) telephone
14	Who operates the helpline? (e.g. Professional staff such as psychologists or lawyers; volunteers etc.)	(a) volunteers, management board of 3 members with backgrounds in psychology, social work and educational sciences. (b) lawyer and two pedagogues, all trained in psychological counselling (c) lawyer, psychotherapist, volunteers from women shelters (d) volunteers (e) psychological counsellor, psychologist, psychiatrist, therapist, social worker, doctor-health counsellor, lawyer, experience advisors, support persons and volunteers (f) social worker, psychologist (all have received medical training)
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'.	(a) no statistics kept due to the lack of financial resources (b) 671 ³¹ (c) 110 (d) N/A (e) appr. 12 000 contacts combined (f) appr. 50

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		VSA § 33 obliges preliminary investigation authorities to provide information regarding the content of the VSA. CCP also requires that an “investigative body or a Prosecutor’s Office shall explain to the victim his or her s rights, the procedure for filing a civil action, essential requirements for a civil action, term for filing a civil action and the consequences of allowing such term to expire, and the conditions and procedure for receipt of legal aid ensured by the state” (§38(4)).
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		See above.

³¹ [Estonia] NGO Living for Tomorrow (2013) *Inimkaubanduse ennetamise ja ohvrite abistamise nõustamisliin +372 6607320 Eestis*, available at: <http://ft.ee/admin/upload/files/Hotline%202012%20est.pdf>.

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		This obligation is stipulated in point 1 of § 8 of CCP: “in the performance of a procedural act in the cases provided by law, explain to the participants in the proceeding the objective of the act and the rights and obligations of the participants.”
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		CCP § 10 foresees the right of the participant in criminal proceedings and the party to the court proceedings the right to interpreter or translator. This, in principle, also includes the victims. However, with the consent of all relevant persons “the criminal proceedings may be conducted in another language if the body, participants and parties are proficient in such language.”
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 victims are sent a written notification to their place of residence. ³²
	(b) the time and place of the trial, and the nature of the charges.			See the above.
	(c) any final judgment in a trial			See the above.

1.5 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	The Police has received training but it has been sporadic. ³³
2	Prosecutors		X	The prosecutors have received training but it has been sporadic. ³⁴

³² [Estonia] discussion with several experts during seven interviews

³³ [Estonia] discussion with several experts during seven interviews

³⁴ [Estonia] discussion with several experts during seven interviews

3	Judges		X	The judges have received training but it has been sporadic. ³⁵
4	Court staff		X	No training for court staff other than aids to the judges but these have been sporadic. ³⁶
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	Victim support organisations are involved in the training in general. They provide input through lecture, but also they organise and run the trainings (through projects funded by the Ministry of Social Affairs). ³⁷
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		The victim support staff receive regular training once a year – so-called summer schools. ³⁸ Additionally they can go to any other relevant training offered by any organisation if they are. ³⁹
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.)	NA	NA	No systematic training to other officials, but there have been trainings for border guard officers, consular officers, psychiatrists, psychologists, youth workers, social workers, child protection officers, probation officers and teachers. ⁴⁰

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)?	Victims as defined by the VSA do not have to be victims according to the CCP (§37). According to VSA the definition covers those who have suffered injury of any kind due to negligence, mistreatment or physical, mental or sexual abuse. In the context of criminal procedure, the term stands for the status in the proceedings regardless of whether an actual offence has been committed, this includes victims of attempted crimes. In brief, VSA sets an injury as an essential component of the term and provides a material definition, meanwhile CCrP requires a criminal offence or an unlawful act committed by a person not capable of guilt (CCrP § 7) and ongoing or terminated criminal proceedings. Both terms include

³⁵ [Estonia] discussion with several experts during seven interviews

³⁶ [Estonia] discussion with several experts during seven interviews

³⁷ [Estonia] discussion with several experts during seven interviews

³⁸ [Estonia] e-mail communication, 2 May 2013.

³⁹ [Estonia] interviews with several victim support officers

⁴⁰ [Estonia] discussion with several experts during seven interviews

		victims of any type of crime.
2	Is there a separate definition of 'vulnerable victims' (as separate from the main or generic definition of 'victim')?	The term vulnerable victim has not been introduced in Estonian legislation, but there are certain groups of victims like minors or minors or those who are in need of witness protection (see 2.6.3) who receive special treatment during the proceedings.
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?	There is no generic definition of a victim other than the direct victim of the crime. However, VSA does provide a close or a dependant with the right to receive monetary compensation in case of death of the direct victim, besides that family members are entitled to compensation of funeral or medication expenses. VSA does not exclude any of these people from receiving non-monetary services. For example, the family member may apply for the compensation of psychological assistance (§6 ¹) and the dependant of the victim may apply for a compensation for the damages caused by crime if the direct victim has lost his/her life (§9(3)). Though not considered a victim in the sense of VSA or CCP, a family member is entitled to compensation of moral damages arising from the death of or a serious bodily injury or health damage of the direct victim under the Law of Obligations Act (§134(3)). This right can be exercised by filing a civil claim.

