

Magnus Lindgren — Vesna Nikolić-Ristanović



CRIME VICTIMS

INTERNATIONAL AND SERBIAN PERSPECTIVE

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CRIME VICTIMS

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Belgrade, November 2011

Foreword

The increased attention toward victims of crimes in past years has motivated many countries to rethink the mechanisms used in many sectors of the society who provide assistance and protection to victims of crime. This book was written in an effort to shed light into what is the situation regarding the victims of crimes in Serbia using international perspective, primarily developments and researches conducted in Sweden.

This was achieved through the assistance of Swedish non-profit NGO the Safer Sweden Foundation/Tryggare Sverige headed by the former Police Commissioner Karl-Åke Pettersson and the experiences in dealing with the victims of crime in police service through Chief Inspector Bo Hägglund, member of the Swedish National Police Board and extensive criminology and policing experience provided by Magnus Lindgren.

Portrayal of the situation in Serbia is based on research in development of victimology and victims' rights carried out by Vesna Nikolić-Ristanović, as well as on perspective and knowledge of the Victimology Society of Serbia -VDS about the needs of the victims of crime.

The intention of the publication is to present a comprehensive overview of the situation regarding crime victims from national i.e. Serbian and international perspective by covering theoretical victimology matters and real situation in various sectors, moving across different times in recent history.

The authors hope that reading of this publication will provide professionals and beginners who deal with victims' matters on daily basis, such as police service, social welfare, victim support professional associations and the entire justice sector to reflect upon the present situation and discuss future steps to be undertaken in ameliorating the system and assistance provided to the victims. For this very reason the authors of this publication have undertaken a comprehensive approach, thus presented a very wide spectrum of stakeholders who have special interest in victim issues. Victims have great expectations from various services, primarily police service but police alone can't provide all the assistance needed.

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Chapter 1

Introduction

Several years ago, while going home from the faculty, a female student was attacked by an unknown man near the railway station in the town of Pancevo in Serbia. He showed up from the dark and suddenly pulled her down and put his hands between her thighs. She tried to defend herself and at one moment, by using all her strength, turned toward him and hit him on the nose. He released her for a moment and covered his face. She used this moment to escape but he took her again and hit her with his fist on the nape. The victim described how she felt in the following way: “I put my hands on my head and crouched, as a turtle which tries to protect itself. He was beating different sides of my head, while I begged for my life. It seemed like an eternity, but at one moment he stopped. He stepped back and I started to run: now or never. I felt as a wounded animal that headed toward the light and it seemed to me that the faster I ran the slower I became. I saved my life, but after that, I was struggling for a long time to learn to live again.”

A young man from Belgrade, who was on his way home on a late evening, came across a group of six young men who were heavily drunk. They suddenly and unexpectedly attacked him. As a result he got several injuries and felt very angry since he was sure he did not provoke this violence by any means. Before going to seek medical help, he asked help from the guard in a nearby café but he refused to help him.

A woman from a small Serbian town came to Belgrade and became the victim of the theft while waiting for the bus. The offender took her bag with all her documents, mobile phone and money inside. She tried to run after him: “I shouted to passers-by to stop him, but nobody wanted to interfere. Everyone behaved as nothing was going on. I had lost my bag and felt very angry and disappointed. I did not know where to go and what to do, since I did not know the town well.” Fortunately one passer-by lent me his phone so I could phone my relatives to ask for advice. The next day, I was contacted by a woman who found my bag with only documents left inside. I was very grateful to her.”

A teenage girl and her mother had been maltreated by the father and husband for long time. He was drunk all the time and destroyed everything in the house. When she approached VDS info and victim support service, the girl had severe injuries, was deeply stressed and terrified, and said that the father had attempted to rape her.

Events such as those described above occur every year, month and day. As you read these words people are experiencing crimes that will lead to extensive and long-lasting consequences. These crimes do not only affect the victims, their families and friends. They affect the entire society through the feelings of fear and insecurity that they spread.

The Aims and Foundation of this Book

This book describes common reactions and needs of victims, and points to the ways in which the society can improve its collective support to crime victims. The book also gives a background discussion of the increased focus on victims' needs that has occurred in recent years in many countries, especially in Sweden but also in Serbia.

The book begins with the view that anyone can become the victim of crime, and that nearly all crimes result in victims, regardless of whether the crime is reported to the authorities and a suspect is apprehended or other action is taken by the justice system. Another important point of this book is that the victim has fundamental rights and identifiable needs. Strategies and plans which pay regard to these rights and needs have positive effects for both the justice system and society at large.

An important foundation of this book is the belief in the equality of all individuals. All crime victims should be treated with the same respect and empathy. Governmental authorities and non-governmental organisations (NGOs) should offer the same standard of service regardless of the victim's sex, race, age, handicap, sexual orientation, social status, lifestyle, etc. The public debate has shown a tendency to see certain groups as more worthy of protection than others. However, it can never be acceptable to provide varying standards of treatment to victims. On the other hand, it is possible that certain groups of victims may be in need of special efforts at various times. Recent years have seen important work done regarding female crime victims. These directed measures have been necessary to signal society's disapproval of this type of crime and to increase security and support for these women. Other groups that have received special attention in many countries include children and victims of racially motivated and homophobic crimes. Other particularly vulnerable groups include the elderly, the physically handicapped, travellers, the homeless, prostitutes and drug addicts.

The Structure of the Book

The book consists of five parts divided into 14 chapters. The various parts discuss victim profiles (chapter 2), fundamental concepts (chapter 3), a focus on the victim (chapters 4 - 5), the consequences of crime (chapters 6 - 9) and the victim's interaction with the central stakeholders (chapters 10 - 14).

Chapter 2 examines the concept of “a crime victim” and who should be considered victims. The stereotypical view of an innocent and defenceless victim is discussed. Many victims who come in contact with the justice system and other organisations are not “ideal” victims, however. Many are under the influence of alcohol or narcotics, while others behave aggressively and are seen as “difficult cases”. Those cases where the victims do not fall into the “ideal” category are the most difficult and demanding and place great pressure on the professionalism of the police force and health care system. These organisations must take precautions not to place guilt upon the victim because of his or her actions or behaviour. Early theories of crime susceptibility attempted to find causes of crime in the interaction between the victim and the perpetrator, and not in the personal characteristics of the criminal. Later theories have emphasised the importance of an individual’s lifestyle and daily routines in explaining the causes and extent of crime.

Chapter 3 examines the fundamentals of working with crime victims. At its most basic level, the crime victim issue is one of human rights, such as justice and security. The international community has produced a number of documents over the past 50 years which aim to strengthen fundamental human rights. In recent years attention has turned to the issue of crime victims. This chapter contains a survey of important documents from the United Nations, the Council of Europe, the European Union and the Victim Support Europe, which is an association of European crime victim organisations.

Chapter 4 chronicles the historical development of the crime victim field, where attention first began to be paid to the victims of crime during the 1970s. The discussion in this chapter is based on the Serbian situation with special attention paid to the importance of the women’s rights movement in strengthening the position of crime victims and making the issue of male violence against women become a matter of public debate. Chapter four also contains a survey on the development of relevant legislation and a research in the crime victims’ field.

Chapter 5 contains a description of particularly exposed and vulnerable groups, such as socially marginalised individuals, children, travellers etc. All of these individuals face the risk of special problems following victimisation because of factors such as old age, the structure of the crime, handicaps, etc.

Chapters 6 to 9 deal with the consequences of crime. These may be economic losses, physical damage, psychological reactions, social consequences or practical problems, and they may be of either a temporary or permanent nature. The chapter focuses on a description of various emotional reactions which can arise as a result of crime and the impact of these reactions on individuals.

The criminal act itself is often not the only or even the largest problem for a victim. Problems can also arise during contacts between the victim and the authorities or other

organisations. Chapters 10 to 14 provide information concerning this contact, and describe the victim's meetings with the police, prosecutor's office, courts, health care system and non-governmental organisations.

The authors hope that this book will be helpful to both students and professionals within the law enforcement and justice systems and the health care system. The book is also intended to be used as educational material by those working with women's shelters and crime victims support. The book can also be found useful by journalists and politicians. Finally, we hope that those who have suffered from crimes will find guidance and support in this book.

Part I

The Victim

Chapter 2

What is a crime victim?

An important question is what the word crime victim represents? Use of this term to represent a person who is affected by a burglary or is subjected to an unprovoked beating would be unlikely to cause protests. But are relatives of a murder victim also victims of crime? Should parents of an underage murderer be considered crime victims? Are companies and organisations that have been targets of criminal activity also crime victims?

These may appear to be trivial questions, but a clear identification of who or what can be classified as a crime victim can be important in many respects. For example, it is often only after being categorised as belonging to a “victim group” that individuals are entitled to receive economic compensation or medical, psychological and social treatment and rehabilitation. It is also important to create practical boundaries, since the field of victimology brings together both practitioners from various backgrounds and researchers from academic disciplines with widely varied methodological and theoretical frameworks.

There is, unfortunately, no generally accepted definition of who or what the term “crime victim” encompasses.

The most fundamental definition of the term crime victim limits itself to physical individuals who have been directly subjected to criminal activity (Diesen *et al*, 1995). This strict legal definition excludes both indirect victims, such as a man whose wife was raped or a child who lives in a violent environment and companies or other juridical persons exposed to crime. Another definition is limited to victims of *traditional* crimes – primarily crimes of theft or violence. This definition also excludes certain victim groups, for example victims of economic or environmental crimes. There exist more universal definitions, which also include victims of natural disasters, environmental catastrophes, traffic accidents, etc. (Mendelsohn, 1982).

A champion for a more general definition is the German criminologist Hans Joachim Schneider. Schneider states that a victim can be an individual, an organisation, “the moral order” or the legal system of a state which is threatened, harmed, or destroyed by an action (Schneider, 1975, p. 9).

The *United Nations* (UN) declaration of the fundamental rights of crime victims from 1985 defines a victim as a person who has suffered physical or psychological damage, economic loss or a noticeable deterioration of fundamental rights through actions or negligence contrary to a nation's criminal legislation (General Assembly, res. 40/34). A person can be classified as a crime victim regardless of whether a perpetrator has been identified, arrested, charged or convicted and regardless of any kinship relation between the victim and the perpetrator. In addition, the definition includes individuals who have suffered damages through intervention to aid the victim or prevent the crime and individuals who fall victim to anti-crime measures – primarily through incorrect governmental decisions or coercive measures.

The *International Association of Chiefs of Police* (IACP) employs an even wider definition. This definition includes not only the direct victims, but also their families and other members of the community. It includes secondary victims as well, such as eyewitnesses to a violent crime, police and others who arrive at the scene of the crime, individuals who work with crime and the consequences of crime (judges, prosecutors etc.) and jurors who participate in high-profile trials (IACP, 2000).

In conclusion, it is obvious that there exist a number of definitions of the term crime victim, some of which are quite broad while others are more limited. From a legal viewpoint, the group of victims is limited primarily to those exposed to a criminal act as defined by law, while a sociological definition can be seen as broader, including even animals, the environment, the society and states which were exposed to something that is defined or interpreted as a crime. A psychological definition is concerned with the individual's experiences and interpretations of the criminal act.

Political Interest in the Victim Definition

According to Leymann (1989) there exist strong political and professional interests behind the definition of the term crime victim. The state or specific professional groups may, for example, have an interest in maintaining focus on certain categories of victims. A result of this is the existence of systematic underestimation or overestimation of consequences, depending on the aims of the interested parties.

According to Leymann, a person can only be attributed victim status if someone has an interest in this occurring, or if the victim themselves can apply political pressure. Only those who gain victim status are eligible to receive economic, medical, psychological or social assistance or rehabilitation. One of the best examples of the importance of political pressure groups can be seen in the case of the victims of Nazi concentration camps. In the absence of global outrage and politically strong Jewish groups in the USA, it is possible that the ex-prisoners would never have received economic compensation from the German state. The power of pressure groups is seen in the fact

that not all ex-prisoners of the camps received compensation. Groups, which endured equally terrible treatment but were unable to mobilise an organised pressure campaign, received either no compensation or compensation far below that paid to Jewish victims. Among these we find homosexuals, Roma and Jehovah's Witnesses.

Another example of political interest in the victim definition is found with rape victims, who were not attributed the status of crime victims until they enlisted the aid of a pressure group. Violence and aggression against women was long seen as a private affair. During the 1970s, the women's rights movement focussed attention on male violence against women, with one result being the acknowledgement of this victim group. Similar developments – the transition from publicity (via pressure groups) to formal acknowledgement of victim status – can be seen in a number of areas.

There still exist areas where the victim has yet to obtain formal victim status. Examples are adult bullying and children who witness violence in the home.

The Ideal Victim

Many people have a generic image of a crime victim. This image is characterised by the concept of an "ideal" victim – an innocent, defenceless victim who has no complicity in the crime (see e.g. Skogan & Maxfield, 1981). The ideal victim could be a young female rape victim, or an elderly woman who has been mugged.

In a study of young people's attitudes concerning rape, the general feeling was that rape is a wrong and unacceptable act (Jeffner, 1998). The study found, however, that there were a number of circumstances, which could make this act open to interpretation. Examples of these "mitigating" circumstances were if the girl (victim) did not say "no" in the correct manner, if the girl was in love with the boy even after the act, if the girl could be seen as a "whore" or if the girl did not feel badly afterwards. If the act did not meet the youths' criteria, then it was not to be interpreted as a rape, and the victim, as a result, was not to be considered a victim.

The Norwegian criminologist Nils Christie has described the ideal victim as an elderly lady who, while on her way to help her sick sister, is robbed by an adult male drug abuser. An ideal victim has, according to Christie (1986), at least six characteristics.

- The victim is weak.
- The victim is involved in a respectable activity.
- The victim is en route to a place which is beyond reproach.
- The perpetrator is dominant to the victim, and can be described in negative terms.

- The perpetrator is unknown to the victim and has no relation to the victim.
- The victim has enough influence to assert “victim status” (See the above mentioned discussion of political interests behind the victim definition).

The ideal victim also has its opposite. An example of this type is the drunken young man who is robbed in a seedy bar by those he was associating with. Here we have the possibility to demand moral responsibility: he should not have gone to such a bar, he should not have gotten drunk, he should not have associated with those types etc.

If the exposed individual is not classified as a “victim” despite the existence of psychological, physical or economic damages, then he or she risks receiving less protection, or even no protection, because he or she is not encompassed by the “standard” view of a crime victim.

The Complicit Victim

The perception of a crime victim as “innocent and weak” is quite oversimplified and in many cases has no relation to reality. In some cases, the categories of crime victim and perpetrator overlap (Anttila, 1974; Fattah, 1992; Hindelang, 1981; SOU 1990:92) and they can occasionally both refer to the same individual (Blomqvist et al, 1980; Fattah, 1994; Lenke, 1973; Singer, 1981).

In acts of the so-called “street violence,” it can be pure coincidence which determines who becomes the victim and who is the perpetrator. One indication of this problem is seen in the number of weapons which hospital emergency staff finds on the persons of patients seeking treatment for street violence (Carlsson Sanz, 2010). This overlap between victim and perpetrator has also been studied and found to exist in the case of burglaries (van Dijk & Steinmetz, 1983).

A large percentage of all violent crimes is connected with the consumption of alcohol. This is especially true in cases of violence between individuals unknown to each other, where both victim and perpetrator are often intoxicated (Carlsson Sanz et al, 2000; Dystring et al, 1991, 1993; Häggmark, 1997; Lidberg, 1995).

Provocative or intoxicated behaviour by the victim at the time of the crime is not a justification for the occurrence of the crime. For insurance purposes, however, the victim’s behaviour or level of inebriation can serve in certain cases to reduce or eliminate compensation (Lindgren & Malm, 2000). The victim’s behaviour can also influence the court’s decision. In cases where the victim is seen as acting in a provocative manner, there can be effects on both the classification of the crime and the sentence.

The Passive Victim

As discussed later in this book, many victims describe how they are in some cases ascribed blame for the crime, rather than the perpetrator. A raped woman can be criti-

cised for being too provocative, too intoxicated or for being in the wrong place. In other cases the rape victim may be questioned because she was too passive or made only a half-hearted attempt to escape from the rapist.

The dominant experience of rape is the threat of death. This leads to a reaction pattern in which the primary goal is survival. The victim reacts in such a manner that the rape is postponed or results in the least injury. The individual can thus be seen as “consenting” or she can lack physical signs of the violent event. Survival strategies can be very different – a woman may resist physically, try to talk to and distract the rapist or plead with him. Another strategy is to respond passively or completely block out the experience (Lindgren & Malm, 1997a).

According to Eriksson (1995) it is clear that the police to some extent support a “victim scale,” where the women who seem most innocent and helpless score the highest points. Eriksson (1995, p. 132 ff) states that women who do not dare say that they are abused, but rather “shut up and take it” are a group which receives high points on the victim scale. The same applies to immigrant and refugee women, since they are seen as lacking a social support network, and thus as being dependent on their husband or partner. Another group scoring high on the scale is pregnant women and women with children present.

Thus, in order to gain sympathy and attention the woman should be both innocent and physically or psychologically dominated by the perpetrator. The victim must not be too passive, however, or she (or he) risks having her credibility questioned.

The Resistant Victim

A victim who wants to file a police report, maintains his/her story and has documented injuries is no great problem for the police or prosecutors. Problems arise, however, if the victim is resistant, refuses to co-operate, or retracts previous statements (Eriksson, 1995).

The “correct” female abuse case includes a sober woman who can clearly recount the episode, and the woman should also have passively let herself be badly abused. She should then be willing to co-operate, file a report against the man, leave him and maintain her testimony throughout the trial – after which she begins a new life with a man who does not abuse her (Olasdotter, 1997, pp. 9-10).

Reality seldom looks like this, unfortunately. Those cases where the victim is not of the “ideal” type involve increased demands for professional action from the judicial system. Provocative behaviour on behalf of the victim cannot lead to a situation where formal rights are neglected or questioned. An individual does not have to be innocent to receive help and protection. The fact that a victim is intoxicated or “in an unsuitable place” does not constitute mitigating circumstances for the perpetrator.

As seen above, it is not a simple task to define who or what is a crime victim. The scope is so wide that both completely innocent individuals and those complicit in the crime can be considered victims of crime. The term thus encompasses a very heterogeneous group, but in the public debate crime victims are usually seen as a homogeneous group. Early victimology research made this mistake by applying results of research on rape victims to all crime victims.

There exist grave dangers in attempting to create a “victim stereotype” with all victims characterised by similar reactions, regardless of their individual characteristics or the crimes to which they were exposed. This can lead to the creation of cognitive structures, which skew our interpretation of the psychological consequences for the victims. In other words, the existence of these stereotypes creates expectations of how a “real” victim should react, and these expectations influence both the victims themselves and people in their surroundings. Victims who do not conform to this stereotype risk feeling abnormal and/or risk being doubted by others.

Theories of Crime Susceptibility

Views of who or what is to be considered a crime victim are closely related to views of crime. A number of theories concerning crime and criminality have been proposed through the years. Some of these theories have focussed on victim behaviour, while others have been based on the individual characteristics and background of the perpetrators.

The Interaction between Victim and Perpetrator

Early theories attempted to find causes of victimisation in personal characteristics of the victim or in the interaction between the victim and the perpetrator. von Hentig (1948) felt that many violent crimes were the result of a superficial or deep interaction between the victim and the perpetrator. According to von Hentig, the victim is not always a passive object. The victim’s behaviour in interaction with the perpetrator can be contributory to the criminal act itself. Wolfgang (1958) coined the term “victim precipitation,” which refers to crimes and situations where the victim, through their behaviour, can be seen as the cause. Both Wolfgang and von Hentig felt that the study of events leading up to a crime was crucial to any understanding of victimisation.

Lifestyle Theory

Another theory attempting to explain the origin and extent of crime is the lifestyle theory (Hindelang et al, 1978). This theory attempts to explain variations in the risk of becoming a victim of crimes where there is direct contact between the victim and

the perpetrator. The underlying assumption is that certain lifestyles increase the likelihood of being in situations where the risk of crime is high. Another assumption is that lifestyle is influenced by an individual's demographic and social characteristics. The risk of being subjected to crime is thus a function of characteristics such as sex, age, civil status, occupation, ethnicity and social group – characteristics, which influence an individual's choice of activities both at work and during free time.

Routine Activity Theory

The routine activity theory was formulated at about the same time as the lifestyle theory (Cohen & Felson, 1979). According to this theory, three factors must interact for a crime to take place. There must exist a motivated perpetrator, a suitable victim or object and the absence of persons who can prevent the crime. Cohen and Felson feel that the likelihood that a crime is committed is a function of these three factors converging at a given time and place. This convergence is affected, in turn, by how daily routines are organised. Some individuals routinely find themselves in situations where all three factors are present, while others have daily routines which rarely place them in these situations.

Conclusions

This chapter has shown that the term “crime victim” can be narrowly defined to include only those physical persons who have been directly subjected to a crime. It has also presented other, more general definitions concerning a broader group of victims, such as victims of traffic accidents, environmental disasters and acts of war.

From this point we will use a narrow definition of victim, primarily discussing physical persons who have suffered from crime either directly or indirectly. Examples of the latter category are relatives of a murder victim or individuals exposed to extreme emotional stress through their occupations. In applicable sections, the definition will be expanded to include even witnesses and juridical persons. To the extent that the definition is integral to the application of a law, the term plaintiff will be used.

Ultimately, the definition of a crime victim is a political question. Given this, the existence of political pressure groups is vital in their role of publicising the victim groups and placing demands on their behalf. The women's movement is a good example of such pressure groups. They have moulded public opinion and turned the spotlight on men's violence against women – with the result being improved treatment of threatened and battered women (see chapter 4).

This chapter has also shown that many people appear to have a mental picture of the “ideal” victim. The ideal victim is seen as innocent, defenceless and completely unin-

volved in the criminal act. The majority of those subjected to crime are not involved in the act, but rather randomly selected. Many victims met by people working in the judicial system, health care system or social services do not meet this “ideal” definition, however. The victim can be intoxicated, difficult to deal with or even complicit in the criminal act. Despite this fact, this book bases its discussion to an extent on this ideal victim. This is done because the reader must understand the “normal” case if he or she is to have the ability to understand and manage matters concerning “non-ideal” victims. It is not difficult to be professional and empathetic with ideal victims. On the other hand, dealing with complicit, passive or resistant victims requires a great deal of professionalism and empathy.

Part II

Foundations

Chapter 3

Human Rights

In early times, the duties of maintaining law and order were shouldered by individuals themselves. When a crime occurred, it was primarily an issue to be resolved between the involved parties. The goal was for the criminal to repair or repay the damages caused by the crime. In certain cases, the victim was expected and allowed to seek revenge for the wrongdoing. If the victim himself could not carry out the deed, the burden of exacting justice fell upon the family. Revenge and penance were central concepts in this early justice system. Billström (1995) sees these reactions as expressions of the concept of an equivalence and proportionality between the crime and the punishment. Revenge should result in an offence against the perpetrator of the same proportion as that committed against the victim, and penance should equal the value of the stolen or destroyed object.

Even nowadays, the same situation can be found in societies which are either isolated, or in a state of trauma (e.g. during or after a civil war). Sometimes the two systems (individual, revenge-based retribution and organized, society-administered justice) also coexist.

Eventually, the duty of protecting individuals and administering justice fell to the state. For the victim, this involved a weakening of his or her position in the legal process. From a time when the victim could demand justice, the state became the force that determined the fate of the perpetrator best suited to the aims of the punishment (Billström, 1995). From this point onwards it can be said that the crime victim was effectively excluded from his or her own conflict. Christie (1982) states that in this respect the victim can be seen as a double loser in today's society – losing out both to the perpetrator and to the state, with the professional agents of the court stealing the conflict. The crime victim can no longer demand retribution. A criminal act is no longer just an attack on the victim personally and on the societal norms, which are expressed through laws – the act now also affects the relationship between the affected citizen and the state.