2.6.2. Decision not to prosecute

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

	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		According to the CCP, the victim has the right to contest the refusal to commence or the decision to terminate criminal proceedings (see CCP §§ 38, 207).
Who undertakes this review?	NA	NA	At first an appeal is filed to the Prosecutor's Office. In case the latter dismisses the appeal, the victim can turn to the circuit court and apply for review (CCP §§ 207-208). If the court upholds the decision of the Public Prosecutor, this is final and not subject to any remedy.
Does the victim have the right to institute private prosecution in cases where the prosecutor drops charges? If yes, under what circumstances?		X	CCP does not provide the possibility to institute private prosecution or act as a substitute private prosecutor.
Does the prosecutor's office have a dedicated hotline or mechanism whereby victims can inquire about the progress of a case?		X	There is no special hotline service arranged for victims. The victims must call directly to the Prosecutor responsible for the case.

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.

EXAMPLE: Germany	Yes	No	Comments (Max word count 80 words)
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Do victims have a right to be heard during criminal proceedings?	X	The right to be heard during pre-trial and court proceedings is set forth among other procedural rights in CCP §38.
Do victims have a right to supply evidence during criminal proceedings?	X	Such right is provided by CCP §38(4) and can be exercised both during the pre-trial and court proceedings.
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	<p>Pursuant to CCP §69 “A body conducting the proceedings may organise <u>telehearing</u> of a witness if the direct hearing of the witness is complicated or involves excessive costs or if it is necessary to protect the witness or the victim.” The term telehearing covers hearings conducted by phone or broadcasted to the courtroom by means of some other technical solution. The consent of the accused is necessary, except when the witness or victim remains anonymous. Telehearings are recorded and minutes are kept. In practice such measures are most often used when hearing children.</p> <p>The court may accept <u>deposited testimony</u> given by the victim among other grounds when he or she refuses to appear in court or is unable to give testimony due to his/her health condition (CCP §291). Again there are specifications concerning the hearings of minors, their testimony is video recorded and can be accepted as evidence either when the child is under 10 years of age, the case involves delicate matters such as domestic violence or sexual abuse and the child is upto 14 or when he or she suffers from speech impairments, sensory or learning disabilities or mental disorders.</p> <p>According to CCP §287(4), the court may use a <u>partition</u> to hide the witness from the accused either at the request of a party or on its own initiative.</p>

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 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	It is usually the out-of-court victim support official that accompanies and assists the victim. It is suitable as well to have the same person assisting the victim from the very start. ⁴¹
2	Is there a separate waiting area for victims at court?		X	All the interviewees noted the absence of a separate waiting area. They have simply led the victim as far away from the perpetrator as possible. ⁴²
3	Is special seating reserved for victims at trial?		X	All the interviewees noted the absence of reserved seating. Some of them stated that when necessary they or, in case of minors, victim's parents have physically stood in between the victim and the perpetrator. ⁴³
4	What other services are available?	NA	NA	Telehearing (CCP §69), deposited testimony (CCP §291), screens (CCP §287(4)).
5	Who provides the services (e.g. professional or specialised staff; volunteers etc)?	NA	NA	There are no victim support services in courts.
6	In reference to question 5, do the service providers provide advice to prosecutors with respect to the the safety, physical and psychological well-being, dignity and privacy of victims?	NA	NA	There are no victim support services in courts.
7	Do they provide advice to judges with respect to the the safety, physical and psychological well-being, dignity and privacy of victims?	NA	NA	There are no victim support services in courts.
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		The need to respect the rights and interests of the victims is stipulated in the CCP (e.g. §11 on public nature of the court session). The rights of the victim are listed in detail in §38.
9	Do victims have the right to be accompanied by support persons during the trial?	X		CCP does not explicitly provide such right with the exception of a minor. CCP expressly provides the court with the opportunity to involve a child protection services, social worker, pedagogue or a psychologist when a minor is questioned (§290).
10	Can victims access & copy trial records?	X		Victims have the right to access trial records pursuant to CCP §38 in conjunction with §224. Pursuant to the latter they also have the right

⁴¹ [Estonia] discussions with several experts in seven interviews

⁴² [Estonia] discussions with several experts in seven interviews

⁴³ [Estonia] discussions with several experts in seven interviews

			to make excerpts from the materials of the criminal file and request that copies be made of the materials of the criminal file by the Prosecutor's Office for a charge (see CCP § 224(5)). The same right is also protected under the Code of Civil Procedure (§59 – <i>Tsiviilkohtumenetluse seadustik</i>). ⁴⁴
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⁴⁴ [Estonia] Code of Civil Procedure (*Tsiviilkohtumenetluse seadustik*), RT I 2005, 26, 197 ... RT I, 05.04.2013, 1.