The informal, civil or private control that existed in many western, post-industrial societies, in the past lost much of its importance during the period following the Second World War. A contributing factor to this development was the extensive urbanisa-

tion, which reduced social control and increased anonymity. The crime rate increased concurrently with this development, as a result of an increased standard of living. In addition to the changes in standard of living, immigration altered the population structure, norm systems changed and the roles of family and the church changed (c.f. Ds 1996:59).

In conjunction with increased welfare and an increased material living standard, implying that there were more things to steal, the informal control mechanisms of the past were replaced by formal ones. This has led to a development in the western world of increasing crime rates and decreasing clear-up rates (Ds 1996:59, p. 7-9).

The ultimate responsibility for the fight against crime lies with the state, and the state has a monopoly on sanctioning violence. Society's responsibility to protect its citizens from crime implies that it also has some responsibility when citizens are hurt as a result of crime. This is especially true since the state, as earlier mentioned, has assumed the conflict from the involved parties (Christie, 1982; Joutsen, 1987).

The International Community

In many societies there are fundamental values and norms that influence and govern human behaviour. Concepts of equality, justice, security and democracy can be listed among these values. Individuals want to feel that they are justly treated by society, that they are protected from the risk of violence and that they have the ability to influence political decisions. These concepts have their base in fundamental human rights and are shared by States, but not necessarily by societies. The international community has produced a number of documents over the past 50 years with the intent of increasing protection of these basic human rights.

In recent years there has been increased attention to the situation of crime victims, largely thanks to pressure applied by groups working within the field of victim support. This pressure has led to bodies such as the United Nations (UN) and the European Union (EU) producing a series of conventions, resolutions, declarations and recommendations concerning victims of crime.

The term "convention" refers to international agreements that are legally binding for those states that ratify or join them. This ratification is carried out in most countries by a sitting legislature. In conjunction with ratification, the convention's rules should also be codified as law in the individual countries. Some domestic legislation, however, foresee direct application of international law in the domestic law, regardless of whether harmonized legislation is adopted. This exists in Eastern Europe and the Caucasus for instance. This means that these countries often stay for years with non-compliant legislation, perfectly legally, and the state expects the judiciary and other state bodies to

apply international law directly – which of course does not happen all the time, hence a plethora of problems, especially for victims.

In contrast to conventions, resolutions and declarations are not legally binding – they are rather more like general statements. Recommendations are not legally binding either, but are largely followed by member states (c.f. Tarschys, 2001 for a thorough discussion of human rights). In addition to the United Nations, the Council of Europe, the European Union, the Organization for Security and Co-operation in Europe and the Victim Support Europe have produced documents, which aim to improve the situation for crime victims. This chapter discusses some important documents in the field of human rights.

The United Nations

The UN General Assembly adopted a resolution in 1948 with the intent of strengthening protection of human rights (General Assembly res. 217 A [III]). The resolution contains, among other things, sections concerning the basic ideas of freedom, justice and peace. This resolution was followed in 1966 by two international conventions, one dealing with political and civil rights, and the other with economic, social and cultural rights. These documents constitute the basis of the international norm system concerning human rights. They contain a number of rules such as the prohibition of discrimination, the right to life and a ban on slavery. They also contain rules regarding law and order (e.g. equality under the law and the right to a fair and impartial trial) and the mechanisms of democracy (e.g. freedom of opinion, expression and assembly). The documents also include rules regarding the right to personal security and integrity (e.g. protection of privacy and protection of children).

Beyond the fundamental conventions on human rights, the UN has produced a number of special conventions dealing with the rights of specific groups, such as women and children, or dealing with specific rights, such as the prohibition of torture, racism and genocide. Among these special conventions is the *Convention on the Elimination of All Forms of Discrimination against Women*, which was adopted by the General Assembly in 1979, and came into force in 1981 (General Assembly res. 34/180). The Women's Convention is intended to clarify and strengthen women's rights to equality. Although violence against women is not expressly discussed, there are a number of articles, which deal with various forms of discrimination against women – with or without violent elements.

Even the convention on children's rights, adopted in 1989, belongs in this category. Among other issues, the *Convention on the Rights of the Child* discusses the governmental responsibility of protecting children from violence and all types of sexual exploitation and abuse. The convention includes four primary principles: all children have the same rights, the child shall be of primary importance in all actions which concern

them, all children have the right to life and development and children have the right to be heard and express their opinions in all matters that concern them. Sweden ratified this convention in 1990, and it has influenced Swedish law through the inclusion of a child's perspective in the Code on Parents and Children since 1998 and in the Social Services Act (SFS 2001:453).

Another important document is the United Nations *Convention against Transnational Organised Crime* adopted in 2000. The convention is aimed at the promotion of effective international co-operation in the prevention and combating of transnational organised crime, and is currently supplemented by two protocols dealing with trafficking in human beings (*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*) and human smuggling (*Protocol against Smuggling of Migrants by Land, Sea and Air*). Among the aims of the two protocols are:

- the prevention and suppression of trafficking in human beings, especially women and children
- the protection and support of victims, while fully respecting their human rights, and
- the promotion of co-operation between members states to achieve these aims.

In addition to the legally binding conventions, the UN has adopted a number of declarations in the field of crime victims. The UN approved the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in the mid 1980s (General Assembly res. 40/34). This is the “Magna Charta” of crime victims, and contains four fundamental principles:

- The right of access to trial proceedings and fair treatment.
- The right to compensation by the perpetrator.
- The right to compensation by the state.
- The right to necessary material, medical, psychological and social assistance from volunteer and public institutions.

The crime victim thus receives the right to respect and acknowledgement at all levels of the criminal justice system, the right to receive continual information about (and explanation of) how the case is proceeding, the right to give information to those responsible for decisions regarding the criminal, access to legal counsel, protection of personal integrity and physical security and the right to economic compensation. In addition, it states that an officer of the court shall be trained in ways to meet the needs of victims. The declaration ends with a challenge to member states to take all necessary measures to uphold its contents. It has been followed by a “guide” for decision-mak-

ers with guidelines for continued work on the crime victim issue (UN, 1999a), and a handbook on methods to implement the declaration's concepts (UN, 1999b).

In 1993 the General Assembly adopted the *Declaration against Violence against Women*. The General Assembly pointed out that there is a vital need to apply human rights issues to women, in terms of equality, safety, freedom, integrity and dignity. The declaration contains suggestions for measures, which should be taken to abolish all forms of violence against women. It goes on to emphasise that states must work to ensure that women who are exposed to violence and their children receive competent support and assistance – not least from the health care and social services. It also points out the need for education of police officers and other authorities who are responsible for preventing, investigating and punishing violent crimes against women.

The Council of Europe

Parallel to the work of the UN, the Council of Europe has also taken measures to strengthen human rights. The foundation for the Council's work is the European Convention on Human Rights, with its beginnings in the 1950s, which deals with the protection of human rights and fundamental freedoms. The convention governs, among other things, the right to life, personal liberty, freedom of speech, trial by law, and the right to not be convicted for a crime without a legal basis.

Another convention, Number 116 (83) from 1983, on compensation to victims of violent crimes states that victims, and relatives of victims who were killed during a crime, have the right to compensation by the state if compensation from other sources cannot be obtained. This right to compensation applies even in cases where the perpetrator cannot be charged or convicted. The convention goes on to say that the compensation should be paid by the state where the crime occurred.

Since 1979, the Council of Europe has adopted 31 recommendations to its member states on crime victim issues. Among these is Recommendation No. R (85) 11 concerning the victims' position in the criminal and juridical proceedings, which was approved by the council of ministers in 1985. The recommendation contains guidelines for member states' prosecution, sentencing and penal organisations. These guidelines include the responsibility of the authorities to provide help and support to crime victims, including information, compensation and protection of personal integrity.

Two years later the Council accepted Recommendation No. R (87) 21 on assistance to crime victims and the prevention of crime. Member states were encouraged to study the needs of crime victims and to chart the prevalence of crime in order to facilitate development of crime victim programs. In addition, the states were asked to increase the understanding of crime victims' needs – both among the public in general and among governmental authorities.

In 1990 the council of ministers approved Recommendation No. R (90) 2, dealing with violence against women. The recommendation discusses general preventative measures, but it also provides specific measures involving information, detection and reporting of assault as well as help and therapy for the entire family. The main concept of this recommendation is the importance of multifaceted, co-ordinated intervention on behalf of the crime victim.

Some recommendations in recent years concern matters such as threats against witnesses and mediation in criminal cases. Recommendation No. R (97) 13 from 1997 states that witnesses must be free to testify without feeling threatened. It goes on to state that threats intended to deter a witness from testifying should be punishable by law, and that these threats should be taken quite seriously. The recommendation also says that witnesses should be encouraged to report any relevant information. One way to assist the witness in testifying fully is to place the witness in a separate room, protected from the accused. Here it should be noted that personnel working within the legal system should be educated in dealing with threats against witnesses.

Recommendation No. R (99) 19 from 1999 consists of a number of principles which member states should bear in mind when dealing with mediation. One such principle is that mediation should only occur with the agreement of both parties, that the parties should have the possibility to stop mediation at any time, that the discussions during mediation are confidential and that the information gleaned through mediation may not be used at a later date without the consent of both parties. The principles also include legal matters such as the inclusion of mediation in criminal cases in each nation's legislation, with specific guidelines as to the use of mediation. The recommendation goes on to define how mediation is to be structured – it must be carried out in an impartial manner based on facts, and according to the wishes of the parties.

The European Union

Recent years have seen an increase in interest in the situation of crime victims by the European Union (EU). An example of this interest is the so-called Grotius programme, which has financed several crime victim studies. In 1998, a study was presented which compared member states' legislation and support for victims of rape and other sexual assault (Bacik, Maunsell & Grogan, 1998). In 1999 the Swedish Crime Victim Compensation and Support Authority, in co-operation with the Ministry of Justice, presented a project focussing on the availability of aid and support when an individual is subjected to crime in another country within the union (Wergens, 1999).

In the same year, the European Commission (The EU's executive body) presented the report *Crime Victims in the European Union – Reflections on Standards and Action* (KOM[99] 349 final) to the European Parliament. The report included presentations of preventive activities, support to crime victims, the victim's position in the legal proc-

ess and compensation as well as information, language issues and education. The Commission concluded that victims should be treated with respect and dignity during the legal process, and that their privacy and security should be ensured. It was also noted that compensation should be paid to victims at the earliest possible date, for example through advance payments.

These documents formed the basis for discussions between the Council of Europe and heads of government during the autumn 1999 in Tammerfors. The Tammerfors meeting led to a proposal to establish minimum support to crime victims – especially in terms of access to justice and the right to compensation.

Based on these documents, the Council of the European Union approved a Framework Decision concerning the position of crime victims in the legal system (2001/220/RIF). The Decision consists, among other things, of documents stressing the rights of victims to respect and recognition. In this context, it is stated that member states should work to ensure that the crime victim is treated in a manner, which respects human dignity and that the victim's rights and legitimate interests in the legal proceedings are recognised. The Decision also includes documents on the right to information. Member states should, for example, ensure that victims gain access to relevant information during the initial contact with law enforcement officials, so that they can adequately look after their interests. Other areas dealt with in this Decision are the rights to protection and compensation within the framework of the judicial process. In addition, the Decision stresses the importance of special services and organisations to support the crime victim and provide training for those who are involved in the legal process or otherwise get in contact with victims.

In 2010 The Stockholm Program was adopted during the Swedish presidency. In the program the European Council calls on the Commission and the Member States to:

- examine how to improve legislation and practical support measures for the protection of victims and to improve the implementation of existing instruments;
- offer better support to victims in other ways, possibly through existing European networks that provide practical help, and put forward proposals to that end;
- examine the opportunity of making one comprehensive legal instrument on the protection of victims, by joining together Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims and Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings, on the basis of an evaluation of these two instruments.

The increased use of the financing programs should be made in accordance with their respective legal frameworks.

There is also a specific legal framework in the EU regarding victims of trafficking in human beings.

The Victim Support Europe

The Victim Support Europe was established in 1987 as an association of crime victim organisations. The Victim Support Europe, which has a consultative status in the UN, aims to secure that crime victims receive the best possible assistance for as long as necessary to allow them to return to their previous, active lives – regardless of nationality and where in Europe the crime occurs. Within its framework, this association works to develop effective assistance to foreign crime victims within the European Union.

The organisation adopted a programme, the *Statement of Victims' Rights in the Process of Criminal Justice*, in 1996 which is largely based upon UN and Council of Europe documents (The Victim Support Europe, 1996). The programme presents fundamental principles and specific rights of crime victims in the judicial process.

The fundamental principles are:

- The crime victims' rights must receive the same priority as the rights of the accused.
- The process of dealing with the offender must not increase the distress or add to the problems of the victims of crime (so-called secondary victimisation).

The specific rights of the crime victim are:

- To be met with respect and recognition in all stages of the criminal process.
- To receive information on, and explanations of, the status of their case.
- To be able to render information to those responsible for decisions concerning the accused.
- To receive access to legal assistance, regardless of their means.
- To receive protection of both their privacy and physical safety.
- To receive economic compensation from the perpetrator, in the first instance, or the state in the second instance.

The Victim Support Europe has also developed a document on the social rights of crime victims, *The Social Rights of Victims of Crime* (The Victim Support Europe,

1998). This includes, in addition to general social rights, more detailed rules for crime victims regarding their right to privacy and physical safety, recognition from health care and social services and security in the home and at the workplace.

The *Statement of Victims' Rights to Standards of Service* was published in 1999. This document presents minimum standards which should be fulfilled by organisations which offer help and support to crime victims (The Victim Support Europe, 1999).

The crime victim's fundamental rights are:

- To receive free service from a crime victim organisation which is run by trained volunteers or professionals.
- That the services which The Victim Support Europe provides:
 - are based on an understanding of those problems which crime victims experience.
 - include information on victims' rights.
 - include psychological, emotional and practical support throughout the police investigation and the judicial process.
 - include the possibility to mediate contact with specialist services if necessary.

The specific rights of crime victims include:

- Availability of victim support to all, regardless of age, sex or sexual orientation.
- Support from selected and trained personnel.
- Free assistance.
- Confidential assistance.
- Service on the crime victim's own terms.
- Independent assistance.

In addition to the important work of Victim Support Europe, the OSCE has developed a number of instruments on victims' rights, more specifically on the rights of victims of trafficking in human beings.

Conclusions

The adoption of international documents in recent decades gives a clear proof of the reinforcement of fundamental human rights protection mechanisms. One impor-

tant effect of these documents is that they have put more emphasis on crime victims. However, so far the international documents have been mostly dealing with regulating the rights of victims in the context of criminal justice system, while the majority of victims, who actually do have many needs have been outside their scope. This may suggest that the interest in victim support and protection is linked to the interest of the state to punish offenders rather than better meet the needs of victims. Moreover, even the rights of victims within the criminal justice system contained in the most important UN and EU victim related documents are not implemented properly by many states. This is why the EU Council has recently adopted the Resolution on the roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings, which has a legal basis in the Lisbon Treaty. This may be an important step toward stricter obligations in relation to implementation and a more comprehensive approach to dealing with victims' problems in Europe.

Part III

The Victim in Focus

Chapter 4

Developments in the Crime Victim Field

During the 1700s, interest in crime was primarily focussed on the criminal act itself. This changed during the 1800s, and by the end of the century the criminal was becoming the centre of attention. The criminal was subjected to careful examination from a number of perspectives: biological, psychological and sociological. It was not until about 100 years later that the crime victim began to receive attention. This lack of attention applied to research, criminal policy and society in general.

This increased interest in crime victims can partially be explained by the earlier, one-sided focus on the criminal. It can also be a reaction to a large increase in reported crime coupled with a decrease in clear-up rates. Another factor of importance is the formation of grass-roots movements, particularly the women's movement.

A New Perspective

The position of the crime victim received the attention of criminal policy in the United States during the 1960s. The reason for this was that conservative interest groups, worried by increasing crime rates, began to demand tougher treatment of criminals. There existed a discussion that this concern for the victim should be seen as an attempt to create support for a repressive criminal justice policy along "law and order" lines (Elias, 1984; Karmen, 1990; Kirchhoff, 1991).

Republican presidential candidate Barry Goldwater took up the question of street crime in his 1964 campaign. The election was won by Democratic candidate Lyndon B. Johnson, who adopted Goldwater's views and established a commission to study the situation of crime victims. The commission's report was presented in 1967, and contained, among other things, the results from a victim survey. This survey, the first of its kind, asked a sample of the population if they had been subjected to crime during the previous year. One important result was that the survey showed that for various reasons many crimes were not reported to the police (Litzén, 1993).

At the same time that these results were presented, other studies were underway which showed that many witnesses and crime victims did not want to participate in a crime investigation – even after the crime had been reported and the perpetrator

apprehended. The reason for this was the additional stress caused by the trial process. Victims often received no support or information about what would happen, and they were often forced to spend hours in boring waiting rooms, often together with the suspect (Maguire, 1991).

Various authorities in the USA saw that measures were required to solve this problem. It was thought that if the victim was treated better, then crime reporting frequency would rise, and victims would be more co-operative during the trial process, and more active as witnesses. One of the most important measures taken was to increase victim and witness participation in the trial process. To this end, a number of projects were begun, with one of the results being separate waiting areas for victims and witnesses. Brochures were also printed, with information on how the trial process would proceed (Davis & Henley, 1990).

The early 1970s saw the beginnings of the so-called “rape debate” in the USA, when the women’s movement questioned the American society’s view and treatment of raped women (Karmen, 1990; Roberts, 1990). As if the rape itself was not bad enough, women who reported the crime to the authorities were often questioned repeatedly, looked down upon and subjected to various prejudices. One of the pioneers in this area was Susan Brownmiller, who wrote the book *Against Our Will – Men, Women and Rape*. Brownmiller (1976) stated that rape could be understood as a biological, cultural and social phenomenon, but that it is ultimately an expression of female oppression in the general society.

Earlier, the women’s movement had fought for female suffrage and the right to education and employment. When these goals had been met, the movement turned its focus to sexual independence and bodily integrity. The silence which had surrounded abortion and rape (and later male violence against women, sexual harassment and incest) was broken, largely through victims openly speaking of their experiences (Karmen, 1990). A similar development can be seen in the UK and, several years later, in Sweden and other Western European countries.

The first half of the 1970s in the UK and the USA brought about various volunteer initiatives, which were based on the concept that society had a responsibility to provide for victims of crime. One such initiative was the establishment of rape centres where rape victims could turn 24 hours a day for legal counsel and emotional support. The victims could also have someone from the centre accompany them to the police station, the doctor, the attorney etc. Many centers also started group therapy sessions for raped women (Karmen, 1990; Roberts, 1990). These centres were largely influenced by feminist ideology and had a significant influence on the future development of victim assistance programs. The majority of these early efforts at victim assistance were spearheaded by individuals who had themselves been victims, and were disappointed by the aid available. From their inception, these groups chose to work independently from the established system and judicial authorities (Walklate, 1989).

Also during this period, a number of newspaper articles, books and research reports showed the prevalence of rape in society, and the problems which these crimes caused for the victims. This caused the women's movement to press their point. From the early purpose of aiding and supporting individual rape victims, they now began to act as a political pressure group. One example of these actions was the attempt to increase public awareness of how women were treated prejudicially by the courts or otherwise poorly treated. An attempt was made in the USA to toughen sentencing guidelines for rape in the various states. The activities also began to encompass other types of crisis counselling as well as information and education campaigns (Boëthius, 1976; Karmen, 1990).

In connection with the rape debate, other forms of oppression of women were also brought to light, including assault. Like many rape victims, battered women often reported negative experiences of the legal system. Despite the judicial system's responsibility to act, many women reported no follow-up of their reports to the police. It was not uncommon for assault against women to be seen as a family affair, rather than a matter for the police. The attitude that the women were a party to the event and were themselves partially to blame was also prevalent.

There are many parallels between the rape debate and the women's movement's focus on male violence against women. Both debates were initiated by former victims, both are based in the belief that these crimes are more dependent on social and institutional problems than on personal problems or some expression of personal failure, and both worked to increase awareness of men's violence against women within the judicial system, and thus improve the system's treatment of battered and raped women (Karmen, 1990).

The first crime victim support centres aimed at both men and women were started in Britain in the early 1970s (Maguire & Shapland, 1990). These were largely manned by independent, volunteer support persons, and financed through donations. The volunteers offered emotional and practical support to crime victims – primarily victims of burglary and assault (Maguire & Corbett, 1987). In 1979 The National Association of Victim Support Schemes (NAVSS) was formed as an umbrella organisation with the goal of establishing standardised methods and education for the centres (Maguire & Shapland, 1990).

The Crime Victim in a Serbian Perspective

The Debate Intensifies

In Serbia the public interest for crime victims was initiated in 1980s primarily by feminist advocacy for the rights of women and children. Violence against women was discussed at public panels organised in Belgrade by the feminist group Women and

Society. Also, the members of this group were engaged in other awareness raising activities, such as media interviews, round tables, speeches in various institutions etc. In 1990 the book *Women as Victims of Crime*, written by Vesna Nikolic-Ristanovic was publicly launched at one of the public panels organised by the group Women and Society (Blagojevic, 1998).

The book served as an important platform for advocacy for legal changes. Representatives of women's groups, together with researchers, presented their proposals for changes of laws regarding domestic violence and marital rape to the former Yugoslav federal state authorities and gave a number of interviews to the media. After the disintegration of Yugoslavia and beginning of ethnic conflicts, this advocacy campaign was slowed down and shifted toward advocacy for women as victims of war violence. However, the advocacy of women's groups aimed at raising public awareness and better protection of domestic violence victims in general did not stop during war time. Women's groups and feminist researchers contributed toward the visibility of the problems of domestic violence victims, as well as those of victims of sexual violence and trafficking in human beings. Moreover, the first draft of the criminal offences of domestic violence and marital rape was submitted by the Group for Women's Rights of the European Movement in Serbia¹ in mid 1990s. Although not successful, this advocacy was very important in terms of raising awareness of state officials and the general public. Namely, the provision about the punishment for marital rape was included in the draft Criminal Code as an alternative to the traditional rape definition, and was, for the first time ever, discussed in the Parliament.

During 1990s, women's groups' activists established SOS hotlines, shelters and counselling services for women and children. The first SOS hotlines were established in 1990 in two towns, Belgrade and Kraljevo, and in 1993 in Nis. The development of these victim services was particularly intensified after the social changes in 2000. In general, the development of victim services in 1990s and 2000s was under the strong influence of women's movement but also under the influence of the development of civil society in general, and human rights organisations in particular. As in other countries, human rights organisations were mostly interested in victim's rights in connection to criminal procedure and punishment for the offender, while victim support organisations mostly had a more flexible and empowering approach and had been supporting victims trying to meet their needs regardless of their involvement with criminal justice system.

Thus, the first victim services in Serbia were specialised services for women and children victims of violence. Women's groups put the issue of violence against women on the public agenda, emphasising that domestic violence was not a private matter but a social problem which requires serious discussion and solutions. Later on, other spe-

1 The Group was predecessor of the Victimology Society of Serbia.

cialised services were developed, such as services for torture and war victims. Until the end of 1990s, victim advocacy and support in Serbia was mostly limited to women and children victims of violence. However, since 2000, largely thanks to the advocacy of the Victimology Society of Serbia², many positive changes were initiated, significant not only for women and children, but for other crime victims as well. The first and so far the only victim support service of general type, i.e. which offers support to victims of all crimes and of both sexes, was established in 2003 by the Victimology Society of Serbia. Largely based on VDS and other NGOs drafts and advocacy, new laws were passed with the provisions important for the victims. Also, since 2008, Serbian official statistics data contain basic information about victims. Regular marking of 25 November – the International Day against Violence against Women started by women’s groups already in 1990s, while the Victimology Society has been regularly marking 22 February – The International Victim’s Day. Also the NGO I.A.N. initiated marking The International Day against Torture. As in other countries, the victim’s rights organisations in Serbia used these days and other opportunities to organise many awareness raising events in order to draw attention of the public and the government to the victims’ problems. Moreover, many training events for various professionals, including police, social workers, judges, prosecutors and health workers, were organized by non-governmental victim organizations.

After 2000, the first victim services were established within state institutions as well. They were mostly established within social welfare institutions. The changes of family laws related to domestic violence as well as an increase in available funds for financing partnerships between NGOs and the state institutions were especially beneficial for this development.

In Belgrade, for example, the Agency for Coordination of Protection of Victims of Trafficking in Human Beings was established in 2004, as part of the Ministry of Labour, Employment and Social Policy. Recently, a children’s SOS hotline has been set up in Belgrade, as well as the Shelter for Urgent Protection of Children. Also, several SOS hotlines in Serbia were established by NGOs in cooperation with social welfare centres.

State services mostly followed a general trend in the development of NGO services in terms of their focus on women and children victims of violence. Since 2010, new trends have been noticed suggesting the suspension of some NGO victim services (SOS hotlines and shelters) which have been developed with a lot of enthusiasm and which generated precious experience for activists. These activities were partly taken over by state institutions which often have less knowledge and experience appropriate for meeting needs of victims than NGOs.

2 See more about the Victimology Society of Serbia in the parts on the Government and victims, victimological research in Serbia, and in the part on non-governmental organizations and victims.

In sum, the development of both non-governmental and governmental victim services and programs in Serbia was not linear and systematic. Although very important, it mostly came about as a result of the efforts of enthusiastic groups, as well as that of the fragmented state efforts. Also, although a certain level of cooperation of different services is obvious, a national network of local victim services that exists in many other countries has not been established yet.

One of the main characteristics of victim related developments in Serbia is that they contributed to increasing the social visibility and raising awareness of certain categories of victims, while other victims are largely invisible and unrecognized. The prevalence of specialised victim services and organisations contributed to the increased social visibility of certain victims, such as female victims of domestic violence, children victims of sexual abuse, victims of trafficking in women and children, and recently victims of work related abuse. Other victims, such as victims of robbery, burglary, street violence, men as victims etc. are mostly left invisible and unrecognised. Although quite successful in initiating the changes in legislation related to domestic and sexual violence and trafficking in human beings, the advocacy of the Victimology Society for the increased social visibility of other crime victims and the comprehensive approach to victim issues did not gain broader support and, thus, had difficulty reaching wider public, professionals and state officials. But of course, the greater visibility of certain victims and existence of more services for them does not mean that their needs are met properly. Many problems exist in this regard and they will be elaborated in appropriate chapters in this book.

Legal and policy changes

A number of measures have been taken by the state to improve the position of crime victims in Serbia in recent years. New laws have been passed, and existing laws have been re-examined and modified. In addition, various policy documents, such as strategies, national action plans and protocols have been adopted. The most important legal and policy changes were initiated and advocated by Serbian non-governmental organisations, which also had the support of international organisations and donors. This is why this chapter will start with the description of the most important NGO initiatives for legal changes, and the achieved legal changes will be reviewed afterwards.

Civil society advocacy

The first legal changes, which marked the beginning of new legislation for victims, occurred soon after political changes in 2000. Legal changes related to domestic and sexual violence, trafficking in human beings and protection of victims from secondary victimisation in criminal procedure were initiated and largely based on drafts written by the experts of Victimology Society of Serbia. The basis for these changes is the draft

legislation developed and for the first time submitted to the authorities in 1998 with the idea to be included in the draft of Criminal Code of Federal Republic of Yugoslavia.³ The draft consisted of the New Model of Legal Protection from Domestic Violence, the draft of the chapter on sexual violence based on new conception of sexual violence offences and the draft of the criminal offence of trafficking in human beings. Later on, in 2002, a more systematic and comprehensive draft called New Model of Laws about Trafficking in Human Beings was made, together with the draft of changes of the Criminal Procedure Code regarding protection of victims from secondary victimisation (Vesna Nikolic-Ristanovic, 2002a).

The *New Model of Legal Protection from Domestic Violence*, drafted in 1998 by the working group of the Victimology Society of Serbia consisting of five feminist lawyers⁴ (Nikolic-Ristanovic and Copic 2002: 23-26; Nikolic-Ristanovic, 2002a) was the first systematic proposal of a new concept of legal protection from this form of crime. The *New Model of Laws on Domestic Violence* followed as a result of the two-year monitoring of the trials of battered women who killed their abusers, and awareness raising campaigns organized by women's NGOs. The first draft of the Model, which was later modified to reflect existing legislative trends, was based on the research findings and reports on trial monitoring, as well as on the research on international and domestic laws, while the Minnesota Domestic Abuse Act and the Duluth model were used as guidelines for drafting the Model (Vesna Nikolic-Ristanovic, 2002a). The *New Model of Legal Protection from Domestic Violence* proposed harmonized changes of five relevant codes: the Criminal Code, the Criminal Procedure Code, the Family Code, the Civil Procedure Code and the Code on Weapons and Munitions. The proposals contained in the Model presented a combination of preventive, repressive and curative measures, primarily aiming at prevention of escalation of domestic violence. The most important proposals included protection orders, which should be pronounced in the civil suit; criminal offence of domestic violence; breach of the protection orders as a basis for criminal responsibility, prohibition of contact with the victim as a term for the suspended sentence; new security measures - prohibition of contact with the victim and compulsory counselling and treatment for offenders; and domestic violence as a basis for rejecting issuance of permits to purchase weapons.

The advocacy regarding sexual violence was based on the draft of a completely new concept of the Criminal Code chapter on sexual violence, the main characteristics of which are: the change of the title of the chapter on sexual violence from Offences against the Dignity of Person and Moral to Offences against Sexual Freedoms, stricter

3 VDS did not manage in its advocacy at that time but also the draft of this Criminal Code was never passed. However, this draft was used as the basis for drafting of new Criminal Code of Serbia in 2000 (Stojanovic, 2009).

4 Slobodanka Konstantinovic-Vilic, Vesna Nikolic-Ristanovic, Nevena Petrusic, Ivana Stevanovic and Brankica Grupkovic.

punishments for all sexual offences and, in particular, for sexual abuse of children and disabled persons, punishment for marital rape, new concept of rape and other sexual offences which enable the same legal protection for victims regardless of gender and sexual orientation, as well as for being coerced into not only the vaginal sexual act, but also other sexual acts, such as anal, oral etc.

During 2002, an expert team⁵ of the Victimology Society of Serbia analyzed several laws related to trafficking in human beings, as well as the most important international documents and contemporary legislation. Upon the analysis, legal provisions related to criminal offense of trafficking in human beings were drafted. That activity was followed by round tables where the proposal was discussed with the representatives of the police and judiciary in order to get their comments on it. After that, the final version of the proposal was made. As a result of the joint advocacy of non-governmental and governmental organizations, and members of the Serbian team against trafficking in human beings, the criminal offense of trafficking in human beings was included in the Serbian Criminal Code in April 2003.

The Victimology Society has also proposed changes of relevant legislation in terms of providing better protection of victims. These included the proposal for the Criminal Procedure Code to include best practices in questioning vulnerable victims as witnesses, as well as the changes of the Law on Misdemeanors and the Law on Foreigners in terms of providing the possibility to delay deportation and issue the temporary residence permit to victims of trafficking.⁶

The drafts designed by VDS experts may be without exaggeration considered to have provided a basis for various legal changes that occurred since 2002. The legal changes relevant for victims started with partial changes of the Criminal Code in 2002 and 2003, which introduced new criminal offences such as domestic violence and punishment for marital rape, as well as the criminal offence of trafficking in human beings, respectively. The rest of the proposed changes were included in the Criminal and Family Code of Serbia in 2005, in the Criminal Procedure Code in 2006, the Law on Misdemeanors (2009), and the Law on Foreigners in 2008.

The first changes were achieved as a result of long and persistent advocacy of the Victimology Society, which in its final stage got broad support from the civil society and democratic political parties. The changes entered the Criminal Code as amendments

5 Expert team included professors Vesna Nikolic-Ristanovic, Natasa Mrvic-Petrovic and Milan Skulic

6 Although the first version of these proposals was made in 2002 when the expert group of the Victimology Society made a proposal to define trafficking in human beings as the criminal offence, it was modified in 2004 within the project on advocacy for changes of legislation of misdemeanours and laws related to it. The project was implemented in cooperation with the Association of Magistrates and VDS had leading role in it. That was done by Vesna Nikolic-Ristanovic, Natasa Mrvic-Petrovic, and Sanja Copic in cooperation with two magistrate judges, Dragana Tireli and Zoran Pasalic, based on the new trends in this field as well as on the changes of the practice in Serbia in terms of granting temporary residence permits for the humanitarian reasons.

proposed by individual MPs who were sympathetic to them, while the Government did not show interest in them. In the years that followed, the interest of the Government in legal changes relevant for victims increased under the influence of both NGOs advocacy and international obligations. VDS experts continued to advocate for legal changes both within VDS and as members of other NGOs, and government working groups.

Also, other experts and NGOs presented their own drafts of the laws relevant for victims. The most important drafts and advocacy initiatives are the following: the advocacy of the Centre for Children's Rights for the Law on Juvenile Criminal Offenders and Legal Protection of Underage Individuals (2006), the advocacy for the Antidiscrimination Law by 50 NGOs from the Coalition against Discrimination, as well as the advocacy of organizations that support victims of mobbing for the Law on the Prevention of Work Related Abuse (2010).

Improved Legislation

New legislation for victims in Serbia includes legal changes related to domestic violence, sexual crime, work related abuse and trafficking in human beings, as well as to a more active role of victims and their protection from re-victimisation and secondary victimization during criminal procedure. Some of best practices regarding protection of children and some other vulnerable victims as witnesses seem to have been incorporated into Serbian legislation as well. Criminalization of marital rape, domestic violence, trafficking and smuggling of persons, introduction of restorative justice measures, as well as changes of civil and labour laws, together with the new laws on work related abuse, organised crime, war crimes, antidiscrimination and gender equality, contributed to the harmonisation of Serbian legislation with international standards to a great extent. In the text that follows a brief overview of Serbian legislation relevant for victims as it was at the moment of writing of this book will be given.

Even before 2000, the victim (injured party) had most of the rights relevant for his/her active role in the criminal procedure, such as: the right to propose evidence and to have insight into criminal files and evidence; the right to ask questions and make objections or give explanations about statements of other actors, as well as to give other statements and opinions, including the right to present closing arguments; the right to appear as a subsidiary or private prosecutor, and the right to have a free legal representative if the subsidiary prosecutor is without appropriate financial recourses.

The new regulations brought some novelty in terms of reinstating of the injured party's proposition as a condition for criminal prosecution if provided for some offenses, the expansion of the rights of an injured party to lodge a complaint that was earlier limited to the decision about expenses (the right to file a complaint against the decision of the prosecutor to grant the status of a protected witness if the crime is committed

against this person), removal of some limitations of the rights of a private prosecutor (Grubac, Beljanski, 2002), as well as inclusion of the possibility of victim-offender mediation. Moreover, the changes represented a good legal basis for offering suitable victim protection in criminal proceedings from both secondary and repeated victimization. These changes are particularly relevant for minors as victims, and victims of organized and war crimes⁷

Domestic violence is now a separate criminal offence prosecuted *ex officio*, including punishment for emotional and physical violence against a family member. In relation to this criminal offence, the family member is defined extensively, including partners, former partners, children and other relatives (including in-laws), as well as foster and adoptive parents. A range of protection orders can be issued in civil procedure, while their violation is punishable as the most lenient form of the criminal offence of domestic violence. The Serbian Family Code contains provisions on the following protection orders: injunction for moving out from the flat or a house regardless of the property or rental right to the real estate; injunction for moving into the flat or a house regardless of the property or rental right to the real estate; prohibition to come within a certain distance of the family member; prohibition to access the space around the family member's place of residence or workplace; prohibition against further harassment of the family member. These protection orders could last up to one year, with the possibility to be extended. The new Serbian Law on Misdemeanors also contains a provision on protection orders: prohibition on access to the victim (injured party), object or a place where the misdemeanor was committed. This protection order is aimed at preventing the contact between the offender and the victim in the situation when the victim feels that he/she is endangered. The 2009 changes of the Criminal Code also introduced a new security measure of prohibition to approach to and communicate with victims, which is important for protection of victims after the trial.

The Criminal Code also provides that rape is punishable regardless of the relationship between the offender and the victim (hence including spouses as well) and regardless of the sex of the victim and the perpetrator. This means that now the provision relating to rape includes heterosexual and homosexual rape as well as coercion into vaginal as well as oral, anal and similar sexual act. The New Criminal Code also contains provisions that enable better legal protection of children and disabled persons. When rape or any other sexual crime results in the pregnancy of the victim, the more severe punishment is prescribed. Penalties for sexual crimes in general and especially for sexual abuse of children are increased and incrimination of sexual abuse against children is better defined than before. When it comes to children, it is especially important to stress the provision regarding sexual abuse of children by persons in whom they have confidence (e.g. parents, adoptive parents, guardians, teachers, nurses and the like).

⁷ See more about this in the chapter about Court and victims.

The Serbian Criminal Code adopted the incrimination of trafficking in human beings in line with the definition of trafficking stipulated in the UN Convention Against Transnational Organized Crime and supplementary “Trafficking” Protocol⁸. More severe punishments are envisaged if the criminal act is committed against a minor, where the victim suffered a serious body injury, or when the offence is committed by an organised group or a group of individuals belonging to a certain profession. The most severe punishment is envisaged when one or more persons were killed. If the victim is a minor, the perpetrator shall be punished with the sentence envisaged for this act also in the cases where he/she has not used force, threat or some other mentioned methods of execution. In general, the consent of the victim to the position of exploitation or slavery does not eliminate the existence of criminal offence. The 2005 Criminal Code also defines trafficking in children for adoption purposes as a specific crime and provides special legal protection for children under 14 years of age (later changed into 16 years) against this form of trafficking in human beings. Bearing in mind not only the serious consequences for victims, but also the differences between trafficking in human beings and smuggling of persons, the 2005 Criminal Code defines for the first time the criminal offence of smuggling of persons.

The criminalization of trafficking in human beings is merely one of the preconditions for a successful combat against this form of organized crime and protection of victims. It is, however, not enough; it is necessary to ensure adequate protection for the victims not only prior to, in the course of, and following the criminal proceedings, but also unrelated to the procedure itself. On 5 July 2004, the Serbian Ministry of Interior passed the *Instruction on the Conditions for Approving Temporary Residence to Foreign Nationals Victims of Trafficking*, which provides for temporary residence up to 3 months for foreign nationals, victims of trafficking in human beings, for humanitarian reasons, with the aim to provide them protection and assistance during the recovery period, and when returning to the country of origin or the country of previous residence (recovery and reflection period). All foreign nationals identified by the Agency for the Coordination of Protection of Victims of Trafficking in Human Beings as victims of trafficking in human beings, who need to be given protection and care are entitled to a 3 month temporary residence permit. If the victim is willing to cooperate with the authorities, the temporary residence permit may be extended up to six months. If the victim actively takes part in the legal proceedings as a witness or the injured party, or if this is required for reasons of security, this permit may be extended up to a year. The temporary residence issue was later also included in the Law on Foreigners, although not exactly in the same way.

8 Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, Especially Women and Children (2000) supplementing the United Nations Convention against Transnational Organized Crime (2000) came into force in December 2003. Document: www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf.

Legal protection from work related abuse has been defined by the criminal and labour laws, and since recently by the Law on Prevention of Work Related Abuse. The criminal law contains only one provision of that kind, and it is related to sexual harassment in the workplace. This is dealt with within a more general criminal offence called sexual act by abuse of position. In 2003, the advocacy of women's groups resulted in a definition of an even more specific offence of that nature. The offence was named 'sexual abuse', but this was hardly ever applied in practice and was widely criticized because it was difficult to distinguish it from other offences. Also the prosecution upon civil/private suit made enforcement of criminal law protection highly inefficient (Jovanovic and Simeunovic-Patic, 2006:24). The Criminal Code from 2005 excluded this provision, leaving the possibility of providing legal protection only for victims of sexual act by abuse of position. In the same year, the Serbian Labour Law for the first time paid proper attention to the discrimination in the workplace, stipulating that the violation of provisions about discrimination in the workplace is to be treated as harassment. Harassment, thus, includes a wide range of work related abuses, such as psychological (mobbing), physical and sexual harassment. The victim has a right to claim compensation for damage from the perpetrator, which means that the sanction for the perpetrator is limited to civil liability. Although this provision is an important novelty in Serbian legislation, the victim is put in a very difficult position because of the imbalance of power and difficulties in proving the act (Jovanovic and Simeunovic-Patic, 2006:24). This is why the Law on the Prevention of Abuse in the Workplace was passed in 2010. The Law prohibited abuse in the workplace, including sexual harassment, and established a number of reactive mechanisms (restorative, preventive, protective and repressive). It also defined the responsibility of employers for the protection of victims; prevention of abuse and compensation for the damage caused, and put the burden of proof that the act was not committed on perpetrator.

Finally, the new Law on Social Protection from 2011 introduced certain novelties which are very important for the protection of victims. Both victims of domestic violence and victims of trafficking in human beings are recognized as users of social welfare services. Thus, the Law recognizes prevention of and protection from abuse, neglect and exploitation as goals of social protection. Also, counseling of and support to victims of violence, as well as SOS hotlines are for the first time recognized as social protection services. Moreover, the law provides that the non-governmental organizations are recognized by the Government as victim support providers and granted its financial support.

Legal changes introduced so far resulted in the high level of harmonization of Serbian legislation with the most important international documents, such as the UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power, SE Recommendations 11 (1985) and 8 (2006), as well as the Convention on the Elimination of All Forms of Discrimination Against Women CEDAW (including the Op-

tional Protocol to CEDAW and General Recommendation 19 of the CEDAW Committee), Beijing Platform for Action and UN Declaration on Transnational Crime and Trafficking Protocol.

However, in spite of these significant enhancements in legislation, the protection of victims is still unsatisfactory when it comes to the implementation of laws and other practical solutions. Apart from the lack of clear and comprehensive legal conception about protection of victims, the lack of mechanisms for the implementation of new provisions in practice remains a major obstacle. Monitoring of the implementation of new provisions either does not exist, or it is not comprehensive and systematic. Moreover, apart from the changes of laws and their effective application, it is necessary to meet other conditions which would guarantee security and protection of victims from secondary victimization. This includes special rooms for witnesses in courts, victim support services available to victims/witnesses in most of courts or prosecutor offices, as well as appropriate education of police, judges, prosecutors and lawyers.

Additionally, it is difficult to imagine that the effective change can be made without the appropriate state strategy, which also does not exist in Serbia. Closely connected with this issue is the need to establish a state body which would create a strategy and take care of the coordination of victim support activities. It is also necessary to establish the state fund for compensation – which is required by the Declaration on Basic Principles about Justice for Victims of Crime and Abuse of Power and the Guidelines for its implementation, as well as by the SE Recommendation (2006) 8. Finally, in order to have a comprehensive and effective system in place, it is necessary to create both national and local mechanisms for coordination and cooperation of various, governmental and non-governmental services for victims, and to develop protocols and measures to secure their implementation. In sum, it is necessary to establish state mechanisms for comprehensive, planned and long-term dealing with problems of all crime victims. Experiences of some Western countries, such as the USA (Roberts, 1990) and Canada (Wemmers, 2003), however, show that the Law on assistance to crime victims and establishment of the state body and fund for victims are *conditio sine qua non* of the development of services suitable for meeting the needs of victims.

Research on Crime Victims

The first scientific studies to focus directly on the crime victim came in the mid 20th century. In 1937, however, the Rumanian lawyer Benjamin Mendelsohn began to interview and collect information on victims of crime for his law practice. It was not until the 1940s that the issues regarding crime victims were treated in a scientific manner. The German criminologist Hans von Hentig published *The Criminal and His Victim* in 1948. The purpose of this book was to show that some victims actually contributed to the event through enticement, conspiracy or provocation. The following year, the term

victimology (the study of victims) was coined by the American psychiatrist Frederic Wertham. The word is derived from the Latin *victima* meaning victim and the Greek *logos* meaning knowledge. Wertham felt that a “science of victimology” was necessary, since researchers generally focussed on the psychology of the criminal. This field of research would not become popular until the 1960s, however, and even then it was primarily inspired by the extensive American victim surveys.

Today, victimology is an interdisciplinary research field including disciplines as diverse as criminology, sociology, psychology, law and medicine. This interdisciplinary character has made it somewhat difficult to specify the focus of victimology. Basically, there are two perspectives within the field. The first perspective is promoted by researchers who see victimology as a method to analyse criminological problems from the victim’s point of view. This perspective was championed by von Hentig, who studied the interaction between the victim and the criminal at the scene of the crime. The second perspective is much broader. One representative of this view is Benjamin Mendelsohn, who saw victimology as an independent scientific discipline, which ranks various types of victimisation equally. This definition is more universal, and includes victims of natural disasters, war, environmental catastrophes and traffic accidents in addition to victims of crime (for a discussion of the advantages and disadvantages of these alternative visions of what victimology is/should be, see Elias, 1986; Kirchoff, 1995; Schneider, 1982; Viano, 1983).

How, then, has victimological research developed since the 1960s? A survey of articles published in *Sociological Abstracts* between 1970 and 1994 shows that there were very few articles on the topic at the beginning of the period. The number began to increase by the mid 1970s, with a noticeable increase at the end of the 1980s which continued into the 1990s (Åkerström, 1995). An examination of the articles’ topics shows a primary interest in victims of sex crimes. Many articles also concentrated on quantitative calculations of various types (Åkerström, 1995). This same picture is found in a survey of the research presented at the Ninth International Symposium on Victimology (World Society of Victimology, 1997). Many research projects presented at the symposium were so-called “victim studies,” examining the general public’s encounters with crime.

Interest in victimology today is not restricted to the “key countries” in the crime victim field – North America, Europe, Israel and Japan. Much research has also originated in Central and South America, Asia (especially India) and Australia (Schneider, 2000).

The World Society of Victimology (WSV) has been an important factor in this development. The WSV was established in Germany in 1979, and is an impartial organisation, which co-operates with international organisations such as the United Nations and the Council of Europe. Its members are scientists, clinical instructors, social workers, lawyers, doctors, students and government employees. The organisation’s fundamen-

tal purpose is to encourage and stimulate interdisciplinary research on crime victims. It actively promotes increased co-operation between international, regional and local crime victim programmes such as crisis centres, mediation projects and witness support programmes.

Serbian Research

International research on crime victims has seen a dramatic increase in recent years. Although victim issues were sporadically dealt with before as early as in 1960s (Konstantinovic-Vilic at al, 2010), in Serbia more systematic research on crime victims started in 1980s and was particularly intensified after 2000. Similarly as above-described victim related developments in general, the development of victimology in Serbia can be divided into three periods: the period since the beginning of 1980s until 1991, the period during the wars in the territory of the former Yugoslavia (1991-2000) and the period after 2000.

In 1984 the first comprehensive book about crime victims was published in Serbia, based on the first MA thesis on crime victims defended at the Law School in Belgrade. This was the book *The Influence of the Victim on the Phenomenon of Crime*, written by Vesna Nikolic-Ristanovic (Nikolic-Ristanovic, 1984). The book was based on both desk study and empirical research on crime victims, on the characteristics which make them vulnerable, victim-offender relationship, legal position of victims, as well as on their contribution to crime and its prevention. Several years later, in 1989 the second research based book on victim issues was published by the same author (Nikolic-Ristanovic, 1989). The book *Women as Crime Victims* was the first book published in Serbia dealing with issues such as domestic violence, marital rape, inadequate legislation about victims, the position of rape victim before the police, the prosecutor and the court, shelters and hotlines for battered women etc.