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)
	Place X in appropriate column			X	
1. Free legal advice	Comments:			Pursuant to the State Legal Aid Act (<i>Riigi õigusabi seadus</i>), ⁴⁵ a resident or citizen of Estonia or any other EU member states may receive state legal aid if (s)he is unable to pay for competent legal services due to their financial situation at the time the person is in need of legal aid or is able to pay for legal services only partially or in	

⁴⁵ [Estonia] State Legal Aid Act (*Riigi õigusabi seadus*), RT I 2004, 56, 403 ... RT I, 18.04.2013, 2.

				instalments or whose financial situation does not allow for meeting basic subsistence needs after paying for legal services (§6). The victim support services provide basic advice not requiring special legal competences. ⁴⁶	
2. Free legal representation	Place X in appropriate column			X	
	Comments:			See the comment above for point 1.	
3. Exemption from court fees	Place X in appropriate column	X			
	Comments:	Procedure expenses are compensated by the state or the convicted offender, except when the “victim” has knowingly filed a false report. In cassation proceedings and review procedure the expenses may be imposed on the petitioner when the petition of review is dismissed. Filing a civil claim during criminal proceedings is not subject to court fees (see CCP §§ 180 ff).			
4. Exemption from or reimbursement for expenses related to interpretation and/or translation	Place X in appropriate column	X			
	Comments:	Interpretation and translation services are free of charge for the victim. The expenses are covered by the institution			

⁴⁶ [Estonia] Interviews with several victim support officers

		that ordered the presence of the translator (see Government Regulation no 322 of 22 December 2005). ⁴⁷			
5. Reimbursement for loss of earnings, travel and accommodation costs with regard to role in criminal or civil proceedings	Place X in appropriate column	X			
	Comments:	The following costs are reimbursed to the victim: lost income, daily allowance, travel and overnight accommodation expenses (CCP § 178).			
		The state	A victim support service	Both	Other (explain)
2. Who provides legal aid? place 'X' in one column only)		X			

⁴⁷ [Estonia] Procedure of paying a fee and compensating the costs for the participants of criminal, misdemeanor, civil and administrative proceedings (*Kriminaal-, väärteo-, tsiviil- ja haldusajade menetlustest osavõtjatele tasu maksmise ja kulude hüvitamise kord*), regulation of the Government of the Republic no 322 (22.12.2005).

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 victim has the right to file a civil claim during the criminal proceedings (CCP §§38, 225). Alternatively, he or she is entitled to compensation paid by state according to the VSA, once he or she has reported the criminal offence to the police.
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		The expenses that the victim has bore due to the ongoing proceedings are compensated by the state (CCP §178). Financial claims against the accused or a third person are solved as part of civil proceedings. The victim has the rights to request application of restraining order (CCP §§ 38, 310(1)). The victim also has the right to apply for the hearing being conducted via telephone or video-conference. When there is an actual danger of falling under unlawful influence or risking his/her health or property interests, a victim is entitled to the measures provided in the Witness Protection Act (<i>tunnistajakaitse seadus</i>), ⁴⁸ incl. physical protection of the protected person and his or her property, secret relocation, creation of new identity etc (incomprehensive list of measures can be found in (§18).
3	Is compensation paid by the offender?	X		The victim may ask for compensation from the offender by way of civil proceedings (CCP §§ 38, 225). In addition, the offender is obliged to pay compensation levies, which are transferred in public revenues. The compensation levies are about procedural costs of the criminal court proceedings ⁴⁹ and are

⁴⁸ [Estonia] Witness Protection Act (*tunnistajakaitse seadus*), RT I 2005, 39, 307 ... RT I, 29.06.2012, 2.

⁴⁹ [Estonia] Supreme Court (*Riigikohus*), 3-1-1-63-05, 9 September 2005.