During 1980s and at the beginning of 1990s a research on victims was conducted by the Institute for Criminological and Sociological Research in Belgrade, as well as by researchers from other institutions. Apart from the researches whose findings were presented in the books mentioned above, this included other researches, such as researches on young people and children as victims (Radovanovic, 1989), on the victims of traffic accidents (Nikolic-Ristanovic, 1987), on the first contact of the victim with the police (Nikolic-Ristanovic, Mrvic, 1988), on the legal position of crime victims (Nikolic-Ristanovic, 1989a, Bejatovic, 1993), on the fear of crime (Nikolic-Ristanovic, Mrvic, 1990; Nikolic-Ristanovic, 1995), and on the spousal abuse (Nikolic-Ristanovic, 1994 and 1996). In addition, in 1996 the Institute for Criminological and Sociological Research participated in the International Crime (Victim) Survey. The first and so far the only Serbian crime victimisation survey was conducted in Belgrade covering a sample of 1094 respondents (Nikolic-Ristanovic, 1998; Nikolic-Ristanovic, 1998a; Zvekić, 2001).

The establishment of Yugoslavian Victimology Society in 1988 was very important for the development of victimology in Serbia during 1980s. The Society was established after the very successful Symposium of World Society of Victimology organised in Zagreb in 1985 by Professor Zvonimir Separovic, at that time president of WSV. The Society had its headquarters in Zagreb (Croatia) but it gathered members from other parts of Yugoslavia, including very active members from Serbia. In 1990 the Yugoslavian Society started publishing its journal *Victimology* and organising postgraduate victimology courses and victims' rights conferences in Dubrovnik (Croatia) on yearly basis. However, the disintegration of Yugoslavia and ethnic conflicts that followed, led to the end of the Yugoslavian Victimology Society as well as to the temporary relocation of postgraduate courses to Amsterdam. The Society was later transformed into the Croatian Victimology Society.

During the ethnic conflicts in the former Yugoslavia, economic sanctions were imposed on Serbia because of the role it played during the war. As a consequence, funding for the researches carried out by state institutions was dramatically cut. At that time, some civil society initiatives were launched and the international funds became available to Serbia, which consequently influenced both research and practices related to victims. Most of the victimology researches during this period were carried out by non-governmental organisations, while part of researchers shifted their research interest toward war victims. As a result, several action researches on women's war victimisation, which included both collection of data and support to victims, were carried out (Nikolic-Ristanovic, 2000; Nikolic-Ristanovic et al, 1995a). During this period the empirical researches on the connection between domestic violence and women's crime (Nikolic-Ristanovic, 2000a) and the impact of the transition and war on violence against women and society's response to it (Nikolic-Ristanovic, 1996; Nikolic-Ristanovic, 2002; Nikolic-Ristanovic, 2008) were conducted. Also, the first comprehensive studies on child abuse (Banjanin-Djuricic, 1998) and incest (Mrsevic, 1997) were published.

In 1997, a group of former members of the Yugoslavian Victimology Society from Serbia, together with some other researchers, activists and professionals, some of whom were involved in the activities of NGO the European Movement in Serbia⁹ during 1990s, founded the Victimology Society of Serbia (VDS). VDS was established as a membership NGO committed to working toward the development of victims' rights and victimology as an academic discipline.

After the establishment of VDS, the development of victimology research in Serbia was particularly intensified. In 1998, VDS started to publish a journal on victimisation, human rights and gender issues called *Temida*. *Temida* comes out as a quarterly, with

⁹ The founding members of VDS were particularly active in the Group for Women's Rights of European Movement in Serbia, but they also participated in other activities.

every edition dealing with a specific victim issue, and has been published regularly since it was founded. *Temida* is recognised as an academic journal by the Serbian Ministry of Science and became a valuable source for students, professionals and everyone else interested in research into victim issues. VDS carried out many victimological researches such as victimisation surveys on partner and domestic violence. (Nikolic-Ristanovic, 1993; Nikolic-Ristanovic, 2002a; Nikolic-Ristanovic, 2010), research on victim services (Nikolic, 2007; Copic, 2007; Nikolic-Ristanovic, 2007), trafficking in women, children and men (Nikolic-Ristanovic et al, 2004; Bjerkan, 2005; Nikolic-Ristanovic, 2009), victims and restorative justice (Copic, 2010), victims and reconciliation in post-conflict society (Nikolic-Ristanovic, Hanak, 2004; Nikolic-Ristanovic, Srna, 2008), legal position of victims (Nikolić-Ristanović, Čopić, 2011) etc. VDS organised many national and international conferences dealing with various victim-related issues, such as war victimisation, domestic violence, truth and reconciliation, and alternative sanctions and victims.

In 2001 VDS carried out the first national victimisation survey on domestic violence. In 2009, another survey of this type was conducted in the province of Vojvodina, while in 2003 VDS conducted the first comprehensive ethnographic survey on trafficking in human beings in Serbia. Since 2010, VDS has started to organise regular annual conferences. The conferences represent a great opportunity for various researchers and professionals dealing with victim issues to meet, exchange experiences and learn from both each other and guests from abroad. In addition, VDS introduced yearly awards for young talented researchers dealing with victimology issues as an encouragement and incentive for young people to engage in this kind of research.

Apart from the Victimology Society, other NGOs (domestic and international), institutions and individual researchers have recently conducted some relevant victimological researches as well.¹⁰ They conducted surveys on domestic violence, trafficking in women and children, child abuse, elderly people as victims, homophobic violence, work related abuse, victim services, compensation for victims etc.

For example, the NGO Autonomous Women's Center-Center for Promotion of Women's Health from Belgrade conducted a survey on domestic violence on a sample of 1456 women from Belgrade in 2002, as part of WHO Multi country study on violence against women and women's health (Otasevic, 2005; Garcia-Moreno et al, 2006). The Autonomous Women's Center also conducted several surveys on court practices regarding domestic violence (Konstantinovic-Vilic, Petrusic, 2004 and 2007). In 2010, the NGO SECONS conducted a prevalence survey on domestic violence in Serbia, excluding the Autonomous Province of Vojvodina (Babovic, Ginic, Vukovic, 2010). Also, during 2004 and 2009/10 surveys on abuse of the elderly were conducted as well

10 It is worth mentioning that a large part of this research was conducted by VDS members, who conducted researches either for their MA and PhD thesis or within other NGOs and institutions.

(Kostic, 2010; Stevkovic and Dimitrijevic, 2010). At the time our book was about to come out, a major survey on child abuse and neglect was being conducted by the Faculty for Special Education and Rehabilitation, as part of a broader FP7 funded project called Balkan Epidemiological Study on Child Abuse and Neglect (BECAN).¹¹

Since 1998, Victimology has been taught as part of the Criminology Course at the Law Faculty, University of Nis. Lecturing was based on the criminology textbook written by professor Slobodanka Konstantinovic-Vilic and Vesna Nikolic-Ristanovic who, for the first time ever in Serbia, introduced the topics such as crime victims, victimology, child abuse, domestic violence, marital rape, battered women movement, feminist methodology and feminist theory in a university textbook (Konstantinovic-Vilic, Nikolic-Ristanovic, 1998). This textbook was later updated and amended to include many other victimological topics such as trafficking in human beings, work related abuse, stalking, abuse of the elderly, etc. In the period between 2004 and 2008, the Faculty for Special Education and Rehabilitation (FASPER) of the University of Belgrade put much more emphasis on spreading knowledge about victim related issues through its criminology course. For this purpose, a more extensive literature on victimology has been also introduced as the reading material for students.

In 2007, victimology became a separate elective course at both Law Faculty (Nis) and FASPER, as well as at the Police Academy and the Faculty for Security in Belgrade. In addition, at FASPER, a special elective course on child abuse in the family was also introduced in 2007, while at the Law School in Nis an elective course on Gender and Law was also introduced. Since more and more students tend to choose the Victimology Course, it seems that the interest of students in this field has increased. Therefore, an idea has been put forward to make this course obligatory.

Conclusions

In conclusion, we can state that the situation of crime victims has received increasing attention during recent decades, both by researchers and by society at large. This is true both internationally and domestically. A number of reforms and improvements have also been carried out to improve the availability of help and support for victims. Examples of these reforms are legal changes, raising awareness about certain categories of victims and development of non-governmental and governmental victim services in Serbia.

One factor behind the increase in victim awareness is the work of the women's movement to expose male violence against women. Parallel to this focus on male violence against women, the situation of children exposed to physical and sexual violence has

¹¹ <http://www.fasper.bg.ac.rs/projekti/becan.html>

also been highlighted. During recent years other particularly vulnerable groups have also entered into the discussion, such as victims of homophobic crimes, organised crime, trafficking in human beings in particular, and war crimes. However, in Serbia, many crime victims, such as victims of robbery, burglary, traffic accidents and relatives of murdered people, are still largely invisible and not recognised as victims in need of assistance and protection.

There is, however, a risk that this awareness will only lead to rhetoric and not to true action. The British victimologists Mawby and Walklate (1994, p. 169) state that “crime victims” have received a large symbolic value in the justice system and in the debate concerning penal policy. This does not, however, necessarily lead to an improvement of their situation. It can actually lead to frustration on the part of crime victims if their actual situation does not reflect the ambitions expressed by the society. This can erode their faith and trust in the society, since they do not receive the aid and support that they have heard so much about.

Fattah (1986, p.2) sees that the society is still applying its attention and resources towards the capture, imprisonment and punishment of criminals, despite the increasing focus on crime victims. This leads to a situation where the victims often feel disappointed, ignored, neglected and mistreated.

Chapter 5

Exposed and Vulnerable Groups

This chapter will examine some especially exposed groups in society. It deals with groups and individuals that face a larger than average risk of becoming crime victims due to where they live, who they associate with, their occupation etc. In this context we will also discuss the problems associated with repeat victimisation. In addition, this chapter will assess the situations of those groups for whom crime has a tendency to lead to serious consequences, because of factors such as violence or the victim's age. Among the particularly vulnerable groups, we find children, women and victims of racial or homophobic crime.

In many cases, the exposed and vulnerable groups overlap, meaning that individuals and groups who are more likely to become crime victims are also more vulnerable because of this exposure.

Especially Exposed Groups

Our knowledge about the prevalence of crime is largely based upon official crime statistics. Other sources consist of more in-depth studies such as victim surveys and hospital surveys.

A relevant question in this context is how the risk of becoming a victim is distributed. Do all members of society face an equal risk of being victimised, or are there individuals and groups who face heightened risks? Current research from a number of studies points to the latter – the risk of being affected by crime varies significantly between different individuals and groups in society.

One explanation for this may be that the risk is associated with an individual's situation, lifestyle and occupation. Some important factors in identifying potential victims are what they do for a living, where they live and who they associate with (SCB, 1995).

Violence and Threat

Häll (1997) has shown that the risk of exposure to violence and threats is greater for the young than the old, for men than for women and for singles rather than married

individuals. This risk is also greater in metropolitan areas and the more densely populated regions.

There exist clearly identifiable groups which are significantly more exposed to threats and violence than the general population. One group that is exposed to violence consists of individuals who live outside of the framework of the “normal” society. This includes marginalised groups such as prison inmates (Helgesson, 1995), the homeless (Löfvenberg & Melin, 1999), those who have been evicted from their homes (Flyghed & Stenberg, 1993), heavy drug and alcohol abusers and convicted criminals (Lenke, 1973; Nilsson & Tham, 1999; Häll, 1997).

Another group that is more exposed to violence than the average includes young men participating in the local nightlife, who tend to become affected by violence in public places. Another group is single mothers of young children exposed to violence in the home, often by known perpetrators. Yet another group is exposed to violence through their occupations, such as police officers, watchmen and security guards, transit workers, restaurant employees and employees of health and penal institutions (Häll, 1997; SCB, 1995).

Theft and Damage

Regarding theft and damage, the picture looks somewhat different. SCB’s surveys show that urban dwellers, single parents, foreign citizens, white collar employees and self-employed persons face higher than average risk of exposure to these crimes (SCB, 1995). These visible differences are likely related to neighbourhood factors (areas populated by individuals with low socio-economic status are more exposed) and in the case of white collar employees and self-employed persons to the fact that they have relatively more attractive objects for theft than individuals from the working class (Wikström, 1991).

As a complement to the national victim studies, a number of studies at the local level have been undertaken in recent years (c.f. Wikström et al, 1997a, 1997b, 1997c). One prime result of these studies is an emphasis on the importance of areas’ problems for the residents’ risk of exposure to crime. Although the traditional explanatory variables sex and age account for some of the variation in crime exposure, the problem level of a neighbourhood has the greatest explanatory power (Torstensson, 1997).

Repeated Victimization

It has long been known that a small group of criminals commit repeated offences, and thus account for a large share of the total crime rate (c.f. Persson, 1980). During recent decades, researchers have found that this situation is also true for crime victims (c.f. BRÅ 2001:3; Carlstedt, 1995; Gottfredsson, 1984; Forrester et al, 1988; Farrell & Pease, 1993).

There appears to be a small group of individuals who suffer a disproportionately large share of all crimes. Even crimes such as burglary and certain other thefts display this pattern.

Research on repeated victimisation has been carried out primarily in Britain and the USA, with the first studies made in the early 1970s (Johnson et al, 1973; Ziegenhagen, 1976). The results from these and other studies show that some individuals are overrepresented among criminal victims. An American hospital study of patients with knife and gunshot wounds found that repeat victims often came from lower social groups and often had drug or alcohol problems (Johnson et al, 1973). This group also displayed a higher probability of having previously been incarcerated than victims who were only treated one time. Similar results were found in a study by Ziegenhagen (1976). This study of victims of assault, robbery, rape and attempted manslaughter in New York found that; men, individuals with “low status” and ethnic minorities were overrepresented among repeat victims.

This result points to lifestyle and social situation as two important reasons why a small group is disproportionately affected by (violent) crime. Other possible explanations are that crime is work-related, meaning that certain persons are exposed to the risk of crime in their daily routine (such as police officers, guards, health care personnel etc). There is also a large group of women who are repeatedly exposed to violence in the home by men with whom they are currently or have been in a relationship.

In the case of crimes involving theft (such as burglary and simple theft), one cause of repeated victimisation may be found in the problem level of a neighbourhood and the lack of appropriate security measures (alarms, barred windows etc.). It may also be completely rational for a criminal to target the same victim repeatedly. In the case of burglary, criminals know that the victim often receives an insurance settlement several months after the crime. This means that the criminal has access to a known house or apartment with newly purchased furniture, radio, videocassette recorder etc. The choice of a previously targeted home may also involve lower risk, since the criminal is familiar with escape routes, neighbours and possible alarm systems. Researchers have described home burglaries in the following way:

“A burglar walking down a street where he has not previously committed crimes sees two sorts of homes – probably unsuitable and probably suitable. He then successfully burgles a home, which was judged suitable. The next time he walks down the street he sees three types of homes – probably unsuitable, probably suitable and definitely suitable.” (Farrell, 1995)

Studies have also examined how the risk for repeated crimes changes over time. The results point to the highest risk for a repeated crime in the period immediately following the previous crime (Farrell & Pease, 1993; Polvi et al, 1990, 1991). This seems to apply to a great number of different crime categories, such as burglary, assault and racially

motivated crimes. In the case of burglary, Polvi et al (1990, 1991) shows a twelve times greater risk of a new burglary within one month of the previous burglary. Half of all repeated burglaries occur within seven days of the initial break-in.

This means that there exists a small group that is affected by a large share of all crime (BRÅ 2001:3; Carlstedt, 1995, 2001). According to Carlstedt (2001) about one-half per cent of those responding accounted for slightly more than 50 per cent of all violent events. For burglary and damage to property, about four per cent of the respondents reported that their households were struck by three or more crimes in the previous year. Put in the context of the total number of events, these four percent accounted for nearly 40 per cent of all reported crimes. A very small group, about one per cent, was found to have been affected by 17 per cent of all crimes reported in the survey.

This pattern also holds true in terms of crimes reported to the police. A study shows that it is common for the same victim (whether a physical person or a juridical person such as a company) to have suffered repeated crimes (BRÅ 2001:3). For homes, the risk of burglary is twelve times higher during the first month. This risk gradually diminishes. In terms of male violence against women, the risk of repeat is highest during the first week following the assault, and then the risk begins to decline. The study goes on to show that repeated crimes constitute a relatively large portion of all crimes reported to the police.

Questions regarding previous experience of crime have been asked in the hospital surveys on street crime at the Sabbatsberg Hospital and Southern Hospital in Stockholm. The results here show that 49 per cent of the respondents had been assaulted previously (Carlsson Sanz et al, 2010).

The understanding that there is a relatively small group which accounts for a large share of all crimes is important from both a crime prevention and a victim support perspective. By placing resources on those who have already been victimised, there is a possibility to prevent a considerable share of all crime and also aid those who are possibly most in need. In this way, knowledge of repeated victimisation may serve as a catalyst for both crime prevention measures and victim support work.

Especially Vulnerable Groups

This section will discuss groups that are exceptionally vulnerable to crimes and the consequences of these crimes. Several examples of groups, which are particularly vulnerable, are women, children and targets of racially motivated or homophobic crimes. These are all groups that are currently receiving special attention from the government. Other vulnerable groups are the handicapped, the elderly, travellers, and the socially marginalised and convicted criminals.

The common denominator in all of these groups is that they are to a large extent exposed to crime based on what they “are”. They are victimised because of their sexual preferences or skin colour, because they cannot defend themselves or make themselves understood, because they cannot take advantage of their civil rights etc. These crimes thus do not only involve a crime against an individual, but often constitute a crime against the individual’s background, culture, heritage and identity (hate crimes).

Children

Children can be hurt in many ways. They can be physically and psychologically abused, sexually assaulted, mistreated and neglected. A large share of the crimes against children is committed by adults in their immediate circles – sometimes even by their legal guardians.

In some cases the threat is not aimed at the children, but the children are affected nonetheless. The situation of children raised in violent households has become increasingly noticed in recent years. Studies show that children who are raised in a home where the mother is abused are often witnesses to the event (Christensen, 1998; Hydén, 1994; Weinehall, 1997; Nikolic-Ristanovic, 2002b; Nikolic-Ristanovic and Stevkovic, 2010) and are also often abused themselves (Christensen, 1998; Nikolic-Ristanovic, 2002b; Nikolic-Ristanovic and Stevkovic, 2010). Many children who witness violent events describe a feeling of helplessness, and often experience post-traumatic stress (Jansson & Almqvist, 2000). Many also experience feelings of neglect when they do not receive help despite having requested it (Weinehall, 1997).

Crimes against children are especially serious, since they can have decisive effects on a child’s development and personality. Many children are left with a distrust of the outside world for a long period following the event. Children often lack the ability to effectively deal with the events by themselves. When crime affects a child “outside” the home, the child can usually discuss the events with parents and receive loving care and a feeling of security – factors that greatly increase the ability to deal with the events. Younger children have less developed verbal skills, and often have difficulties relaying their experiences to others. As a result, they are not always believed when they do tell of their stories. Children often also have difficulty expressing their anger and outrage with the adult, because they are in a dependent relationship and thus have problems questioning the adult’s authority (c.f. Hindberg, 1997; Nyman & Svensson, 1995).

Women

On the surface it may seem misleading to identify half of the world’s population as a vulnerable group. Crimes against women, however, are often characterised by the systematic repression of the woman as an individual. These crimes are often committed in the

home, and are spread across a large number of crime categories. The crimes may be physical or psychological violence, as well as burglary and damage to property. In terms of male violence against women, it is often not the individual act which defines a woman's vulnerability, but the fact that the act it is often one part of a systematic violation of the woman.

Here we are primarily speaking of men subjecting women to crime, but it can also encompass homosexual couples, where one partner violates the other (c.f. Tiby, 2000). The foundation is the same: inappropriate use of power, and one individual's control over another. Control of this sort may consist of individual acts which are not criminal per se, but which serve to limit the victim's freedom or personal integrity. The individual acts could be manipulation, verbal abuse, limitation of freedom, restriction of contact with family and friends, opening of personal mail, monitoring telephone conversations, control and limitation of money or the utilisation of other individuals – both adults and children – to increase the victim's compliance (Eliasson, 1997).

Male violence against women has a tendency to escalate in both degree and extent, and it may take years before a victim seeks help. This crime occurs regardless of social class, income, education or ethnic background (Lundström et al, 2001).

Victims of Racially Motivated Crime

Racially motivated crime (hate crimes) is an umbrella term, encompassing all types of crime committed because of the victim's race, skin colour, ethnicity or national origin. The crimes range from destruction of property and belongings to verbal and physical abuse, threat, sexual assault, arson and murder. Racially motivated violence can be preceded by verbal and physical actions that are not necessarily criminal, but can lead to more serious racial persecution. Examples are hostile glances, insults, graffiti, leaving rubbish on a doorstep or desk, nuisance complaints, letter writing and telephone calls. These can occur to anyone – from small children through the elderly – and at any place – in the home or the workplace (c.f. Lodenius & Wikström, 1997).

Racially motivated crimes can affect people from different backgrounds in any area. Violence is completely dependent upon the perpetrator's prejudices regarding the target's skin colour, race, religion, nationality or ethnic origin. The perpetrator may be a man or a woman of any age, from childhood through the elderly. The crime may be organised or more "spontaneous" and temporary in character, with the perpetrator acting individually. Although individuals in the perpetrator's environment may not directly support the crime itself, they may be complicit through their failure to openly react against the crime – a non-act that is taken as approval of the crime. This holds true for certain crimes committed against women as well, such as sexual molestation.

Regardless of who is responsible and where it occurs, racially motivated crime represents a double violation, since the victim is not only a victim of crime, but also of

hatred. It is not merely an attack on an individual, but also an attack on the individual's background, culture and heritage. The effects of the crime may be exacerbated by the fact that it occurred because of who the victim is (Garofalo, 1997).

Racially motivated crimes have a serious and long-term effect on the victim, and the cumulative effects of a number of small violations may be just as traumatic as one isolated, larger crime. The crime can lead to sleep difficulties, nightmares, fear, nervousness and lack of concentration. The victim may feel demoralised, depressed and filled with despair. Often, the resultant psychological stress can lead to medical stress. It can affect the victim's self-esteem, and lead to a decline in self-confidence.

Some individuals are so traumatised that they become incapable of leading a normal life. In some cases, the victim may be afraid to go outside alone, especially during the evening and at night. This avoidance of social contact is especially serious, since the victims already feel isolated. This isolation is partially a product of the society they are living in, and partially because they may not be able to speak the language in their adopted country (Rantakeisu et.al., 1997).

Victims of Homophobic Crime

The term "homophobia" refers to the feelings of a person or group of persons who bear a strong antipathy towards homosexuals and homosexuality (Ds 1998:35, p. 83). Homophobic crimes are a grouping of crime categories, with the common factor being that they include a violation of homosexual, bisexual or transsexual men and women. These crimes range from destruction of property, verbal or physical abuse, threats and harassment to sexual or physical assault, arson and murder.

Homosexual men may also be victims of crimes with no homophobic foundation. In some cases the perpetrator may have the impression that homosexuals report both homophobic and non-homophobic crimes to a lesser degree than the general population. Reasons for not reporting the crimes may be a general distrust of the police or a fear of being blamed or not believed by the authorities. Other reasons may include a fear that the investigation and trial may force the victim to reveal aspects of his/her private life rather left secret, or at least out of the general public's eye.

A crime based upon sexual preference is not merely an attack upon an individual, but upon an entire lifestyle (Garofalo, 1997). Crimes of this type can leave the victim with a feeling of fear and hopelessness, and can also lead to reduced self-confidence. Homosexuals not directly touched by the crime are still affected, and may live in fear of a similar attack.

Defence against this type of crime is extremely difficult, and the effects of the crime are exacerbated by the knowledge that it occurred simply because of who the victim is (c.f. Tiby, 2000 for a closer look at the consequences).

Violence and threats also occur within homosexual relationships. This, however, is largely a hidden problem that never comes to the attention of the authorities. In these violent relationships, it is not uncommon that, in addition to standard forms of physical, psychological and material violence, one partner threatens to “out” the other, or, in other words, to expose the individual’s homosexuality to friends, colleagues and family.

The Elderly

One particularly vulnerable group consists of elderly victims of crime. Crimes against the elderly are often concealed from the authorities, and may occur in the home or in a nursing home or other institution. These crimes are often committed by relatives or personnel charged with caring for the victim. The crimes may be of a psychological, physical, economic or sexual nature (Steinmetz, 1988).

While other victim categories, such as women and children, have received attention in recent years, crimes against the elderly have remained largely invisible in the public discourse (Hydle & Johns, 1993). One fundamental reason for this is that these crimes are often committed by individuals who are known to the victims and therefore rarely reported to the police or other authorities (c.f. SCB, 1995).

The elderly are not only victimised by known perpetrators, however. Since the elderly spend a larger than usual amount of time in the home, they are especially susceptible to certain types of thefts and swindles – often termed “elderly crimes”. Examples of “elderly crimes” could be individuals who enter the person’s home under the pretext of wishing to borrow the telephone or a glass of water, and then proceed to either steal items or sell goods or services at exaggerated prices. Often, these types of crimes make up a wave of serial crime, where the criminal moves throughout the country, or large parts of it, committing the same or similar crimes.

The elderly are also vulnerable to crimes on the streets and in marketplaces. Despite the fact that statistics show that the elderly run a lower risk of being victimised by crime in public places than other groups, it is the elderly who feel particularly nervous and exposed (c.f. SCB, 1995). This may seem paradoxical, but the fear could be well grounded, since the consequences of crime for the elderly are much greater than for younger victims (c.f. Jönsson, 2001 for a review of elderly crime victims).

Regardless of the relationship between the victim and the perpetrator and where the crime occurs, crimes against the elderly often have severe somatic, psychological and social consequences (Hydle, 1994). Such a crime may result in the victim isolating himself, and not venturing outside the home to the same extent as before. Many elderly who are swindled out of money or valuables also experience strong feelings of guilt or shame. Physical injuries take longer to heal for the elderly, and psychological and emotional scars may remain for life. If someone known to the victim committed the

crime, and on whom the victim is perhaps dependent, the feelings of helplessness and vulnerability may be strengthened. In addition to physical frailties, the elderly are also more isolated than other groups – they lack the social network of the workplace, they often live alone and have a dwindling number of friends. In addition, they are at a point in their lives when they go through many physical and mental changes (Hydle, 1994).

The Handicapped

Yet another vulnerable group is the handicapped. The crimes that affect the physically or mentally handicapped are largely of the same sort that affects the elderly. It can be anything from assault to fraud, and may be committed by both known and unknown perpetrators.

As with crimes against the elderly, there has been little public discussion of crimes against the handicapped in Sweden. There are also no statistics within the health care or criminal justice systems that document the extent of these crimes. In recent years there has, however, been an increase in attention paid to crimes against handicapped women. According to Finndahl (2001) the most common perpetrators of such crimes are close relatives. The crimes often occur in the home, committed by relatives who appear to the outside world as charming, happy and pleasant. The report goes on to say that it is particularly easy to break a handicapped woman's self-confidence, since she was likely to have been treated as a second-class citizen and have had feelings of inadequacy *prior* to the assault.

For this reason, crimes against the handicapped have particularly harsh effects on the victim. Due to the handicap, some victims may not have been able to interpret the warning signs that signalled the other individual's criminal intent. Visual or auditory handicaps may allow the criminal to approach the victim, or ambulatory handicaps may prevent the victim from leaving a potentially dangerous scene.

Individuals with psychological handicaps may be particularly unprepared for, and shocked by, the broken trust that is the result of crime. This is especially the case if the crime is expressed through physical violence or sexual exploitation, and if the crime is committed by the personnel or another patient of an institution that is caring for the victim. These victims often have difficulties telling what has occurred and discussing their experiences. In addition, they run the risk of being disbelieved – particularly in cases where the crime was committed by an individual in a position of trust, such as a doctor.

Travellers

Travellers risk being exposed to additional problems as a result of crimes committed while they are away from home. Post-war Europe has seen a dramatic increase in mobility. Individuals may find themselves in another country as tourists, students, for

medical reasons and/or on business. In recent years, this group has been expanded with large numbers of individuals who are temporarily residing in another country because of work – so-called “guest workers.”

This increase in travel has led to an increase in crimes against individuals outside of their home countries. It is, however, quite difficult to get an understanding of the scope of these crimes. The official statistics in many countries contain no information regarding crimes against travellers. Neither the United Nations nor the European Union has paid attention to this particular type of crime. In terms of research, there are very few empirical studies of crimes against travellers (c.f. Lindgren, 1997c for a survey of Swedish crime victim research, and Wergens, 1999 for a survey of EU research). This group of victims has begun to receive some notice in recent years, however.

Travellers are both more exposed and more vulnerable to crime than many other groups. They are easy to identify (especially tourists), often carry valuable items on their person and generally have a relatively large amount of cash on hand. The risk of being apprehended for crimes against a tourist (or other traveller) is also normally lower than the risk if the victim was a native. The prime reason for this reduced risk is that the crimes are generally of less serious nature and the process can often not be started before the victim returns home or continues his journey. When the crime occurs abroad there are frequently additional problems for the victim. In some cases the victim may not understand the language or know where to turn for assistance. Travellers also may not have an understanding of their rights and obligations in the foreign land. Once the crime is filed, it can be difficult for the victim to obtain information regarding the case, especially if he or she is no longer in the country.

The Socially Marginalised and Convicted Criminals

Persons living on the margins of society and those with criminal records also constitute a vulnerable group when they are exposed to crime. This is partially because they lack the protection that other groups may have since they rarely report the crime to the authorities, and partially because they often lack the strong social network which facilitates the recovery of victims in other groups.

Trafficking in Human Beings (THB)

In countries with high unemployment rates a well-paid job as a maid, a waitress or a factory worker is a very attractive prospect for many people, especially women and children. From small villages in the Himalayas to the cities in Eastern Europe, human traffickers deceive their victims through fake advertisements, mail-order bride catalogues and casual acquaintances. Once the victims have arrived at their destination they are forced to live under conditions controlled by the traffickers and exploited in various

ways to provide the traffickers with illicit revenues. Many victims are physically confined, their travel or identity documents are taken from them and they or their families are threatened if they do not co-operate. Women and girls forced to work as prostitutes are blackmailed by the threat that the traffickers will tell their families and children are dependent on the trafficker for food, shelter and other basic necessities. Traffickers also play on victims' fears that the authorities in the foreign country will prosecute or deport them if they turn to them for help. Trafficking in human beings, which could be described as a modern form of slavery, has increased enormously in the past decade, both as regards the number of cases and the number of victims, and is becoming a very serious problem affecting the population and economy of many source, transit and destination countries. Trafficking is a domestic, transnational as well as transcontinental phenomenon. The buying and selling of women and children for sexual purposes is an extremely lucrative business. Unlike arms and drugs, women and children can be sold over and over again.

The factors behind global trafficking in human beings are poverty, the subordinate position and powerlessness of women and children in many countries, a lack of respect and protection for human rights and a demand for people who can be used for various exploitation purposes. We also know that people are more vulnerable to traffickers when extreme events such as natural disasters or armed conflicts threaten their existence and disrupt social structures and logistic systems. This is particularly true of women and children, especially those who belong to socially marginalized groups.

Needless to say, the trafficking in human beings may have devastating consequences for the physical and mental health and the legal, social and financial situation of victims, both in the longer and the shorter term. The social consequences are often very serious, not least for young women and girls sold for sexual exploitation. Such women returning to their home countries will often be rejected by their family and risk becoming social outcasts in their communities.

In addition to having severe consequences for the victims, trafficking also has negative effects on the countries involved. An extensive illegal market may undermine the economy of a country, hamper economic development and weaken the rule of law. There is also reason to believe that the illicit gains of trafficking – in addition to being used to finance ever more organised and aggravated criminal activities – are also used to finance various subversive activities and terrorist movements.

Conclusions

This chapter has pointed to the existence of especially exposed and vulnerable groups in society. Often, these groups are both more exposed to crime than average and more vulnerable to its effects. The common aspect of these groups – such as children, the eld-

erly and the handicapped – is that they are not victimised randomly. They are selected based upon their sexual orientation, skin colour, age, and inability to defend themselves or some other criterion. In these cases, the crime is not merely an isolated act against an individual, but an attack on an identity.

The crime can lead to anxiety for repeated victimisation, which may result in increased isolation and a reluctance to return to the previous way of life or to report new crimes. This fear of repeated victimisation may have actual foundations, since the effects of crime are often harder on these groups than on the average citizen.

Members of these groups often feel disappointment and betrayal at the way society reacts to the crime, and this may lead to a lasting distrust of others and of society. In addition, the lack of a strong social network, which characterises many of these groups, can result in decreased self-confidence due to the lack of others with whom to discuss and digest the events.

Given the situation presented in this chapter, there are strong incentives to provide special support and assistance to these groups – not least during the police investigation and subsequent trial.

Part IV

Consequences of Crime

Chapter 6

Economic Damages

This chapter deals with the consequences that can result from almost any type of crime. Crime may lead to a number of negative effects – economic damages, physical damages, and psychological reactions, social consequences and practical problems – which can be of a temporary or more lasting nature. Of all effects, the emotional reactions that may occur after a crime are often the ones most emphasised. This chapter will focus on consequences for the individual victim, and not for society as a whole.

Crime often results in various forms of indirect and direct economic damages for the victim. There may be direct cash or property losses associated with the crime, costs related to property damages, medical fees or loss of income due to injury. The direct economic damages are naturally quite varied – some crimes may result in large direct economic damages, while others are associated with quite low nominal damages.

The indirect economic damages may, in many cases, be quite large. They may involve costs for an abused woman to change her locks and telephone number or even to relocate to a new town to escape an abusive ex-husband or partner. They may encompass therapy costs for the psychological damage of rape or robbery, loss of future income for an assault victim etc. One common cost is associated with victims attempting to protect themselves from future crimes through the installation of alarm systems, wrought-iron gates or security doors.

Many crimes affect persons who are already in a precarious economic position. For these individuals, the costs associated with replacing stolen goods or repairing damaged property can often have serious consequences.

Possibilities for Economic Compensation

The opportunities for compensation have varied over time. From early times when compensation was paid directly to the victim, the process evolved into the use of fines as payment for crimes committed. The state took a portion of these fines, and the rest was distributed to the victim. By the mid-1800s all forms of private fines were abolished.

Who Pays the Damages?

The Culprit – Liability for Damages

The perpetrator of the crime is fundamentally responsible for paying compensation, and any claims should first be addressed to him/her. Claims for damages are generally processed in conjunction with the criminal trial. In those cases where compensation is awarded, the court sends a copy of the judgement directly to the enforcement service in the province where the convicted party lives. The enforcement service then contacts the crime victim and offers assistance in collecting the awarded damages.

In Serbia, the possibilities of paying economic compensation to victims are very limited. Since the state compensation does not exist, the victim can claim compensation only from the offender. The victim can do that either before the criminal or before the civil court. If the victim claims compensation in the criminal court, the court will deal with it only if it estimates that dealing with it will not prolong the trial too much. Otherwise, the court will refer the victim to the civil court. In reality, the chances for the victim to get compensation are very low, and if he/she gets it, it usually takes too much time, especially if it is dealt with in a civil procedure. The recent changes in the Serbian criminal legislation have introduced more possibilities for compensation through regulations of victim-offender mediation, and the possibility for the public prosecutor not to prosecute if the offender prevented the damage or compensated the victim. However, the real effect of this legislation on victim compensation is still not known, i.e. should be monitored and evaluated (Mrvic-Petrovic, 2006; Copic, 2010).

Insurance Companies – Insurance Claims

Many crimes are never solved, and thus the perpetrator is unknown. In some cases where the perpetrator is known, he/she may lack the financial ability to pay compensation. In cases where the perpetrator is unknown or the enforcement service comes to the conclusion that the perpetrator is unable to pay there is often an insurance policy, either public or private, which can compensate the damages. However, in some developing countries, such as Serbia, not so many people actually can use it since insurance is not still widespread among population enough.

Conclusions

Since there is no possibility for the state compensation, the compensation for victims in Serbia is still difficult to obtain and it mostly depends on the economic status of the offender. However, at the time this book was being written, there was an initiative for introduction of the state compensation in Serbia led by the OSCE Mission to Serbia (Organisation for Security and Cooperation in Europe).

Chapter 7

Physical Damages

Approximately 12 000 violent crimes are reported to the police in Serbia each year, which, of course, is only a small proportion of the total crime. This constitutes around 12% of overall crime reported. Physical injury may occur in a wide variety of crimes. If one looks at the entire spectrum of crimes committed in Serbia, however, it is quickly evident that physical injury in conjunction with crime is relatively uncommon. The risk of suffering physical injury varies according to the type of crime, and it can generally be said that minor injuries are more common than serious ones (Wladis et al, 1999).

Injuries from Violent or Sexual Crimes

All discussions of injuries from crime must take account of the type of violence exerted. This section will deal briefly with some Swedish examples with various types of violent assaults from some years ago.

Violence without Weapons

In cases of violence without weapons – primarily punching or kicking – we can say that the injuries are largely cuts, bruises, swelling of the face or head and facial fractures. Similar injuries may occur on the arms, legs and chest. Life-threatening injuries can arise through strangulation or severe head injuries (Sveriges läkarförbund, 1998).

A study of 1 158 persons subjected to assault in central Stockholm showed that 82 per cent were victims of blunt violence (punches and kicks) to the face and head (Bostrom, 1997). Another study of assault victims admitted to Swedish hospitals between 1987 - 1994 shows that 70 per cent were admitted due to head injuries, most commonly concussion, while only two per cent were victims of abdominal injuries (Danielsson et al, 2000).

Injuries from Pointed or Edged Weapons

Injuries from pointed or edged weapons are often quite different. A study of knifing victims at the Serafimer Hospital in central Stockholm showed that the wounds

are largely confined to the arms and chest. Other wounds are fairly evenly distributed between the abdominal and head/throat regions (Blomqvist et al, 1980).

Similar results were found in another study of knifing victims in Stockholm. The most common injuries were defensive wounds to the upper extremities, especially hands and wrists. After this, the most common area for wounds was the head/throat region. The majority of the victims were not severely wounded and suffered no lasting effects (Boström et al, 1994).

A study of victims of stabbing treated at Swedish hospitals between 1987 and 1994 showed that the injuries were largely confined to the torso, head and neck. The majority (80%) of the patients could leave the hospital within one week (Boström et al, 2000). In those cases where the injuries do not lead to serious physical damage, there is still the possibility of various cosmetic handicaps, such as scars, which can reduce the quality of life (Carlsson Sanz, 2000).

Injuries from Firearms

A recent study found that serious injuries and death caused by firearms were still quite unusual in Sweden (Boström & Nilsson, 1999). There were a total of 1 559 patients seeking care for gunshot wounds in Sweden between 1987 and 1994. Among these patients were those shot by accident (900), suicide attempts (257) and attempted murders (174). In a fairly large portion (138) of these cases, however, the circumstances surrounding the shooting remain unclear.

The report shows that the share of shooting victims remained relatively constant during the period under investigation. Approximately 200 individuals per year sought medical care for wounds due to firearms. The typical patient was a young or middle-aged man (Boström & Nilsson, 1999). This study does not give a complete picture of the extent of injuries and deaths due to firearms in Sweden. Individuals receiving only outpatient care and those pronounced dead on the scene or prior to arrival at the hospital (approximately 200 per year) were not included in the data.

The locations of the injuries reveal a dominance of wounds to the extremities (especially arms and legs). One-fourth of the patients was injured in the head. Each year, between four and nine per cent of patients admitted to hospital with gunshots die of their wounds. Thirty per cent of those injured by firearms received hospital care lasting more than one week (Boström & Nilsson, 1999).

An examination of individuals injured in Stockholm by firearms during a nine-year period (1985-1993) found that injuries to the extremities were most prevalent, but that head and torso injuries were not uncommon. The study, which also included suicide attempts and accidental shootings, found that only three persons died from their injuries (Boström et al, 1994).

Injuries from Sexual Crimes

Victims of sexual crimes such as rape often lack visible physical indications of the crime. A study of the type and location of injuries to women seeking care at the Women's Centre at the Uppsala University Hospital reports the most common injury as lower abdominal pain (Danielsson et al, 1998). A more in-depth study of injuries from rape and gang rape found that the most common genital injuries were pain in the uterus and vagina. Extra-genital injury occurred in slightly more than 60 per cent of the cases, most commonly in the form of contusions (cuts and bruises) to the chest and thorax. For victims of gang rape, the share exhibiting extra-genital injuries rises to approximately 80 per cent (Cederholm & Heimer, 1999).

Physical and Psychological Care

In addition to the physical damage, health care workers also encounter victims with more diffuse symptoms, such as headaches, physical weakness, sleep disorders or feelings of paralysis. Psychological reactions to criminal assault may sometimes express themselves as physical symptoms. A number of different types of violations can hide behind these psychosomatic symptoms. Some of those seeking care for these symptoms are women suffering from physical or sexual assault, often from someone with whom they have or had a relationship. Despite the well-documented relationship between body and soul, these women often receive care for only half of their problem. Their physical survival is assured, but the psychological treatment is often neglected. This could be because of a lack of knowledge among health care personnel regarding appropriate treatment of patients suspected of suffering from violent crime. It may also be because these women are difficult to identify, as they often give other reasons for their injuries since they do not dare discuss the assault. It is of critical importance to be observant to indications that a patient has been a victim of crime, not least to prevent that the victim experiences the meeting with the health care system as a new violation.

Health care personnel must also be aware of the possibilities for help and support available for victims from government agencies and voluntary organisations. This is especially important given the many sexual and violent crimes committed within the family, which never come to the attention of other authorities.

Conclusions

This chapter has shown that every year many people are injured in criminal acts. It involves both violent and sexual crimes. Although some injuries such as physical damage as a result of the crime may be widespread, crimes rarely cause long term damage. For those who suffer physical injuries, however, the scars can be difficult enough to live with.

Chapter 8

Psychological Reactions

Although crime often leads to considerable economic and physical damages for the victim, the psychological experience is often the most critical and difficult to treat (Hagemann, 1992; Lindgren, 1999; Maguire, 1980, 1982; Resick, 1987). This psychological reaction is also the least visible, and therefore the most difficult for others to understand. An arm in a sling or a bandage around the head is an outward and visible sign that a person is not totally well. Psychological pain generally lacks these signs, and is therefore not always comprehended by others.

As mentioned earlier, the category “crime victim” is quite heterogeneous. The public debate, however, often sees victims as a homogenous group, characterised by similar reactions. The type and strength of the reactions are highly individual, however. Crime may entail no emotional reactions for some persons, while others experience it as an extremely traumatic event involving strong cognitive and emotional stress. The term “traumatic” will be used in the following chapter to refer to a psychologically stressful, emotionally overwhelming experience. Even small, apparently negligible crimes may involve considerable stress for the victim.

From Chaos to Cosmos

Despite the obvious problems and risks associated with generalisations concerning the intensity and development of reactions, there are often (but not always) common features to crises and reactions to crises.

Initial Reactions

People tend to react remarkably rationally during a crisis. The individual’s actions are focussed on survival, and panic is a rare reaction (Dyregrov, 1992). Immediately following the crisis, an individual’s psychic energy is focussed on attempting to handle the strong emotions caused by the crime – a period which sometimes leaves the victim incapable of rational action. The victim may suffer from repeated crying spells, panic and feelings of emptiness. Consciousness may be diffuse, since the victim often attempts to protect himself/herself from reality (Cullberg, 1989). The first reaction is

often a feeling of surrealness and amazement that “it happened to me” (c.f. Blomberg, 2000). Many also have feelings of fear and helplessness and experience physical reactions such as difficulty breathing or chest pressure. It is not uncommon for the victim to experience feelings of rage towards the perpetrator. This rage may even be focussed on other individuals, such as the police or an employer. Certain types of crimes, such as sexual assault or home burglary, also tend to leave the victim feeling dirty or violated.

Guilt and Blame

Much of the victim’s energy immediately following the crime is expended on finding an explanation to why he/she was chosen. Studies have shown that people often have illusions of personal invulnerability. They have a picture of a good, predictable and safe world, where people around them can be trusted (Janoff-Bulman & Hanson-Frieze, 1983). Being subjected to a crime causes this illusion to collapse, leaving victims distrustful of their surroundings and feeling that life is out of their control (Denkers & Winkel, 1998; Janoff-Bulman & Hanson-Frieze, 1983). People also have a strong need to place unexpected negative events into a cause-and-effect framework (Silver & Wortman, 1980). This fact, in combination with the need to regain control over life, often leads victims to partially or totally accept blame for the crime (c.f. Janoff-Bulman & Hanson-Frieze, 1979, 1988; Silver & Wortman, 1980).

According to Miller & Porter (1983), these reactions fall into two primary types of guilt: behavioural self-blame and characterological self-blame. Behavioural self-blame is when a victim sees the crime as a result of his/her actions in a given situation, such as a rape victim reproaching herself for walking alone in a deserted area or an assault victim accepting the blame because he was intoxicated. Through blaming himself/herself instead of the perpetrator, who is uncontrollable to the victim, the victim regains control through the ability to alter future actions and avoid future victimisation. In cases of characterological self-blame, the victim tends to explain the event through permanent personal characteristics. The victim thus lacks the ability to avoid future crime through a change of behaviour and may experience feelings of helplessness or depression.

Placing blame on the victim is not an action taken solely by the victim. Many victims, especially female victims of rape, describe how those around them reacted by attributing blame to them rather than to the perpetrator – a phenomenon that is appropriately termed in the literature as “blaming the victim”. Victim blaming can be described as a process where the victim is awarded blame for the victimisation since there must be something wrong with persons subjected to crime. Victims are different from “non-victims” in terms of attitudes or behaviour or both. These differences are the cause of the victimisation. There is also an opinion that the victim can avoid future crimes through a change in action or thought (Ryan, 1971).

This placement of blame is largely a protection from the fear of being subjected to crime that all people share. Listening to the terrible events, which occur to people in our immediate surroundings, is a reminder of our total vulnerability, helplessness and powerlessness, and thus shatters our illusion of a safe and just world. Placing blame on the victim allows a simple, practical and straightforward answer to the questions “Why did this happen?” and “Why him and not me?” If, on the other hand, nothing about the victim’s behaviour, looks or judgement occasioned the crime, then the crime could happen to anyone and must be perceived differently.

The placement of blame on the victim thus comes, at least partially, from a belief in a just and fair world where people deserve what they get and get what they deserve. Bad things only happen to bad people, while the good are rewarded. If a person is subjected to crime, then that individual must have done something wrong to deserve that fate. The realisation that meaningless, brutal events can occur to anyone at any time raises many thoughts and feelings. The opinion that the crime victim did something wrong or provocative is comforting, since it dispels our feelings of helplessness and vulnerability and confirms our feelings that crime does not affect good, upstanding people (Symonds, 1975).

From the above we can say that it is important that all who meet crime victims in the course of their occupations should understand both that victims commonly blame themselves and why this occurs.

Central and Peripheral Information

Police, health care workers and other professions which regularly come into contact with crime victims occasionally, experience difficulties communicating with those recently exposed to crime. Some victims have only vague memories of the event; while others have difficulty assimilating the information they are given. Research in recent decades has also focussed on the problem of people having difficulty communicating and receiving information immediately following emotional and shocking events.

Mandler (1975) found that strong emotions occupy a large portion of an individual’s attention. This implies that emotionally charged situations allow for less potential to assimilate external information. In these situations, the individual seems to be focussed on the central details of the event, such as a weapon pointed at the body, and it is thus difficult to recall information peripheral to the event (Christianson, 1992). Much of the attention immediately following the event revolves around the experience itself and the strong emotions which arose (Christianson, 1996).

After some time has passed, and the individual returns to a state of psychological balance and security, it is often possible to remember events which were previously unavailable due to the emotional stress (Christianson, 1996).