				paid upon conviction in first degree crime is 2,5 times the amount of the minimum monthly wage, while in case of conviction in second degree crime it is 1,5 times the same amount. (analogous to state fees in civil proceedings) (CCP §179).
4	Is there such thing as a 'victims of crime fund' that convicted persons must contribute to?		X	The state victim support services are, at least partly, financed based on the levies paid by the offender (VSA § 32 (2)) but their main purpose is to compensate at least part of the procedural costs.
5	Does compensation paid by the offender under a 'victims of crime fund' go towards victim support services?		X	See the comment above.
6	Is compensation paid by the state?	X		Compensation payable under VSA is paid by the state. The state has the right of recourse from the person responsible for damages (VSA §31).
7	Will the State advance payment of the compensation if the offender does not pay? Under which conditions?		X	No, if compensation was applied for by way of civil proceedings, it is collected pursuant to the Code of Enforcement Procedure (<i>täitemenetluse seadustik</i> ; hereinafter as CEP), ⁵⁰ enforcement proceedings are conducted pursuant to a court judgment which has entered into force and has been sent to a bailiff for enforcement (see CEP §§ 210, 204).
8	Does a compensation order exist?		X	Offender pays compensation or levy in accordance with the court judgment, which also includes a calculation of the compensation or levy to be paid.
9	Do prosecutors have the power to mediate between the offender and the victim?	AT, BE, NL FR CZ, FI, DE, HU, LT, LU, PL, RO, SL, SE	BG, CY, DK, EE , EL, ES, IE, LV, MT and UK	The state victim support official acts as a mediator (VSA §6 ³).
10	Do prosecutors have the duty to attempt to obtain compensation from the offender?	AT, BE, NL FR CZ, FI, DE, HU, LT, LU, PL, RO, SL, SE	BG, CY, DK, EE , EL, ES, IE, LV, MT and UK	No such duty in Estonia, although the victim must be informed of his/her rights (VSA §33).
11	Is compensation, when paid by the offender to the victim, taken into account in decisions to prosecute?	AT, BE, CZ, FI, FR, DE, HU, IT, LT, LU, NL, PL, PT, RO, SI, SL & SE.	BG, CY, DK, EE , EL, ES, IE, LV, MT and UK	According to the experts BG, CY, DK, EE, EL, ES, IE, LV, MT and UK do not consider the question of compensation to the victim in the decision to prosecute the offender, while payment or non-payment of

⁵⁰ [Estonia] Code of Enforcement Procedure (*täitemenetluse seadustik*), RT I 2005, 27, 198 ... RT I, 31.12.2012, 5.

				compensation may influence the decision to prosecute in AT, BE, CZ, FI, FR, DE, HU, IT, LT, LU, NL, PL, PT, RO, SI, SL & SE.
12	Is compensation, when paid by the offender to the victim, taken as a mitigating factor in sentencing?	AT, BE, CZ, FI, FR, DE, HU, IT, LT, LU, NL, PL, PT, RO, SI, SL & SE.	BG, CY, DK, EE , EL, ES, IE, LV, MT and UK	According to the experts BG, CY, DK, EE, EL, ES, IE, LV, MT and UK do not consider the question of compensation to the victim in the decision to prosecute the offender, while payment or non-payment of compensation may influence the decision to prosecute in AT, BE, CZ, FI, FR, DE, HU, IT, LT, LU, NL, PL, PT, RO, SI, SL & SE.
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		According to VSA, an application for compensation must be submitted within one year from the commission of the crime or the date of death of the victim. A civil claim based on CCP can be submitted during criminal proceedings within 10 days from the date of submission of the criminal file to the participants for examination. After that an action can be filed in a separate civil procedure (CCP §225). The statute of limitation for such claim is 3 years as of the moment when the entitled person became or should have become aware of the damage and of the person obligated to compensate for the damage (General Part of the Civil Code Act – <i>Tsiviilseadustiku üldosa seadus</i> –, §150). ⁵¹
14	Do third country nationals have the right to apply for compensation?	X		Provided the criteria set in VSA §9(2) is met, according to which he or she must either reside in Estonia on the basis of a residence permit or right of residence of a long-term resident or a temporary residence permit or right of residence or be an EU citizen or a citizen of a state which is a party to the European Convention on Compensation of Victims of Violent Crimes or be a person enjoying international protection staying in Estonia. A third country national has the right to file a civil claim based on CCP on equal conditions with Estonian nationals.

⁵¹ [Estonia] General Part of the Civil Code Act (*Tsiviilseadustiku üldosa seadustik*), RT I 2002, 35, 216 ... RT I, 06.12.2010, 1.

15	Do third country nationals with irregular status (i.e. residing in the country illegally) have the right to apply for compensation?	X		See above comment. If the person is an EU citizen or a citizen of a state which is a party to the European Convention on Compensation of Victims of Violent Crimes, the legality of his or her status is irrelevant.
16	Are there exceptions prescribed in law for different types of crimes? If yes, what are they?	X		The limitation period of first degree crimes is 10 and of second degree crimes 5 years, a judgement cannot be executed when respectively 5 or 3 years have passed from the entry into force of the judgement (Penal Code §§ 81-82) ⁵² . Only victims of crimes of violence are entitled to compensation pursuant to VSA §7. The compensation levies paid upon conviction in first degree crime is 2,5 times the amount of the minimum monthly wage, while in case of conviction in second degree crime it is 1,5 times the same amount (CCP §179).