Based on knowledge of basic memory functions, it is not unusual that crime victims have difficulty giving the police a detailed description of the crime immediately following the event, especially concerning the timeline and descriptions of the perpetrators. Given this, it should not be surprising that a victim says one thing during the police investigation and something completely different during the main hearing.

After some Time

As time passes and the victim grasps the reality of the situation and its consequences, there is often a less chaotic period filled with more complex emotions. The experience may bring cognitive reactions such as concentration difficulties, anxiety, increased vigilance or disturbing visual impressions or memories from the event. Anxiety, accompanied by sleep disorders and eating difficulties, is a quite common effect. This anxiety may have somatic expressions, such as muscle tension, shaking, sweating, headaches, heart palpitation, nausea and stomach disorders (c.f. Culberg, 1989; Lagerbäck, 1996).

Several defence mechanisms are used to cope with anxiety, such as denial and intellectualisation. The most common defence mechanism is repression. Victims obtain relief through repressing certain feelings (or both the event and the feelings) connected to a traumatic event from their consciousness. This method of controlling sadness, pain and anger takes its toll through less energy being devoted to daily activities and routines (Lindgren & Lagerbäck, 1996).

Defence mechanisms are normal and necessary, and are important for psychological survival since they compartmentalise the anxiety related to conflicts within the individual or between the individual and his surroundings into smaller portions, enabling the personality to maintain equilibrium (Cullberg, 1989, p. 76). These psychological defence mechanisms may develop incorrectly, however, and become a detriment to adaptation. Thus, they are a necessary part of the adjustment from trauma to reality but they may also become an obstacle to this same adjustment.

Table 1 Examples of behavioural changes and physical reactions noticeable in crime victims.

- Feelings of abandonment
- Anger and irritation
- Difficulty concentrating
- Feelings of surrealness
- Reduced self-confidence

- Increased suspiciousness
- Need for caring and personal contact
- Physical weakness
- Feelings of paralysis
- Chest pressure
- Breathing difficulty
- Heart palpitations

Long-term Consequences

This chapter has presented some examples of reactions to crime. These are natural symptoms of unnatural events. The process of dealing with the events, either alone or with the help of family, friends or a professional, often causes these reactions to gradually fade to the point that the victim can return to a normal, active life. In some cases these reactions persist for a considerable time – months or even years – following the crime (Goethals & Peters, 1991; Kilpatrick & Veronen, 1983; Sales, Rich & Reich, 1984; Shapland, 1984; Walklate, 1989).

Even though the victim does not think about the crime every day, life can never be the same as it was before the event, and the crime is hardly forgotten. Many victims who have dealt with their trauma find that two changes have occurred: their fundamental sense of security has weakened and they have developed a distrust of others (c.f. Carlsson & Frost, 1980). One female rape victim described her thoughts in the following manner:

“I had always been fearless. I often ran alone in the woods. I would ride my bicycle home alone at night without a second thought. When other women spoke of their fears I thought they were silly. I thought ‘Why should I be afraid because I am a woman? I also have the right to go where I please!’ But no longer. That feeling of security is forever lost to me. I will never run alone again. I could possibly harden myself, but the cost would be too great. I have accepted that this is a battle I will never win.” (DN 2/2 1992)

This erosion of security and increased suspicion is often expressed as fear. Fear is quite serious, because it limits the victim’s actions and makes daily life unpleasant. Fear affects how the victim thinks, feels and reacts, where he/she chooses to live, work and study, the road to work or school, the times when he/she can leave the home, where he/she shops, and the types of sports and leisure activities pursued. Those who have been burglarised may feel uneasy about staying at home, since this place which was once

secure is now seen as the site of violation. This fear can last a long time, can be quite destructive, and affects not only the victim but also those in the immediate surroundings (Lindgren & Litzén, 1998).

Post Traumatic Stress Disorder

A failure to effectively deal with the trauma can lead to reactions escalating in a condition known as Post-Traumatic Stress Disorder (PTSD). The American diagnostic manual DSM-IV (American Psychiatric Association, 1994) specifies the reactions and symptoms that develop in an individual following a traumatic experience. For the reactions to be classified as PTSD, they must include:

A. An event which is outside of normal human experience:

- Serious risk to life or personal integrity
- Serious danger for, or injury to, children, spouse or other close relative or friend
- Sudden devastation of home or community
- Seeing others seriously hurt or killed through an accident or violence

B. Repeated visions/memories of the event in at least one of the following manners:

- Flashbacks
- Anxiety-producing dreams
- Feeling that the event is recurring
- Strong feelings of anxiety associated with events that symbolise or remind of the trauma (such as birthdays or anniversaries)

C. General emotional coolness or continual avoidance of events or things that symbolise or remind of the trauma. At least three of the following:

- Avoidance of thoughts and feelings associated with the event
- Avoidance of activities or situations reminiscent of the trauma
- Vague memories of portions of the event
- Noticeably reduced interest in important activities
- Feeling of distance to others

- Limited emotional depth (such as a reduced capacity to feel love)
- Feeling that the future is limited

D. Continual state of alert where the body is in a “flight or fight” mode.

At least two of the following:

- Sleep disorder (problems either falling asleep or waking up)
- Irritability or fits of rage
- Difficulty concentrating
- Extreme alertness
- Being easily frightened
- Physiological reactions to events which remind of the trauma

E. Symptoms in B, C, and D should have lasted at least one month.

Relatively few victims develop PTSD, but many exhibit some of the symptoms, such as reliving the event in dreams. PTSD can occur in immediate connection with the traumatic event, but it can also develop years after the experience (c.f. Flannery, 1992 for a closer look at PTSD and crime victims).

Factors Influencing the Extent of Reaction

It is impossible to predict how an individual will react to a trauma, or how long the recovery phase will take. There are, however, several factors that do generally affect the extent of the reaction. In addition to recovery time, variations in the extent of the reaction are influenced by the type of event, the victim’s personal characteristics and situation, the victim’s social network and the consequences of the crime (see figure 1).

The Character of the Event

Our knowledge of crime victim’s reactions and needs is largely based upon studies of women who were subjected to sexual assault. The results of these studies have been generalised to apply to victims of other types of crimes as well – despite the fact that research has shown that reactions vary between different types of crimes. Victims of sexual crimes tend to have more serious reactions than victims of other violent crimes, and these victims, in turn, have more serious reactions than victims of crimes against property (Goethals & Peters, 1991; Lurigio & Resick, 1990; Norris & Kaniasty, 1991, 1994; Resick, 1987; Skogan, 1987; Wirtz & Harrell, 1987a, 1987b).

Psychological studies show that crimes involving violence or the threat of violence lead to a worse psychological state for the victim than non-violent crimes (Bard & Sangrey, 1986; Everstine & Everstine, 1986; Harrell, Smith & Cook, 1985; Lurigio, 1987; Lurigio & Davis, 1989; Sales et al, 1984).

Another factor, which may be of importance for the reaction to traumatic events, is the relationship between the victim and the perpetrator. The American psychologists Diana and Louis Everstine (1986, p. 178) state that, contrary to popular understanding, a crime committed by someone known to (and possibly trusted by) the victim leads to more complicated and serious psychological problems than an attack by a stranger. One group especially affected by this is women who are battered by a known assailant. Another vulnerable group is children who are abused by someone in whom they have sought love and care.

Another factor that can exacerbate the event is the existence of an individual who did not intervene to stop the crime despite the opportunity to do so (Dysting et al, 1991). Karmen (1990, p. 1) presents a case in the USA where a student, working a summer job as an ice cream peddler, was subjected to a brutal robbery. Without saying a word, two robbers shot him, took the money from the till and ran from the scene. The student collapsed in a pool of blood near his car. Soon a large group of over one hundred children and teenagers had gathered around the site. Rather than help the injured man, these bystanders took the opportunity to steal all the ice cream. The young man was left bleeding on the street for nearly an hour before the police arrived. Events such as this can understandably shake a victim's faith in his fellow man.

The Individual's Personal Characteristics and Situation

Studies show that apparently trivial crimes can also lead to serious reactions (Dahlbäck, 1989; Davis & Friedman, 1985; Kilpatrick & Veronen, 1983). This is due to the fact that the ability to handle traumatic situations is affected by the victim's personal characteristics. A number of reports have found that young victims are generally less affected by emotions associated with crime than the elderly (Atkeon et al, 1982; Carlsson & Frost, 1980; Dahlbäck, 1988; Goethals & Peters, 1991; Sales et al, 1984). This does not hold true for children, however. Here the research points to children facing greater risks of lasting problems than teenagers or adults (Katz & Mazur, 1979; Peters, 1974).

The sex of the victim is also an important factor in determining the extent of the reaction. Studies show that women tend to be more affected than men (van den Bogaard & Wiegman, 1992; Carlsson & Frost, 1980; Goethals & Peters, 1991; Lindgren, 1999; Lurigio & Davis, 1989; Walklate, 1989).

Another factor affecting the extent of reaction to crime is previous experience with crime and other traumatic events. The results on this topic are not unambiguous, how-

ever, and the literature presents two opposing perspectives. From a vulnerability perspective, people who had previously been exposed to crime react more strongly than those who had never been victims (Carlsson & Frost, 1980; Goethals & Peters, 1991). The main reason for this is that the previous event makes the victim more vulnerable to future exposure to strong stress. The other perspective – the recovery perspective – asserts that persons with previous experience of crime and trauma can meet the new experience with increased vigour. A Finnish study shows that a portion of all crime victims actually gain increased self-confidence as a result of the event (Aromaa, 1991). A similar result was found in a Swedish study of bank employees who had experienced a robbery. A fourth of those surveyed reported an increase in self-confidence following the robbery (Leymann, 1984).

The extent of the reaction is also influenced by the personal situation of the victim. Studies show that crime is experienced as more difficult by those who already have a difficult personal life, such as family troubles, unemployment and/or health problems (Eriksson et al, 1984). There are also indications that an individual with poor self-esteem will have more difficulty recovering from a traumatic event (Lurigio & Resick, 1990). Singer & Salovey (1988) have shown that events and situations, which correspond with one's current frame of mind, are easier to comprehend and recall. This is usually referred to as a congruence effect. Persons with a negative self-image thus interpret events – especially self-related events – in a distorted manner. Research has found that depressed individuals attribute success to luck and failure to a lack of personal ability, while non-depressed individuals make the opposite assessment (Bower, 1992).

The Individual's Social Network

The ability to successfully deal with a traumatic event is thus largely dependent on the type of crime and the personal resources that an individual has at his/her disposal. Traumatic situations can be handled through discussions with other individuals as well. This discussion of the details of the crime serves to place the trauma under the victim's cognitive control (Harber & Pennebaker, 1992; Pennebaker & O'Heeron, 1984; Pennebaker et al, 1988).

It is extremely important for an individual to have someone to talk to following a crisis. Research indicates that social support following a crime is positively correlated with physical and psychological health (Cohen & Willis, 1985). An American study of persons subjected to robbery, assault and burglary found that crime victims who receive support from people in their surroundings following the event have a greater probability of recovering from the trauma than those without support (Friedman et al, 1982). Friends, colleagues and especially family are important social resources in times of crisis. They can also assist in the practical matters associated with the crime. Occasionally, however, additional support is necessary. This may be found through volun-

teer organisations such as victim support centres, which form an excellent complement to the social network of friends and relatives.

The After-Effect of Crime

Another factor that affects the consequences a crime has on the individual is the after-effects of the crime. The actual event itself may not be the largest threat to an individual's mental health. Of equal importance is the treatment (or lack of treatment) that the individual receives following the crime (Bard & Sangrey, 1986; Leymann, 1989). Individuals in a period of crisis must be treated in a manner that reduces the risk of "secondary victimisation". Secondary victimisation is a term referring to the stress, which develops when institutions or individuals respond in a manner which the victim sees as negative (Lindgren & Lagerbäck, 1996). This secondary trauma may arise through contact with the police, health care personnel or insurance agents who lack understanding and training in the vulnerability of a victim following an emotionally charged event. Family and friends may also find it difficult to understand the reactions and changed behaviour of a victim. The victim must also be sheltered from additional stress caused by unprofessional journalists or a curious public.

While the existence of criminal activity is difficult to control, secondary victimisation may be successfully reduced through increased knowledge of the situation facing victims. One prerequisite for reducing this victimisation is that all professionals who routinely come in contact with crime victims are aware of the specific reactions and needs which can exist following a crime.

Conclusions

As shown in this chapter, the psychological reactions are often the most common consequence of crime. At the same time the psychological reaction is the least visible, and therefore the most difficult for others to understand. It is therefore important that people who encounter victims have knowledge and understanding of victims' reactions. Examples of such knowledge is why victims sometimes blame themselves for what happened and why victims sometimes change their story between the first hearing and the trial.

Chapter 9

Social and Practical Consequences

Social Consequences

All three results of crime – economic loss, physical injury and psychological reactions – may involve negative social consequences for the victim. Some individuals find that the crime completely alters their lives. They may be forced to completely change their situation, such as changing occupations because of a fear of working at night or changing residences due to a feeling of insecurity (c.f. Blömberg, 2000). The latter example is especially relevant for the thousands of women and children who live with the threat of violence every day. In these cases it is almost always the battered woman who has to move to escape the violent man, a move that involves large social, practical and economic problems.

Another social consequence, which may arise as a result of crime, is that the victim often pulls away from contact with other individuals. This could be because the victim does not wish to discuss the event because of feelings of shame or painful memories or because the victim no longer trusts others. In some situations the case is reverse – other people feel such a strong uneasiness that they withdraw when the victim desires to discuss the feelings and emotions associated with the crime, because the thought reminds them of their own vulnerability. Rather than discuss their grief and pain, victims may then internalise their problems (Lindgren & Lagerbäck, 1996).

Persons in the victim's immediate surroundings may also have difficulty understanding how to react to the victim. This, added to the other pressures, may reinforce the victim's feeling that no one understands his/her situation, which may in turn lead to social isolation.

Exposure to crime can damage an individual's fundamental sense of security. Studies of crime victims' thoughts and feelings about the future have found that many have serious worries about becoming victims again (c.f. Dahlbäck, 1988). This can be explained through decreased faith in the outside world as a result of the crime. This feeling of insecurity does not affect only those who were personally victims of crime, however. Local studies of security and victim surveys show that many people worry about being

victimised by crime, and feel unsafe strolling about their own neighbourhoods after dark. Even though the number of people worried about crime far exceeds the number actually victimised, this worry can often have a larger impact on a person's life than the actual crime. Information regarding the actual extent of crime in combination with relevant crime prevention information is something that can reduce a victim's anxiety and fear of being victimised yet again.

Another social consequence of crime is the stigmatisation, which may accompany the event. Leymann (1989, p. 142) states that the victim's social fate is almost predetermined from the instant the crime occurs. Of primary importance is peace and quiet to recuperate, with a patient person to listen and take care of the practical measures necessary while the victim rides out the storm. Instead, attention is focussed on the victim, his/her rights may be violated, and he/she may be looked down upon or overprotected.

The focus on the victim tends to take attention away from another large group that is affected by crime – friends and relatives of the victim. Becoming a crime victim places the individual at the epicentre of an earthquake. Just as with earthquakes, crime sends shockwaves out from the centre as well. These shockwaves, or effects of the crime, are more powerful for those individuals who are emotionally and physically closer to the victim (Lindgren & Lagerbäck, 1996). This area is not well researched, but results from existing studies indicate that the families of crime victims often exhibit psychological symptoms similar to those of the victim – they report feelings of worry and anxiety, feel depressed and have reduced self-confidence (Amick et al, 1989). Providing these individuals with information concerning the “normal” recovery process and an understanding of what is going on within the victim could both aid them through reducing their own anxiety and also help the victim through their increased insight into his/her situation.

Practical Problems

Crime almost always leads to practical problems for the victim. Examples of these problems could be the need to come into contact with the authorities, which may itself involve the need for childcare and transportation to the police station etc. The victim may have to contact his/her insurance company to file a claim, or arrange for a glazier or carpenter to come and repair a broken window or damaged door. In some cases the crime involves physical injury, which requires medical attention. The crime may result in costs, which necessitate financial assistance. Practical problems may also arise through the time-consuming process of recovering or replacing stolen objects.

International studies have found that crime victims often require assistance with practical matters such as contacting the authorities, calling a locksmith, arranging temporary lodgings or financial assistance (Friedman et al, 1982; Maguire & Corbett, 1987; Skogan et al, 1990). A study of volunteer organisations in the USA found that

improved security and financial assistance were the least common services provided. Of 184 organisations in the study, only 24 offered aid with security matters, while 44 offered financial assistance (Roberts, 1987, 1990).

A Swedish study of burglary and assault victims showed that the victim's prime need was a person to talk to about the event. Many victims also mentioned the need for preventative measures, primarily protection against burglary. Other less pressing needs included assistance repairing doors and windows or other destroyed property (Lindgren & Litzén, 1998). This study went on to state that aid came largely from friends and family. There exists a small group with a weak social network who reported receiving no assistance whatsoever.

Conclusions

In addition to different psychological reactions, the social and practical consequences of crime are a major problem for many victims. Some individuals find that the crime completely alters their lives. They may be forced to completely change their situation, such as changing occupations because of a fear of working at night or changing residences due to a feeling of insecurity.

Part V

The Central Stakeholders

Chapter 10

Police and the Crime Victim

Two of the most important duties of the police service are to investigate and prevent crime. The crime victim plays an important role in this work. Without information from the victim, many crimes would never come to the attention of the police, and without victim assistance, many perpetrators would get away with their crimes. Despite the victim's key position in police work, however, the police service has generally not regarded the victim as an important factor.

This chapter will describe the work of police with crime victims, their role relative to the victim and the importance of the encounter between police and victims. The chapter will also present Serbian and international research concerning victims' attitudes towards the police.

Police Work with Crime Victims

The Role of the Police

The police are available 24 hours per day, seven days per week, and 52 weeks per year. They are often the first and only representatives of society that crime victims meet. Initial contact is usually by telephone – occasionally from a distance through call centres – or through a personal visit to the police station. In more serious cases (such as assault or burglary), the first contact is usually with an officer at the crime scene. In these cases the officer begins the investigation, if possible, through interviews with the victim and any available witnesses. If the nature of the crime requires so, a careful crime scene investigation also occurs.

If the available leads and possible tips are not sufficient to continue the investigation, the case is not pursued. Many victims experience this as offensive, since they are not informed that the police will continue to follow the case in other ways, often through checks of stolen property recovered or in some other manner. The police have found it a difficult task to explain to the victim that the case may be reopened if new evidence emerges.

In the case where the investigation is pursued, the victim often comes in contact with the investigating officer. This contact can be in reference to complementary information or a thorough interview. If the case goes further, and the preliminary investigation is concluded, a report of the investigation is presented to the prosecutor.

The Encounter between Police and Victim

The police play a fundamental role in all victim support activity. As discussed above, police are often the first and only representatives of society that a crime victim comes in contact with. The actual encounter between the police and the victim is thus important in several ways, since it affects the victim's recovery process, the police investigation of the crime, the victim's continued co-operation in the investigation, and the general public's attitudes towards the police.

The Victim Recovery Process

For many people, being the victim of a crime is their first "real" contact with the police. They may have previously met police officers in traffic education in school or were stopped in a traffic control, but these were merely fleeting meetings. This first real encounter with the police can be seen as a test of the victim's opinion of the police.

Many people have high expectations and demands on the police service when they are subjected to crimes. They want the police to arrive quickly at the scene of the crime, carry out an efficient and effective crime scene investigation, solve the crime, arrest the perpetrator and retrieve all stolen goods. They also expect the police to accept their account of the events and behave according to their preconceptions.

Unfortunately, the encounter with the police is not always what the victim had expected. The victim may be not only shocked and confused, but also highly sensitive to what he/she feels are the attitudes of those present at the scene. The meeting with the police can thus be a very critical factor in the victim's future handling of the situation. Studies show that negative opinions of the police can exacerbate the victim's situation (Dahl, 1992; Kilpatrick et al, 1985; Lurigio & Resick, 1990; Renck & Svensson, 1997; Resick, 1987; Shapland et al, 1985; Symonds, 1980).

Events, which seem routine to the police often occur only once in the lifetime of the victim, and therefore give rise to strong emotions. For this reason it is important that police officers are aware of and have understanding for the vulnerability experienced by victims following an emotionally charged situation.

Police Investigation of the Crime

The contact between the victim and the police is not only important for the victim's emotional well being – it is also important for the ensuing police investigation. As

mentioned previously, crime is an emotional and shocking event for the victim (Bard & Sangrey, 1986; Davis & Friedman, 1985). Victims may not be particularly receptive to information or able to relay details during the period immediately following the event. In order to solve the crime and arrest the perpetrator, the police require a detailed account of the event, including times and a description of the criminal. Research has shown, however, that this information can be difficult to obtain immediately following the crime (Christianson, 1992). After some time has passed and the victim has regained a semblance of emotional balance, details which were previously blocked by the emotional stress often become available (Christianson, 1996).

Waller (1990, p. 141) states that the police have generally not understood the importance of the information a victim can provide or the ways in which this information can be improved. According to Waller, the police require a better understanding of how to support the victim, which questions could lead to the relevant information, and when and how to ask these questions. This understanding would increase both the speed and the quality of the information obtained from the victim.

It is often both necessary and appropriate to follow up the initial contact with the victim through additional support and assistance at a later stage of the investigation. This second contact is beneficial to the victim, and may also assist the investigation by allowing the victim to provide additional information regarding the crime.

Victim Participation in the Legal Process

The victim's encounter with the police is important from a judicial aspect as well. Without information from the victim and witnesses, many crimes would never come to the attention of the police, and without their assistance in the investigation the perpetrators would often walk free. Shapland et al. (1985) feel that the police fail to see the victim as a vital part in the criminal justice system, despite the obvious dependence upon victim testimony. The central problem is the attitude of the police when meeting victims – they are seen as peripheral to the justice process, and thus lacks status in the eyes of the officers.

The German criminologist Hans Joachim Schneider sees the role of the victim as analogous to that of gatekeeper of the justice system, with the duty to report crime to the police and appear as a witness in any resulting trial (Schneider, 1991). According to Joutsen (1991), the victim is often ignored after the necessary information has been obtained or if the victim is deemed a “bad” witness.

While the victim is often deemed “peripheral” by the police, the victim can have high expectations of the police. For obvious reasons, the police cannot always live up to these expectations, and the resulting discrepancy can affect the victim's faith in the police and propensity to report future crimes (Glaser, 1974; Lindgren, 1997a, 1997b;

Shapland et al, 1985; Tontodonato & Kratcoski, 1995). In relation to that it is worth mentioning that Serbian Police Code explicitly mentions protection of crime victims as one of police duties, which may contribute toward overcoming this discrepancy. The same Code particularly stresses the protection of victim who gave or may give information important for criminal procedure. This as well can contribute toward raising awareness of the police on both victims' needs and the importance of victim's role for the establishment of truth as well as how it may be connected.

Public Attitude towards the Police

The contact between the police and the victim can also affect the public attitude towards the police. As mentioned above, the public can have a positive impression of the police, and places a great amount of faith in their work. This impression is largely based upon individual experience and the mass media's portrayal of police work. Another influence on this attitude is discussion with others. There are few government agencies, which are discussed with as much interest as the police and this interest in the police are likely to be expressed more often by those with negative personal experiences.

Crime victims constitute a large share of all individuals who come in contact with the police. This implies that the victims play a large role in influencing public opinion regarding the police. Victims with negative experiences relay these experiences to others, who in turn spread the stories to a wider audience. If the general public feels that the police disregard certain crimes or find them trivial then there is a serious risk that faith in the justice system declines or even disappears. This situation makes it more difficult for the police and prosecutors to solve even relatively "simple" cases.

Colleagues

The meeting between victims and the police is also important for the health and wellbeing of the police officers and the police organisation. This is especially true in the case of serious crimes such as murder.