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	The representative of the Social Insurance Board confirmed the lack of any formal system. ⁵³ This was also noted by victim support officers interviewed. ⁵⁴
2	Can victims of crime report crimes in their own country if the crime was committed in another state?	X		There is nothing that would preclude a victim from reporting a crime once he/she has returned home. The report can be submitted via e-mail. ⁵⁵
3	Are victim support services made available to all victims, regardless of legal status, country of origin or nationality?	X		Provided the criteria set in VSA §9(2) is met, according to which he or she must either reside in Estonia on the basis of a residence permit or right of residence of a long-term resident or a temporary residence permit or right of residence or be an EU citizen or a citizen of a state which is a party to the European Convention on

⁵² [Estonia] Penal Code (*karistusseadustik*), RT I 2001, 61, 364 ... RT I, 17.04.2013, 2.

⁵³ [Estonia] E-mail communication, Victim Support Department of the Social Insurance Board, 2 May 2013.

⁵⁴ [Estonia] interviews with several victim support officers

⁵⁵ [Estonia] Police and Border Guard Board (2013) 'Submitting a crime report', available at: <http://www.politsei.ee/en/nouanded/kannatanule/esita-avalidus.dot>.

				Compensation of Victims of Violent Crimes or be a person enjoying international protection staying in Estonia.
4	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.		X	There are no special mechanisms.
5	Is information made available to victims in different languages by the police? If yes, which languages?			Information for victims is available online in Estonian, Russian and English.
6	Is information made available to victims in different languages by victim support services? If yes, which languages?	X		Information on victim support services is available online in Estonian, Russian and English. ⁵⁶
7	Do victim support services offer interpretation or translation services? If yes, in which languages?	X		Translation and interpretation is available only to the victims of human trafficking and sexually abused minors (VSA §3(2 ¹)). The Victim Support Act does not specify languages.
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	The Ministry of Social Affairs is developing and maintaining cooperation with other countries.
		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?	The victims may apply for the compensation either in their own country or may contact the Estonian victim support services, the Social Insurance Board, with the application and additional documents that are also available in English. ⁵⁷		
10	What is the number of victims accessing victim support services who are non-nationals of the state?	Data is not segregated based on that. ⁵⁸		
11	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.	No special mechanisms available. The procedure is exactly as with residents.		
12	Are there any measures put in place for the protection of a victim's right to privacy when dealing with cross border victims?	Social Insurance Board is bound by the Personal Data Protection Act, which sets no special requirements for any cross border transfer of data. The police is additionally bound by the Police and Border Guard Act (<i>Politsei ja piirivalve seadus</i>), which sets special rules on processing and transferring personal data to a foreign country (§7 ⁴⁶). ⁵⁹ According to the rules, the processing of data that requires person's consent, such as the delicate personal data, the person must be provided with certain information prior to the acquisition of the consent.		

⁵⁶ [Estonia] E-mail communication, Victim Support Department of the Social Insurance Board, 2 May 2013.

⁵⁷ [Estonia] Social Insurance Board, 'State compensation of victims of crime', available at: <http://ensib.ee/state-compensation-of-victims-of-crime/>.

⁵⁸ [Estonia] E-mail communication, Victim Support Department of the Social Insurance Board, 2 May 2013.

⁵⁹ [Estonia] Police and Border Guard Act (*Politsei ja piirivalve seadus*), RT I 2009, 26, 159 ... RT I, 26.03.2013, 2.

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?**

The state victim support service does not use volunteers, although the legislation does foresee such possibility. According to the victim support officers interviewed, there used to be volunteers in the early years when the Victim Support Act was adopted in 2003.⁶⁰ The volunteers were trained along with the officers but no new volunteers were recruited. It was suggested by one of the interviewees that there is no need for volunteers in the state victim support system, since there are enough non-governmental organisations to provide the assistance.⁶¹

Non-governmental organisations, on the other hand, rely heavily on volunteer work, some organisations more than others. Their role and the reasons for using volunteer work differs from organisation to organisation. For example, the representative of the Estonian Women's Shelters Union (EWSU, *Eesti Varjupaikade Liit*) stated that the number of volunteers in EWSU itself and its member organisations depends on the funding from the state. Occasionally, people need to work for free.⁶² On the other hand, the Living for Tomorrow (LFT) does have the occasional volunteer (2-3 persons per year) but only in a limited capacity and mostly in order to get a fresh perspective, rather than to compensate lack of funding.⁶³ The *Eluliin*, offering also nightline service, is composed mostly of volunteers and has been so from the beginning.

Typical tasks of the volunteers also depend on the dependency of the organisation on volunteer work. For example, EWSU stated that volunteers in women's shelters do everything, starting from answering telephone, providing psychological, social and legal counselling, doing awareness raising activities and communication work. This also means that their working hours amount up to 60 hours per month. In the *Eluliin*, counselling is also offered by the volunteers, while in LFT, volunteers are not allowed to counsel but rather checking contacts, compiling responses to e-mails, helping to compile different materials. Their working hours in LFT are thus also in average up to 4 hours per week.

The typical volunteer is a woman, positive, enthusiastic and empathic. In EWSU and its member organisations where they have a major role, volunteers are also more stress-resistant. While in EWSU, the age of volunteers varies, in LFT the volunteer is mostly 20-25 years, university students studying youth work or social work. In shelters the volunteers have varying education but they all have flexible work or studying hours to allow them to work in the shelter.

- 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.**

The question is not applicable as in Estonia, there is a tradition of volunteerism in the area of victim support.

⁶⁰ [Estonia] Interview with victim support officer

⁶¹ [Estonia] Interview with victim support officer

⁶² [Estonia] Interview with NGO Estonian Women's Shelters Union

⁶³ [Estonia] Interview with NGO Living for Tomorrow

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?).

Estonia has a long-running tradition of social work. The social care system started to develop already in the beginning of the Estonia's independence in 1918. In 1925, the first professional trainings were conducted for social workers after the adoption of the Social Care Act (*hoolekandeseadus*).⁶⁴ Social care continued through the Soviet occupation from 1940-1991. Currently, social care is organised by the local authority and not the state,⁶⁵ although the state has adopted the relevant legislation.

Social workers are directly connected to victim support. First, they have close cooperation with the police and state's victim support officers.⁶⁶ Second, social workers or child protection officers are the persons the police turns to when the victim is a minor.⁶⁷ Third, social workers can assist the victim in applying for several services and compensations from the local authority, e.g. emergency financial assistance, housing, different social care etc.⁶⁸

According to the information provided by the Ministry of Social Affairs, the majority of the social workers (60%) have higher degree in social work.⁶⁹

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 country?		Short description of the practice in your country, outlining similarities; differences etc. If there is no such practice, please provide 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 (LU, FR, DE, BE)</i> 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	The basic information such as necessary contacts is available online on the police website.
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	The same service as provided through the regular victim support services by state. There is no distinction between different group of victims on the basis of nationality (provided that

⁶⁴ [Estonia] Tomp, H. (2010) 'Puuetega inimeste hoolekanne Eestis', Mõdriku Kutsekõrgkool, available at: [http://www.e-ope.ee/download/euni_repository/file/650/Sotsiaalhoolekanne.rar/Sotsiaalhoolekanne/Puuetega_in_hoolekanne_Eestis\[1\].ppt](http://www.e-ope.ee/download/euni_repository/file/650/Sotsiaalhoolekanne.rar/Sotsiaalhoolekanne/Puuetega_in_hoolekanne_Eestis[1].ppt).

⁶⁵ [Estonia] e-mail communication, 2 May 2013.

⁶⁶ [Estonia] e-mail communication, 2 May 2013.

⁶⁷ [Estonia] interviews with several victim support officers. Also [Estonia] Guidelines on treating minors that have committed a crime or children who need support (*Alaealiste õigusrikkujate ja kuriteoohvriks langenud laste kohtlemise juhend*), Decree no 265 (15 June 2010) of the Director of the Police and Border Guard Board.

⁶⁸ [Estonia] interviews with several victim support officers.

⁶⁹ [Estonia] e-mail communication, 2 May 2013.

			they meet the criteria set for applying for victim support services.
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	Convicted criminals are obliged to pay compensation levies, which are transferred to public revenues and the state's victim support services are partly funded by those levies. (VSA §32(2), CCP §§ 38, 225)
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	Victim support officers and NGO workers regularly accompany victims to court. ⁷⁰
6	In some countries, victims are provided with free psychosocial and legal assistance throughout the entire criminal proceedings.	X	Victims can get free initial legal advice throughout the entire criminal proceedings from the victim support services. Further legal assistance could be received through state legal aid, which is subject to an economic 'means test' (State Legal Aid Act §6). VSA foresees compensation for psychological care but only in an amount equal to up to one minimum monthly wage (currently 320 euros) (§6 ¹).
7	Some countries have legal clinics that provide free legal assistance to victims of crime.	X	It is a gap that still needs to be addressed. There are general legal clinics by law students, none of them specialise in victims of crime.
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	It is a gap that still needs to be addressed. Information is mainly provided through traditional use of websites.
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 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	X	State victim support services produce brochures, which state the minimum information on what to do and where to turn. ⁷¹ However, the information is minimal.