Police work can sometimes be extremely stressful, compared with other occupations (c.f. e.g. Miller, 1995). Police can be thought of as the antennae of society – always first to sense new trends in violence and drugs, among other things. Unlike most other people, the police are constantly confronted with the dark side of society. They are often faced with pain and suffering, such as crimes and accidents where the victim may be seriously injured or dying. Occasionally they are confronted with threats or violence, which can be particularly difficult to handle.

Studies of individuals' psychological reactions to serious events show that emergency workers relatively often exhibit psychological symptoms resulting from the stress they have experienced (c.f. e.g. Holen, 1990; Holm, 1995; Karlsson & Christiansson, 1999;

Lindström & Lundin, 1982). Flashbacks, recurring thoughts, anxiety and insecurity are common reactions (Karlsson & Christiansson, 1999; Reiser & Geijer, 1984).

Repeated exposure to extreme emotional stress can leave individuals feeling burnt out. This fact can lead to police avoiding emotional involvement with a victim's situation in an attempt at self-preservation. Difficult situations such as this require that management at all levels establish policies, which ensure that their colleagues have access to guidance and support. One aspect of this support could be the routine collection of suggestions and positive reactions from crime victims concerning the investigation process.

Police Obligations towards the Victim

International Policies

In many European countries the police have extensive responsibilities concerning the provision of information to crime victims (Wergens, 1999). One such example is the Netherlands, which has specific guidelines concerning police contact with crime victims (Wemmers, 1996). These state that the police must inform the victim of the availability of support and assistance at the time the crime is reported and, when appropriate, mediate contact with a victim support centre. The police must also inform the victim about the general procedures following a crime report, ask if the victim would like to be informed of the progress of the case and ask if the victim has any requests for compensation from the perpetrator. This presentation of information must be carefully documented, and the prosecutor must ensure that the victim receives the appropriate information in the event of missing documentation.

The United States also has specific state and federal guidelines concerning the treatment of victims by the police and other authorities. These guidelines include the responsibility to provide information and support to crime victims. Some states stipulate that information must be provided within 24 hours of the initial police report (Karmen, 1990; Waller, 1990).

The National Organisation for Victim Assistance (NOVA) in the United States has developed a special training programme for the police on interaction with crime victims. An increasing number of police academies in the US are including victim material in their courses (Waller, 1990), and a similar development is noticeable in Canada (Karmen, 1990) and in many EU countries (Wergens, 1999).

Many police departments throughout the world now have specially trained units with the dual purpose of improving aid to victims and more efficiently investigating the crimes. Examples of this development are seen in the establishment of "senior citizen

task forces” which aid elderly victims of robbery and fraud, and “sex crime investigation units” which are trained to investigate rape and molestation without making the victim feel guilty (Karmen, 1990; Wergens, 1999).

In addition to national guidelines, the United Nations, the Council of Europe, the Victim Support Europe and the International Association of Chiefs of Police have developed documents concerning the relationship between the police and crime victims.

The United Nations

As mentioned above, the United Nations adopted a Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in 1985 (General Assembly res. 40/34). This Declaration discusses how authorities such as the police can support and protect crime victims. Victims shall, according to the Declaration, be treated with compassion and respect and be advised of possibilities for health care, social services and other relevant assistance.

The Council of Europe

The importance of the police to crime victims is also understood by the Council of Europe. Recommendation No. R (85) 11 from 1985 states that the police should be trained in treating victims in a humane, flexible and reassuring manner and that they should provide victims with all appropriate information. The Recommendation goes on to say that the police should provide the prosecutor with a complete account of the losses and damages incurred by the victim and that legal action should include the issue of compensation for the victim. The victim should also be provided with information concerning the charges being brought against the suspect and allowed the opportunity to appeal in a case where criminal charges are dropped or to have the case heard in a civil trial. Interviews with the victim should take account of the individual’s personal situation and, if the case allows, be carried out in the presence of someone who can provide personal support. The court should be given the opportunity to charge the perpetrator with compensatory damages. The hearing should be allowed to be held behind closed doors in order to protect the victim from publicity which could interfere with the person’s privacy, and the victim and his/her family should be provided with protection from harassment and reprisal.

The Victim Support Europe

The Victim Support Europe prepared a document concerning the legal rights of victims during the criminal trial. This states that the victim should be provided with the opportunity to request information about the criminal case at the time that the crime is reported. Victims who request continuous information regarding the case should be

provided with this information at the earliest possible moment, in as complete a form as possible with clear explanations of any decisions and a presentation of the basis on which the decisions were made (Victim Support Europe, 1996).

IACP

The International Association of Chiefs of Police (IACP) has developed a programme concerning the role of the police in local crime victim support work. The programme stresses the importance of written information at the time of initial contact and the establishment of guidelines and procedures, which facilitate the work of police and civilian employees with victim support duties.

Serbian Policies

Police obligations toward victims in Serbia are provided in laws and other documents that regulate police duties and responsibilities. The Police Code has the general requirement that the police act without any prejudice, offering equal protection to everyone without any kind of discrimination. The police have an obligation to act at any time in order to protect lives and personal security of people and property. Police officers are to deal with all persons humanely, and with respect for the dignity, honour, and other fundamental human rights of all citizens. Also, as already mentioned, protection of victims as witnesses is provided as one of police responsibilities listed in the Police Code. More explicit obligations regarding police conduct in direct contact with victims are prescribed in the Code of Police Ethics. The Code of Police Ethics prescribes that police shall, without any discrimination, provide necessary support, assistance and information to crime victims. It also provides that the police shall take care of the needs of witnesses, and implement witness protection rules and measures. Moreover, if the victim is a juvenile, young adult or a minor, then only those police officers who have undergone appropriate special training in children's rights, juvenile crime and criminal protection of minors may deal with them.

Police obligations toward victims are regulated in more detail only in the Special Protocol for Police Action in the Protection of Minors from Abuse and Neglect. This document also requires that only those police officers who have undergone appropriate special training in children's rights, juvenile crime and criminal protection of minors may act in cases when minors are victims of abuse and neglect. It also requires that the statement in connection with the reported abuse may be taken directly from the minor in the police station only in the presence of the parent or guardian, or a representative from social services or another legally responsible person. The police have an obligation to inform the parent, guardian or representative of social welfare services (but not the minor victim!) about various (governmental and non-governmental) victim support services which assist children/minors. However, when the abuse is reported indirectly,

over the telephone, there is no provision that prescribes the obligation on the part of the police to provide such information.

Additionally, this Protocol does not provide for the possibility that a minor may report the crime by telephone and, thus, it fails to regulate the appropriate procedure if that be the case. Actually, the Protocol deals with procedures rather than with what the action of the police should be toward the victim. There is no rule that would obligate and instruct the police how to talk or communicate in another manner with the minor victim who reports abuse, either directly or through the telephone. Moreover, the Protocol does not regulate the appropriate procedure of action or the obligations of police officers toward the minor victim when it comes to investigation on the scene, while it regulates in detail the procedure of action with the suspected offender. Similarly, the Instruction on Police Action toward Juveniles and Young Adults regulates in detail police obligations toward and handling of minor offenders, while only sporadically instructing on the obligations toward victims, without even mentioning how the police should handle a juvenile victim.

Previous Research

The position of the crime victim in relation to the work of the police has received increasing attention in recent decades. One result of this attention is the increase in surveys focussing on the attitudes of victims towards the police.

International Experiences

Victimological research has found that victims have a generally positive attitude towards the police in the initial stages. This seems to be the case regardless of the type of crime or the country in which the survey was conducted (c.f. van den Bogaard & Wiegman, 1992; BRÅ 1999:3; Shapland et al, 1985; Wemmers, 1996).

In cases where the victim is displeased with the police, the primary reasons are a feeling that the police have not done enough (BRÅ 1999:3), the treatment of the victim by the police (Shapland et al, 1985), a lack of interest from the police (BRÅ 1999:3; Maguire, 1982) and a lack of information concerning the case (Chambers & Millar, 1983; Maguire, 1982; Newburn & Merry, 1990; Shapland et al, 1985).

A Canadian study (Hagan, 1983) found that 89 percent of those interviewed felt that the police did a (very) good job, while only 56 percent had the same feeling concerning the prosecutor. The study interviewed victims at two points – first when charges were brought in the case, and then again after the case was concluded. In a comparison of the attitudes at those two points it was found that, even though the victims still had a greater degree of faith in the police, their confidence in the police had declined during

the course of the trial while their confidence in the prosecutor had increased (Hagan, 1983).

Shapland et al (1985) found a similar result in a UK study of victims of violent crime. More than 75 percent of the victims were initially satisfied with the work of the police. The majority felt that it was more important that the police had a compassionate attitude and took them seriously than that they obtained concrete results from the investigation. As with the Canadian study, this satisfaction decreased over time. This dissatisfaction was explained partially by the police treatment of the victims, but primarily by the lack of information provided concerning the case.

Other studies have also concluded that a lack of information is a strong contributory factor in the gradual decline in victim approval of the police (Shapland & Cohen, 1987; Newburn & Merry, 1990).

There have been approximately 20 studies of the experiences of Swedish crime victims with the work of the police since the 1970s. The results of these studies are unanimous – victims, regardless of the crime, have generally positive attitudes towards the police (c.f. Dahlbäck, 1988; Hedlund, 1979; Lindgren, 1996, 1997a, 1997b, 1999; Lindgren & Christianson, 1994; Persson, 1990). The majority of the victims also report positive treatment from those officers investigating the crime (c.f. Tiby, 1999). These officers are commonly described as helpful and sympathetic (Dahlbäck, 1988; Jonsson, 1995; Lindgren, 1996, 1997a, 1997b, 1999; Lindgren & Christianson, 1994).

In those cases where the victims are dissatisfied with the police, the cause usually seems to be lack of information (Lindgren, 1996, 1997a, 1997b, 1999; Lindgren & Christianson, 1994). This lack of information is a contributing factor in the decline in victim approval of the police which is also evident in Sweden (Lindgren, 1996).

Since lack of information is an important factor in victim satisfaction, it is important to know what information victim's desire. The studies discussed above find that victims are largely interested in information that has a direct bearing on their own cases. Many also want information concerning the possibility for compensation and reimbursement of costs arising from the crime. These findings are in accordance with results from international studies (c.f. Maguire, 1985; Newburn & Merry, 1990; Shapland et al, 1985).

A study of crime victims in Stockholm cites one middle-aged burglary victim's comments on information from the police:

“I did not receive any information regarding my rights. As a first-time victim I did not have any understanding of the procedure, and I must admit that I am not much wiser now.” (Lindgren & Christianson, 1994, p. 38).

Another reason for victim dissatisfaction is that the police appear uninterested. A female burglary victim from Gothenburg expressed her feelings in the following manner:

“The crime that I experienced was probably quite insignificant in the eyes of the police. I was never in physical danger and there was nothing of value for the burglars to steal. I am pleased with the police treatment of me and my case. They adapted (support, comfort etc.) themselves to the situation. Unfortunately it is obvious that the police and I live in separate worlds. In my daily routine I live according to the laws that exist, as do those around me. The daily routine for the police is filled with crime – a fact which was obvious when they were at my home (routine – almost resigned) and when I called to report the crime the response was basically: It is a terrible shame that you were burglarised. We will send a car as soon as we can, but it is Friday, and you know how that is. My answer was: No, I do not know, crime is not something common for me. But I can try to understand.” (Lindgren, 1997a).

Police themselves often share the opinion that too little is done from their side for the crime victims (Ahlberg & Knutsson, 1996; Lindgren & Christianson, 1994).

In addition to the needs discussed above, many individuals appear to require advice concerning security measures and information regarding crime prevention to avoid a recurrence of the crime (c.f. Lindgren, 1999).

Serbian Studies

In Serbia, there are not many studies which deal with victims' experiences with the police. While the first researches dealing with experiences of crime victims with the police were conducted already in 1980s and 1990s, at present that information is obtained predominantly from studies on domestic violence and trafficking in human beings, as well as from reports of non-governmental victim services.

The first contact between the police and the victim was observed and then analyzed in 1980s within the research project on the position of crime victims in the criminal justice system, carried out by the Institute for Criminological and Sociological Research. This research concluded that the first contact of the victim with the police was continuation of victimization rather than provision of assistance, support and protection. This was the consequence of both inappropriate attitude of the police and inadequate conditions in which the victims were interviewed - in the police station and on the spot (Nikolic-Ristanovic, Mrvic, 1988).

Also, the findings of the International (Crime) Victim Survey (ICVS) carried out in 1996 in Belgrade (Nikolic-Ristanovic, 1998) offered very important insights into

the willingness of victims to report the crime and their satisfaction with the work of the police. Out of 1094 respondents, 72.1% said that they had been victims of some of the surveyed conventional crimes, while only 33.3% of them reported the crime to the police. Victims reported most often car theft, burglary and theft from the car. On the other hand, the least frequently reported were sexual crimes, while robbery, with the reporting rate of 38.3% falls between crimes with the lowest and highest reporting rate. The most often mentioned reasons for not reporting the crime were the following police related reasons: “the police could not do anything about it”, “the police usually do not want to become involved in such cases”, and “the victim was afraid of, or disliked the police.” For some crimes, such as theft from the car and sexual crimes, these reasons were mentioned in more than 60%.

The reason which suggests the lack of effectiveness of the police (“could do nothing”) is the most frequent among the victims of offences with very low clearance rate, such as theft from the car, burglary, robbery and sexual violence. The reason indicating the lack of confidence in the police (“won’t do anything”) was most frequent among victims of theft from the car and sexual crimes. It is most probably the consequence of low expectations connected with the victims’ own or other people’s experiences, as well as with a widespread image of the police as not willing to become involved in such cases. Fear and dislike of the police as the reason for not reporting the crime most frequently given by victims of sexual crimes, may be explained in a similar way.

Most of the victims of all crimes reported to the police said that they were dissatisfied by the way the police reacted. Their dissatisfaction, similarly as in other (transition) countries, was connected to police inefficiency in finding and arresting the offender and recovering their property rather than with the way victims are treated by the police. These data reflect the situation that existed in the country in 1990s; that is, a high level of inefficiency of the police in dealing with increasing crime, on the one hand, and widespread violations of human rights of citizens by the police, on the other hand. The data suggested clearly an urgent need for radical reform in the organization, control, training and education of police officers toward the respect of human rights in general, and, especially, victims’ rights, which should impact positively the confidence of the public in the police.

After the political changes in 2000, a lot of efforts were made to change the negative perception of citizens about the police, and to recover citizens’ trust in the police service. Since ICVS was not conducted again in Serbia, we cannot draw any comparisons between the earlier and present situations in relation to wider group of victims. However, we will present data about victims’ satisfaction with the work of the police received in various recent surveys or obtained from the victim support organizations’ databases and reports.

Domestic violence victimization survey findings suggest that victims still are often dissatisfied with the work of the police. Only 23.2% of victims of domestic violence in 2009 Vojvodina victimization survey reported the crime to the police, which is actually more than the percentage shown in the findings from 2001 domestic violence victimization survey for the entire Serbia, which was 16.8 %. Unlike in 1996 ICVS, in the Vojvodina survey the police-related reasons for not reporting the crime were mentioned much less often (27.1%) than other, more personal, reasons, which is not much different in comparison to the 2001 Serbian survey when 34.6% respondents mentioned police-related reasons. Most of those who reported domestic violence were not satisfied with the reaction and/or attitudes of the police. In the 2001 Serbia survey as many as 59.5% of the victims who reported violence to the police were not satisfied. As reasons for dissatisfaction they mentioned the lack of interest and passivity of the police, inefficiency and tendency not to get involved which they justified with the lack of powers, the police approach to domestic violence as a private matter, the fact that police protected the abuser rather than the victim, as well as that the victim was offended by the police based on gender related stereotypes. For example, one victim of sexual violence said that the police officer told her that “she needed to give her husband (sex) immediately, not to wait to be beaten.” Another victim said the following:

“I am disappointed in the police, because when I once called them to intervene because I was beaten; they came and said that they could not do anything before something concrete happened. On another occasion, one policeman said to my husband: ‘Well, don’t do that again, the next time we will arrest you.’ And it all ended with that. They never came again.” (Copic, 2002)

Since in 2001 there were no laws in Serbia that would explicitly forbid domestic violence, it is interesting to compare these findings with the findings from the 2009 Vojvodina survey. These findings suggest that a lot of old problems with police attitudes toward victims of domestic violence still exist. Most of the victims (56.8%) still are not satisfied with the work of the police. As the reason for their dissatisfaction they most often mentioned that police did not do anything, or did not do enough to help and protect them. Besides, one of the reasons for dissatisfaction is also seen in the discourteous attitude of police officers towards female respondents, which includes yelling, persiflage and blaming. For example, one female respondent was told by the police officer that she perhaps was not a good wife.

Those female respondents who were not satisfied with what the police had done and the way they had been treated, were asked to tell what, in their opinion, the police should have done in a certain case. Most of them (15 or 60%) expected the police to arrest the perpetrator and detain him, i.e. to remove him somehow from home and physically separate him from the victim and protect the victim in that way:

“Each time they would come and talk to my step-father, but after the police were gone, he was sometimes even worse.”

“I expected them to take him away; it is his house, but where am I supposed to go until the court decides, shall I go and live on the street? There is no safe house; what shall I do?” (Copic et al, 2010)

Few female respondents said that the police should have had the perpetrator sent for a treatment or enrolled in some rehabilitation program. Female respondents also stated that the police should have provided concrete information about available forms of assistance, as well as that the police have to react more efficiently, and not only several months after the case was reported.

Female respondents who were satisfied with what the police had done in a certain case stated the following reasons of their satisfaction: the overall attitude of police officers towards her, provision of support and assistance, and protection from the perpetrator and, consequently, prevention of new violence from occurring. This is illustrated by what some of the female respondents said:

“They protected me; they followed him and warned him to leave me alone.”

“They stopped him; they succeeded in stopping him from abusing me anymore; violence did not occur again and I believe that the police deserve credit for that.”

“There was a woman working in the police. She helped me a great deal by just talking to me and listening to what I had suffered through.”

“I was satisfied with their efficiency and effectiveness, with the way they treated my children – they treated my children as a father should have, and also with the authoritative way they treated the perpetrator.”

“They took him away and told me what I should do and where I should go; they were nice.” (Copic et al, 2010)

Findings of another domestic violence survey carried out in Central Serbia in 2010 confirmed the above-mentioned findings: 46% of domestic violence victims said that they were not at all satisfied with police reaction, 32% said that the police helped them but not enough, while only 22% stated that the police helped them very much (Babovic, Ginic, Vukovic, 2010).

A Survey on Sex Trafficking Victims in Serbia carried out by VDS, Fafo AIS and Sør-Trøndelag University College (Norway) also provides examples of both good and bad

practices in police attitude toward victims (Nikolic-Ristanovic, 2005). Bad practices include either direct involvement of the police in trafficking or their inappropriate, i.e. stereotypical, humiliating and stigmatizing questioning and otherwise bad treatment of victims. On the other hand, good practices include establishing a friendly relationship, being supportive and giving the victim time to relax, asking questions in an appropriate way and at the appropriate place, female police officer interviewing the victim, providing information and offering assistance, etc.

“While Draga¹² was forced to prostitution in the same town, local police were regular customers. Draga worked both in a bar and on the streets here. Police raids of the bar were carried out by the same police officers who were their customers. They were beating the girls. Draga said that they tortured her a lot. Draga also confirmed that the police knew she was forced to stay in the bar. Apparently, the police were bribed by being allowed to have free sex, so they let the bar owners alone.”

“Sofia said that soon after she came home from the hospital, she realized that information she had given to the police a few months before ‘leaked’. She started to receive (phone) threats and “offers” to receive money for “silence”, and to revoke the statement she gave to the police. She was frightened, but she decided to inform the police anyway. Subsequently, two perpetrators were arrested. After that, Sofia had a 24 hour police protection.”

Once women escape traffickers, police officers are often the first persons they have contact with. Since the traffickers often terrify them with stories about the police, it is very important that during this very first contact women feel protected and gain confidence.

Some victims had bad experience with police questioning, especially when the interviewers were men.

Immediately after Tanja landed at Belgrade airport, an older policeman took her to a separate room and told her: “Shame on you.... Where did you try to go? I know very well what all of you want to do.!” He called her a prostitute. Tanja asked him where her mother was and whether they informed her mother about the time of her arrival. He answered: “Forget about your mother for now, you are going to the police first”. At that very moment, Tanja saw two police officers with machine guns and she thought that they were coming for her: “I froze in panic and started to shake like a leaf”. The policeman took her into an office, where there was another police officer “who was very nice”. He talked to her briefly, and called the first policeman again and told him to take

¹² The names used are not the real names of victims.

her “downstairs”. The first policeman took her by the upper arm and then started to nag again. He also told her mother that Tanja was a ‘whore’.

When researchers spoke with a high-ranking police officer in Belgrade, he told them that the policeman who treated Tanja badly was punished. Also, after that incident, police officers were assigned to wait for the victims.

Her first conversation in the police in Belgrade was very unpleasant experience for another victim of trafficking as well. Although she mentioned that the same day she talked to many police officers and that some of them were women, Anita was questioned by male inspectors. She found it especially embarrassing when she talked about being raped since remembering it and talking about that experience was very hard for her, but she nevertheless said everything:

“Instead of asking whether something had happened to me, if I was ok, they asked me if I had taken any drugs, because they noticed the bags under my eyes and the rags I was dressed in, which I got in the dormitory in Italy... I think they didn’t treat me with respect. I had bags under my eyes because I had not had a good sleep for days. Nevertheless, I answered all their questions, but I was impolite”.

There were also several cases of foreign and domestic victims, who got in touch with both the police in Serbia and the International Police Forces in Bosnia, which demonstrate how supportive approach by the police can make women feel secure. Police officers treated victims with respect, gave them advice and information about the shelter and other NGOs that can assist them; they also provided information leaflets, arranged meetings with NGO representatives in the police station, took care of them and provided protection, etc.

“After five days of abuse, Tatjana went out to the balcony and jumped from the 3rd floor. She was brought to the hospital, went through surgery and was then taken to the shelter. This accident happened after she had been in Serbia for a month. Shelter counselor told us that Tatjana experienced the hospital as a safe place. When she started to walk, the police prevented her from approaching the window, in order not to be seen. They found a police officer who spoke Romanian, and also established contact with IOM. She informed the police about what had happened to her. Upon arriving at the place of the accident the police could see the sheets hanging from the window, and this made it easy to identify the place where she had been kept. The police treated her well, and she felt very grateful to them. At the hospital she was guarded by the police day and night”

Findings of a more recent VDS survey on male victims of trafficking in Serbia (Nikolic-Ristanovic, 2009a) suggest that the activity of the police related to the victims of trafficking in human beings is mostly limited to referral and urgent accommodation of victims. The Survey also showed that the police themselves do not offer to the victims, or, potential victims (for example, victims of smuggling in human beings, or street children), any other form of direct assistance (for example, provision of information, or distribution of information leaflets on the rights and possible forms of assistance); nor do they refer the victims to a broader range of institutions and services which could be of assistance in case they should need it – like general services for victims of crime, Roma organizations, or services intended for handicapped persons or persons with special needs. Actually, only in cases when the victim whom they have recognized as such refuses contact with the Agency for the Coordination of Protection of Victims of Trafficking in Human Beings or the NGO, the victim is told about the existing programs of assistance and informed who they can turn to for assistance in case they later need it (Jovanović and Savić, 2008). It is obvious that the limitations of such a practice have especially negative consequences on the support and assistance provided to male victims, considering that by referring them to organizations of a more general type, it would be possible to avoid their, otherwise emphasized, refusal of self-identification as victims in general, especially as victims of trafficking in human beings. This also includes the child victims of internal trafficking, as for them the cooperation of the police and the centers for welfare services and the broader circle of NGOs is of great importance. The same survey also showed that the practice of filing reports against male victims for misdemeanors still exists, although it has long since been abandoned when female victims are concerned.¹³

Finally, experiences of victim support services in Serbia also suggest high level of dissatisfaction of victims with the police (Brankovic, 2009; Nikolic-Ristanovic, Kovacevic, Copic, 2006; Kovacevic, 2007; Kovacevic-Lepojevic, Radakovic, 2008).