⁷⁰ [Estonia] interviews with several experts

⁷¹ [Estonia] interviews with several victim support officers

	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		Most of the state victim support services are situation in police stations. The direction for the future is to move all the state victim support services to police stations. ⁷²
11	The multi-disciplinary, national referral system introduced in Bulgaria with regard to trafficking might be considered a promising practice.	X		Cooperation network of specialists, which was created as one of the activities in the Development Plan for Combating Trafficking in Human Beings 2006–2009 but is still ongoing. The network's aim was to facilitate better cooperation between people who work in the field and to make the implementation of the Development Plan more effective. The network included representatives from relevant non-governmental organisations, ministries, the Prosecutor's Office, the Police and Border Guard Board, the Tax and Customs Board and other state institutions. ⁷³
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	It is a gap that still needs to be addressed.
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		X	There are no general policies on the treatment of victims or on repeat victimisation. The main principles are provided in specialised policies on violence in close relationships and on violence against minors. ⁷⁵

⁷² [Estonia] interviews with several victim support officers

⁷³ [Estonia] Living for Tomorrow (2007) *Inimkaubanduse listi (inimkaubandus.list@just.ee) kuuluvad seisuga 09.07.2007*, available at: www.lft.ee/fo.oigus/fo.failid/2007817130626/KK_list_09072007.doc.

⁷⁵ [Estonia] Procedure on reacting to the incidents of domestic violence, guidelines on exchange of information in relation to that and forwarding information to victim support (*Lähisuhtevägivalla juhtumitele reageerimise, sellega seotud infovahetuse korraldamise juhendi ja ohvriabile info edastamise kord*), approved with the Decree no 487 (17 November 2010) of the Director of the Police and Border Guard Board; and [Estonia] Guidelines on treating minors that have committed a crime or children who need support (*Alaealiste õigusrikkujate ja kuriteoohvriks langenud laste kohtlemise juhend*), Decree no 265 (15 June 2010) of the Director of the Police and Border Guard Board.

	<p>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.</p> <p>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.</p> <p>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 [...].⁷⁴</p>			
14	<p>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 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).</p>		X	<p>CCP provides for the possibility to conduct telehearing of a witness or use a partition to hide the witness from the accused, the court may also accept deposited testimony.</p>
15	<p>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)</p>		X	<p>The police, prosecutors and judges receive training, which is organised by NGOs providing victim support services</p>
16	<p>Other promising practices: please include any other promising practices in your country with regard to victim support and enabling victims' to exercise their rights.</p>	NA	NA	

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	There was some variation in answers depending on region and the person

⁷⁴ <http://www.thamesvalley.police.uk/pub-policiesandprocedures-repeat-victimisation.pdf>

			interviewed as to how they saw the system viewing the victim. ⁷⁶ Victim support officers (who were mostly from rural areas) saw the victim's role in a more positive light (saying that the victim is also seen as having role 2 and even role 3) while representatives of NGOs and one police officer (all of whom are working in the capital city) were very critical as to how the victim is seen in the criminal justice system (saying that the victim is only seen as having role 1). It is the way victims are seen to be treated rather than how the system intends the victims to be treated.	
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. ⁷⁷ 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		According to CCP, §17(1), Parties to court proceeding are a Prosecutor's Office, accused, his/her counsel, victim, civil defendant and third parties.
2	The victim is under a legal requirement or is requested to actively participate in criminal proceedings, for example as a witness	X		According to CCP, §38(2), victim is required to appear when summoned by an investigative body, Prosecutor's Office or court; and participate in procedural acts and obey the orders of investigative bodies, Prosecutors' Offices and

⁷⁶ [Estonia] interviews with several experts

⁷⁷ See Recital 20 Of the Victims' Directive, p 11 (<http://register.consilium.europa.eu/pdf/en/12/pe00/pe00037.en12.pdf>).

				courts.
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 criminal proceedings.	X		<p>Paragraph 38(1) sets out the rights of the victim: "A victim has the right to:</p> <ol style="list-style-type: none"> 1) contest a refusal to commence or termination of criminal proceedings pursuant to the procedure provided for in §§ 207 and 208 of this Code; ... 4) submit evidence; 5) submit requests and complaints; 6) examine the minutes of procedural acts and give statements on the conditions, course, results and minutes of the procedural acts, whereas such statements are recorded in the minutes; 7) examine the materials of the criminal file pursuant to the procedure provided for in § 224 of this Code; 8) participate in the court hearing; 9) give consent to the application of settlement proceedings or to refuse to give such consent, to present an opinion concerning the charges and punishment and the damage set out in the charges and the civil action; 10) give consent to the application of temporary restraining order and request application of restraining order pursuant to the procedure provided for in § 3101 of this Code."

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*⁷⁸

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 in Estonia originates from non-governmental sector. The first organisation providing support for victims was the citizen-initiated Union of Support to Victims of Crime "Victim Support" (*Kuriteoohvrite Toetamise Ühing "Ohvriabi"*) in 1994.⁷⁹ It is still the only organisation that provides support to victims of crime in general, without specialisation to any type of victim group, although its activity is very limited now.⁸⁰ The decision to develop the system for victim support at the state level was made by the government in 1995.⁸¹ The task of developing and running the victim support system was given to the Ministry of Social Affairs (*Sotsiaalministeerium*). The government approved the victim support programme in 1998, and in the same year the pilot programme began in all the counties with the training of victim support workers.⁸² Also in 1998, the parliament (*Riigikogu*) approved the State Compensation of Victims of Crime Act (*Kuriteoohvritele riikliku hüvitise maksmise seadus*) – the first act allowing the payment of compensation to victims of crime.⁸³

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

Unfortunately Union of Support to Victims of Crime "Victim Support" did not respond to the request of information and therefore it is not possible to provide such information.

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

Unfortunately Union of Support to Victims of Crime "Victim Support" did not respond to the request of information and therefore it is not possible to provide such information. It can only be assumed that since there was no state victim support system established, there was a gap in a society, which the social workers of the local authority could not fulfil.

3.1.4 Quality standards

	Yes	No	Description (max 3-5 sentences)
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⁷⁸ Questions marked with * should NOT be answered by countries falling into category 'A' (in accordance with question 2.2.1)

⁷⁹ [Estonia] Union of Support to Victims of Crime "Victim Support" (1999) 'Ohvriabi käsiraamat, 3rd ed, Tallinn, available at: <http://raulpage.org/ohvriabi/ohvriabi2.html#viies>.

⁸⁰ [Estonia] e-mail communication, 9 April 2013..

⁸¹ [Estonia] Order no 686-k of the Government of the Republic of 31 July 1995, RT I 1995, 68, 1144..

⁸² Matsar, L. (2000) 'Mida tuleks teha, et kuriteo ohvreid paremini abistada?', Sotsiaaltöö 2000/1, available at:

www.sm.ee/fileadmin/meedia/Dokumendid/V2ljaanded/Sotsiaaltoe_ajakiri/2000/Sotsiaaltoe_2000_1.pdf. Also see Avila, H. (2000)

'Ohvriabi', Videvik, No 29 (486), 28 July 2000, available at: www.videvik.ee/486/486index.html.

⁸³ [Estonia] State Compensation of Victims of Crime Act (*Kuriteoohvritele riikliku hüvitise maksmise seadus*), RT I 1999, 4, 51.

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	The representative of the Social Insurance Board merely stated that there are no performance indicators. ⁸⁴
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3.2 Personnel (professional staff and volunteers)*: ⁸⁵

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
Estonia	Victim Support	28	1120	No volunteers		

⁸⁴ [Estonia] E-mail communication, Victim Support Department of the Social Insurance Board, 2 May 2013.

⁸⁵ [Estonia] E-mail communication, Victim Support Department of the Social Insurance Board, 2 May 2013.

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		State legal aid is available. Initial legal advice is given by victims support officers. ⁸⁶
b Free health/psychological assistance (e.g. crisis intervention centres)	X		State provides compensation for psychological assistance.
c Emergency financial assistance		X	Financial assistance can be applied from the local municipality. ⁸⁷
d Court accompaniment/support services	X		Victim support officers can accompany the victim to court whenever necessary.
e Other (specify)	X		Victim support officers assist victims on administrative issues, counselling, if needed participate in the questioning of a minor.

3.4 (Failed) Attempts to establish national generic victim support service provider**⁸⁸

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

E.g. For example, in Latvia, the absence of victim support services during the soviet period may explain the slow realisation about the needs and rights of victims of crime. Moreover, since the restoration of independence in 1991 Latvia has neither had a strong women's movement nor victim support movement which may also explain lack of state funded support services for victims of domestic violence and other groups of adults, victims of violence.

⁸⁶ [Estonia] interviews with several victim support officers

⁸⁷ [Estonia] E-mail communication, Victim Support Department of the Social Insurance Board, 2 May 2013. Also [Estonia] interviews with several victim support officers

⁸⁸ **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 state-run victim support services by the Social Insurance Board provides generic services. It provides services such basic legal and social counselling, crime compensation, compensation of psychological assistance and other services. The citizen-initiated Union of Support to Victims of Crime “Victim Support” (<i>Kuriteoohvrite Toetamise Ühing “Ohvriabi”</i>), founded in 1994, is still the only organisation that provides support to victims of crime in general, without specialisation to any type of victim group. However, due to lack of funding they have cut back on their services considerably.
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 (Rikosuhrapäivystys / 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, SHN</i>).
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, APAV</i>) - 15 victim support offices located throughout the country.
RO	
SE	The Swedish Association for Victim Support (<i>Brottsofferjouernas Riksförbund, BOJ</i>) 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)
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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.