Information – Aid in Handling the Event

This chapter has shown that the crime victim has a generally positive view of the police. It has also shown that this positive attitude tends to decline over time, and an important factor in this declining approval is lack of information.

The British researchers Newburn & Merry (1990) have identified two fundamental types of information which victims expect from the police. The first is information concerning the actual case itself, such as the arrest of suspects, which charges are brought

¹³ It is important to note that the Instruction of the MOI of Serbia on the conditions for granting a temporary residence permit to foreign citizens also prescribes that victims of trafficking be not penalized for illegal entry and stay in the country.

and the possible sentence for these charges. The other type of information deals with possibilities for support and assistance such as reimbursement of costs incurred as a result of the crime and the availability of support from voluntary organisations.

Being the target of a crime is a traumatic experience for most individuals, which involves a loss of trust and a loss of control over one's life. Information concerning the investigation of the crime is something that can help the victim regain control and deal with the situation (Lurigio & Resick, 1990; Rosenbaum, 1987).

People also need to know why they react in the way they do, the extent to which these reactions are "normal" and how long specific stress symptoms usually persist. Research shows that information on "normal" reactions (such as flashbacks and difficulties with sleep or concentration) reduces psychological stress by allowing victims to understand that their reactions are completely normal (Kilpatrick, 1986; Lurigio & Resick, 1990). In this context it is also important to understand that candid and detailed information always causes less anxiety than vague, uncertain information or attempts to reshape reality into something less traumatic (Lundin, 1992).

This information is not important only for the victim's psychological recovery and attitude towards the police. It is also a prerequisite for the victim to gain access to other types of help. Research shows that victims are often unaware of their rights. They may not know of the existence of support centres or that it is possible to receive compensation from the state for expenses resulting from the crime (Cozijn, 1988; Dahlbäck, 1988; Lindgren & Christianson, 1994; Maguire, 1985).

As mentioned earlier, the police in many European countries have extensive obligations towards the victim in terms of provision of information. To what extent do the victims actually receive this information from the police? A study of victims of crimes the investigations of which led to charges being pressed against perpetrators and finally convictions, found that less than half (46%) of the victims were informed of their right to information concerning decisions related to the case. Even fewer (44%) reported receiving information about the possibility for compensation through the Criminal Injuries Act (Lindgren, 1999).

Some of the information desired by victims (which the police are often mandated to provide) is available in various brochures which describe the legal procedure. They also give valuable information such as addresses and telephone numbers of various other agencies and volunteer organisations. These brochures are intended to be available at all police stations and presented to crime victims. However, studies show that this is not always the case (Lindgren 1997a, 1997b, 1999). One survey of police and crime victims in Stockholm found that the vast majority of victims never received printed information from the police, and the majority of the police officers testified that they rarely if ever distributed brochures to victims. Some of the officers were unaware of the existence of such brochures (Lindgren & Christianson, 1994).

Providing victims with information, such as the brochures mentioned above, bolsters the individuals' ability to deal with the situation, and can also positively affect the police. Studies show that victims who received the information brochures tended to have a more positive view of the police (Lindgren 1997a, 1997b, 1999). This is not necessarily only because of the receipt of information. It is probable that the officers who took the time to distribute the brochures had a different manner in dealing with victims and a different understanding of the victims' situation than those who did not distribute the information. Studies also show that the recipients of written information had less need for further information than those who did not get the brochures (Lindgren 1997a, 1997b). This is an indication that the brochures fulfil the victims' need for information. It is important to note that no brochure, regardless of its quality, can replace friendly, knowledgeable and supportive treatment by the police.

Conclusions

Over the past decade, a lot of efforts were made to change the negative perception of citizens about the police in Serbia, and to restore citizens' trust in the police service. In addition, significant efforts have been made to raise awareness of the police about victims, with these efforts being mostly limited to certain categories of victims such as victims of domestic violence and trafficking in human beings, and child victims. However, all the efforts taken so far have not been effective enough, and the available research suggests that most of the victims are still dissatisfied with the police work and approach to them. Moreover, it is obvious from all documents which regulate police obligations that the police lack comprehensive, consistent and precise instructions in relation to victims' rights in general and in particular, those concerning adequate police attitude toward all victims, well informed victim referrals and direct support and information that the police themselves can provide. In addition, although there is some follow-up education of police officers about how to act in cases of crimes committed against certain categories of victims, such as minors and victims of trafficking in human beings, what is lacking is general mandatory training about the needs and rights of victims, about available victim support services, as well as on how police can make the victims' situation less difficult. It is good that so far some of victim related procedures have been regulated, and that the victims and the police obligations toward them are mentioned more explicitly in police regulations. The next important step may be more precise determination of police obligations toward victims in general, and toward specially vulnerable victims (e.g. victims of domestic violence, stalking, sexual violence, trafficking in human beings, children, elderly etc.) in particular, as well as development of related, theoretical and practical, trainings.

Chapter 11

The Prosecutor and the Victim

As with the police, the prosecutor plays an important role for the victim in the judicial process. The decision to undertake an investigation is made by either the police or the prosecutor. Once the investigation is underway it is taken over by the prosecutor as soon as someone is reasonably suspected of the crime, except in extremely minor cases. Even if the case is minor, the prosecutor must take over the investigation in the event that a suspect must be taken into custody or in the event that a court must make a decision during the investigation. The prosecutor may be required to take over the investigation in other cases as well, such as when the case is particularly difficult. Regardless of who leads the investigation, the actual work is carried out by the police.

The Prosecutor's Role

The primary duty of the prosecutor is to determine the existence of a crime and to assess whether the evidence is sufficient to convict the suspected perpetrator. If the prosecutor feels that this is the case, then there is an obligation to press criminal charges.

In Serbia there exists no regulation or memo which explicitly deals with the prosecutor's obligations toward a victim. The prosecutor cooperates with the police in relation to collection of evidence, receives reports about crimes from them and decides about prosecution or rejection of the report, requires investigation and/or requests trial. The prosecutor also can receive the report directly from the victim. If the prosecutor decides to reject the report or not to prosecute *ex officio* criminal offence, he/she needs to inform the victim within a certain deadline so that the victim can undertake prosecution and appear as a subsidiary prosecutor. However, the Serbian Criminal Procedure Code does not prescribe any sanction for the prosecutor who fails to inform the victim, although the victim will lose this right if they do not file the complaint within the deadline.

Previous Research

International research has found that crime victims are generally less pleased with the prosecutor than with the police (Cozijn, 1988; Hagen, 1983; Shapland et al, 1985; Smith 1988).

Contacts between the victim and the prosecutor have been the topic of very few studies in Sweden. One such study dealing with obstacles to efficient resource utilisation in the courts system was carried out by the Swedish National Audit Office (Riksrevision-sverket, RRV 1997:48). The report found numerous occasions when the prosecutor sat quite near the victim without ever making contact. A similar story is found in a study of victims' experiences of the trial process (Fredriksson & Malm, 1995). Many individuals interviewed in this study responded that they had a need to meet with the prosecutor prior to the trial, but were not given the opportunity. Other victims felt that the prosecutor was condescending or uttered negative comments during the trial. The prosecutor was also criticised for abandoning the victim during recesses and during the wait for the verdict. Some of these problems have been portrayed in the media. A female assault victim described her meeting with the prosecutor in the following manner:

“I entered the courtroom at the appointed time and saw a female magistrate and four or five lay judges as well as the perpetrator’s attorney. The prosecutor entered shortly after me – he is the one who will represent me. He walked in, pulled out a chair and sat down – he did not shake my hand or introduce himself (which I thought was a part of common manners); he did not even look at me. I am simply air! Angry and upset, I also sat down.” (DN Debatt 3/3 1997)

The criticism directed at the prosecutor is largely centred on the time of the first meeting and the prosecutor’s assistance with the presentation of the plaintiff’s demands.

In Serbia, as well as in other countries, there is lack of sufficient information on the victims’ contacts and experiences with prosecutors. One can get some insight mostly from the victim support organisations and some research which, in one way or another, deals with the victim’s position and satisfaction in criminal procedure.

This information suggests examples of both good and bad practices. Victimization survey on domestic violence carried out in Vojvodina (Serbia), for example, showed that most of 17 victims who had participated in a trial were satisfied with the treatment they received from the prosecutor. As reasons for their satisfaction they mentioned overall good attitude toward them and professional behaviour. Those who were not satisfied mostly said that they were not treated in an appropriate way (Copic et al, 2010).

Research on prosecutors’ and courts’ practice in domestic violence cases showed that after receiving a crime report prosecutors usually do not talk with victims at all, and, thus, miss the opportunity to provide them with important information (Konstantinovic-Vilic, Petrusic, 2007). In those cases where prosecutors received the report directly from the victim, it has been noticed that they tend to ask the victim to think again whether she really wants prosecution. Prosecutors usually ask the victim whether she supports prosecution, although there is no legal base to ask that question. If the vic-

tim, mostly because of fear from the abuser's retaliation, does not give her approval to prosecute, the prosecutors often decide not to prosecute on the ground of insufficient evidence, although other evidence was available (Petrusic, Konstantinovic-Vilic, 2004 and 2007).

The survey on victims of sex trafficking in women came across the case from the Special Court trial, where both the presiding judge and the prosecutor intervened to every single attempt of defense lawyers to discredit or insult the victim (Nikolic-Ristanovic, 2005).

On the other hand, however, victim support service of Victimology Society of Serbia heard about the following example of negative experiences of a victim with prosecutors:

Some time ago, a victim who was previously abused at the work place, was also physically attacked. Her arm was hurt and she had five ribs broken. She reported the case to the police, but the perpetrators had not been found. The victim was re-victimized by the public prosecutor who took a statement from her over and over again five times.

Initial Contacts with the Prosecutor

In many countries there are no formal requirements for the prosecutor to meet with the victim prior to the trial. Generally, the prosecutor only meets with victims if there is some reason to question their reliability. Some prosecutors prefer to meet with victims of particularly offensive crimes, while other prosecutors feel that it violates the principle of objectivity if they become too involved with the victim. In certain cases contact between the two arises through the victim's initiative.

When do victims and prosecutors generally meet for the first time? A study of crime victims' experiences in Sweden (Lindgren, 1999) shows that the majority (68%) of those surveyed reported first meeting the prosecutor on the day of the trial, either immediately before the trial began or in the courtroom itself. The majority of the victims were dissatisfied with the timing of this first meeting. The optimal time for such a meeting in the mind of the victim ranged from several days to several weeks before the trial. The purpose of this meeting, according to the victims, should have been the presentation of information concerning the trial procedures and an opportunity to discuss claims for damages and compensation.

It is not uncommon that one prosecutor handles a case during the preliminary stages while another takes over the trial stage of the case. This implies that victims with questions may not have a specific individual in the prosecutor's office to turn to. Another problem is that prosecutors often move from one case directly to the next, which means that the victim does not have a chance to meet with the prosecutor until after actually entering the courtroom.

The Prosecutor's Assistance with Claims for Damages

Both public debate and research have presented opinions regarding the prosecutors' handling of plaintiffs' claims. The majority of the views presented regard the lack of assistance from the prosecutor in preparation of the claims (c.f. DN Debatt 3/3 1997; Fredriksson & Malm, 1995).

As mentioned earlier, the prosecutor has extensive responsibilities to prepare and present a victim's claims. In practice, the prosecutors have widely differing ways to deal with these responsibilities. A survey of prosecutors was undertaken in conjunction with the Governmental Commission on Victims of Crime (SOU 1998:40). Prosecutors were asked about the extent to which they assisted victims in formulating their claims for damages. The responses indicate that the majority of the prosecutors aid victims when they are requested. The report also shows that many prosecutors are quite restrictive in suggesting the amount, which the victim should request, preferring rather to describe which categories the damages could cover. Other prosecutors refer the victim to figures suggested by the Crime Victim Compensation and Support Authority, the insurance companies and precedent trials. Some prosecutors do assist in arriving at a reasonable amount, which implies providing advice concerning the size of damages that the plaintiff should request. Still other prosecutors responded that they avoided assisting victims in their claims since that would violate their impartiality, which is also an important requirement to the job. This impartiality does not, however, preclude aid in determining claims for damages.

A study of victims' experiences (Lindgren, 1999) found that roughly 40 percent felt that they received too little assistance from the prosecutor. The main reason was that they were not informed of the possibility of compensation or that the prosecutor could present these claims on their behalf. Another source of dissatisfaction was that victims were often not instructed on how to receive awarded damages.

Another cause of criticism, which was also noticeable in the survey of prosecutors themselves, was the fact that many prosecutors lack sufficient understanding of tort law. A further cause of dissatisfaction is that many victims incorrectly see the prosecutor as their representative in court, much the same as the defence attorney represents the accused.

All prosecutors in Sweden have recently received supplementary training in tort law and victim relations through a co-operative programme by the Prosecutor-General's office and the Crime Victim Compensation and Support Authority. Future guidelines and memos regarding prosecutorial ethics will give special consideration to the contact between the prosecutor and the victim, and there is much reason to feel that Swedish prosecutors will become much more proficient in understanding and presenting claims from the victim.

Conclusions

It is obvious that in Serbia there is the need that prosecutors' obligations toward the victims are regulated in some way. It is worth mentioning that indirectly such need was recognised in the Special Protocol on dealing of judiciary in protection of minor persons from abuse and neglect, where it is recommended that the prosecutor's role as protector of interests of a minor victim is to be developed first in practice and then formalised and made mandatory.

Chapter 12

The Court and the Victim

In those cases where the police succeed in apprehending a suspect and the prosecutor decides to press charges, the victim is placed in a situation where he/she must meet the perpetrator again – in a court of law. As the plaintiff (or witness), an individual is required to be present during the trial unless such presence is deemed unnecessary.

The Court's Role

The duty of the court is to weigh all available evidence in a case and determine guilt or innocence. It is vital that the plaintiff (or witness) does not feel anxiety about appearing before the court. One way to alleviate anxiety is to ensure that the individual or his/her friends or relatives are not threatened before, during and after the trial. Also, it is important to ensure that they are not re-traumatised by inadequate attitudes of judges themselves, as well as of prosecutors, defence lawyers, expert witnesses and other trial participants. This can be assured through the legal regulation about the protection of witnesses, as well as through appropriate education of judges and other criminal justice agencies which take part in trial. This education needs to include stereotypes and prejudices related to gender based violence in general, and to sexual violence and domestic violence in particular. All criminal justice personnel need to have appropriate understanding of the consequences of crime on the victim and his/her needs, as well as how their own inappropriate attitudes can re-traumatise victim and how to reduce possibility for secondary victimisation during the trial.

Moreover, the victim may feel anxious and threatened if the court room is small and he/she needs to be very close to the perpetrator and his/her family, or if he/she needs to wait for the trial to start in the same room where the perpetrator and/or his family wait. It is thus very important that the court take care of various practical matters, such as: the way how victims are invited to give testimony, selection of court rooms, different entrances for victims and offenders, and their families and other close persons, that leaflets with necessary information about the court and criminal procedure are available as well as appropriate victim/witness services.

The Court and the Victims in Serbia

In recent years there have been some important developments in Serbia relevant for better protection of victims before the court. The most important development is related to legal changes, but there were some efforts toward education of professionals, inter-sector cooperation and some practical improvements as well.

Legislation Relevant for the Protection of Victims during the Trial

Regulations introduced by the Serbian Criminal Procedure Code from 2001 are supposed, if consistently applied in practice, to protect victims and witnesses from offensive behavior and intimidation before the court. Thus, it is foreseen that the court shall protect a witness, an injured party and any other trial participant from any insult, threat or other type of attack, and shall reprimand or fine the offender. In case of violence or a serious threat, the court has to notify the state prosecutor in order to initiate criminal prosecution. Also, at the suggestion of the judge or council president, the president of the court or the state prosecutor may request from the police to take necessary precautions to protect a witness or an injured party (Nikolic-Ristanovic and Copic, 2006).

Another measure that may prevent further victimization, intimidation and influence on an injured party in respect to his/her testimony is the restraining order. Originally, this measure is applied together with the measure of forbidding the suspect to leave his/her apartment or place of residence, which aims at ensuring the suspect's presence during the trial, and regular conduct of the criminal procedure. However, the legislators have recently provided for a broader use of this measure by envisaging that the restraining order can be applied as a separate measure as well, if that is necessary for the protection of an injured party. As with all other measures foreseen in article 136 of the CPC, implementation of the restraining order can be monitored through electronic surveillance.

Privacy of an injured party is protected during the entire course of the trial. From the moment the session opens until the end of the main trial, the council may at any time, in accordance with the legal obligation or at the suggestion of the parties but always after their hearing, exclude the public for the entire duration of the trial, or for a part of it. This is done if it is necessary to protect moral values, public order, national security, underage persons, or private life of the participants in the criminal proceedings, or if that is necessary to protect the interests of justice that might be violated by the presence of the public at a hearing. It is also worth to mention a regulation in line with which the reason for adhering to a pledge of secrecy with respect to confidential information obtained during the implementation of investigative measures has been expanded to the protection of private life of the injured party (Grubac, Beljanski, 2002). Additional

protection of privacy is foreseen by the Law on the Organization and Jurisdiction of State Agencies in Suppressing Organized Crime, Corruption and Particularly Serious Crimes. On the justified suggestion of an interested party the court may decide upon the protection of personal data of the witness or an injured party. However, this can be applied only in cases of organized crime.

Criminal Procedure Code from 2009 contains provisions on the protected witness. According to the Code, an individual may be awarded the status of a protected witness if there are circumstances which clearly indicate that the life, health, physical integrity, freedom or any substantial assets of the witness and those close to him/her would be endangered due to his/her testimony. Although the use of these provisions is not limited in terms of criminal offences, or prescribed penalties for them, the legislator specifically emphasizes their implementation in cases of organized crime, corruption and other particularly serious crimes. The status of a protected witness implies the use of special rules in questioning these individuals in order to protect their identity, and the use of measures of physical protection. Special rules applying to questioning include the exclusion of public during the hearing of a protected witness, hiding the witness' appearance during questioning, and testifying from different premises via video-link. On the other hand, the Criminal Procedure Code does not specify the measures for physical protection of a protected witness.

The Criminal Procedure Code, as well as the Law on Juvenile Offenders and the Criminal Protection of Minor Victims, foresees the measures for the protection of underage persons. The Criminal Procedure Code requires that, when questioning an underage person, the interviewer should act carefully so that the questioning does not affect the psychological state of the underage person. If necessary, the hearing of a juvenile may be conducted with the assistance of a pedagogue or another specialist. The same Code also provides for the possibility of conducting a hearing in a witness' apartment, if he/she, due to his/her age, illness or severe bodily disfigurements, is not able to come to the court. The Law on Juvenile Offenders and the Criminal Protection of Minor Victims is of special importance for the protection of minor victims from secondary victimization. The Law requires that all trial participants, including the legal representative of the victim, have special knowledge about children's rights and protection of minors. Also, it requires from the court and from the public prosecutor to take special care not to cause any harm to the minor victim during the trial, as well as that the questioning is done with the assistance of a psychologist, pedagogue or another professional. The Law prohibits that the vulnerable minor victim be confronted with the offender, sets an obligation to provide a legal representative to the underage injured party starting from the offender's first hearing, and provides for special procedure and techniques for questioning of underage victims. The Law provides the possibility to use video recordings of an earlier hearing at the trial, instead of repeated hearing of the child. The Law limits the number of hearings the child may undergo to two, and provides that the child's hearing may be conducted in his/her home, or in a special-

ised institution, with the use of technical means for video and audio transmittance, i.e. via video link. In addition, the Special Protocol on Procedures of the Judiciary in the Protection of Minors from Abuse and Neglect contains a recommendation the minor victim be treated with sensitivity and consideration by the judge and his/her assistants.

The Law on the Protection of Criminal Procedure Participants (2006) introduced witness protection programs for the first time in Serbia. It provides the possibility that the witness protection program be used when the physical wellbeing, freedom or property of all criminal procedure participants, including the victims, is endangered. The protection is given before, during and after the criminal procedure, in the cases of political crimes, war crimes and crimes against humanity, as well as organized crime cases. The protection may include the following measures: physical protection of a person and property, change of residence, including relocation to another country, concealing the person's identity and data on ownership, and creating a new identity for the person, including change of physical appearance.

However, it is important to mention that a number of good provisions about the protection of especially vulnerable victims from secondary victimization, introduced by the 2006 Criminal Procedure Code and relevant for a much wider group of vulnerable victims, were never applied, and were abolished by the 2009 Code. For example, there was a provision on the possibility to conduct a hearing outside the court building, if it was necessary to do so in order to protect the health and emotional state of the victim; to appoint a legal representative to the victim during the hearing; indirect questioning; questioning with the assistance of a psychologist, social worker or another expert; and the possibility of conducting the questioning using audio and video equipment. There was also a provision that prohibited confrontation of the victim with the perpetrator, while it was possible to conduct the process of the identification of the perpetrator by the victim in such a way that the perpetrator could not see or hear the victim. Moreover, a ban was introduced on questioning the injured party or a witness regarding his/her sexual orientation, political and ideological affiliation, racial, national or ethnic origins, moral principles, and other personal and family circumstances, unless the answers to such questions were in direct and obvious connection with the need to clarify important parts of a criminal act which is the subject matter of the proceedings. The provisions related to the protection of vulnerable witnesses were again included in the 2011 Criminal Procedure Code. The Victimology Society of Serbia suggested during the public discussion to include a ban on questioning in new CPC too but the result of this advocacy was not successful.

Victim experiences and witness support in Serbia

Although new legal regulations brought important preconditions for better protection of victims before the courts in Serbia, recent research suggests that in practice the

victim is still not properly protected (Copic, 2011). The problem lies in that the awareness about crime victims and their needs is low among many judges, as well as in the fact that there is a widespread belief that only certain categories of victims, such as victims of trafficking and war crimes, need protection and support in relation to the trial.

But even bigger problems are inadequate court rooms, where victims feel unsafe due to the very fact that they must be in such close proximity to the offender, and facing not the only offender, but also his relatives and other people close to him, and often be exposed to hostile comments and insults. Most often the victims feel threatened already while waiting in corridors together with the offender and/or his relatives. Moreover, research findings suggest there is a problem with the so called leaking of information, especially information related to the identity of the victim, which additionally endangers the victim and negatively influences their readiness to testify (Nikolic-Ristanovic, 2005; Nikolic-Ristanovic, 2009).

The only court which was built in a way that makes possible appropriate separation of the victim from the offender and his family is the so called Special Court in Belgrade. This court has larger court rooms, high security and overall equipment necessary for the protection of victims. That is of great importance for war crime victims and victims of organised crime, since only trials for this type of crimes are held in this court. However, in recent years trafficking in human beings was only rarely treated as organised crime (Nikolic-Ristanovic, 2011), which means that such vulnerable victims as victims of trafficking also often had to testify in quite inappropriate conditions of “ordinary” courts in Serbia. The following example shows how difficult this experience may be for the victim:

“The defendant said to the victim, in front of the judge, that ‘he was going to fuck her mother’ and that he was going to kill her. The defendant’s lawyer yelled at the victims’ lawyer. At the end of the hearing, the threats and shouts continued. The female defendant screamed ‘Let me go to face the whore!’, ‘You whore!’, ‘Shoot me now but I’m not going out’ and so on. The court security intervened and threw them out. Both witnesses were obviously scared. On his way out, the defendant shouted to the victim: “Just keep laughing, you whore!”(Nikolic-Ristanovic, 2005)

However, it is important to mention how some courts made efforts to cope with inappropriate space and laws for the benefit of victims. As findings of research on victims in human trafficking suggest, it was agreed in some courts that during the main hearing the victims be interrogated in the defendants’ absence, as well as that the verdict is to be based on the defendant’s and the victim’s separate statements. Also, in some cases the judges allowed victims to stay in their offices in order not to wait in the corridor and meet the defendant’s family and friends.

Victims of other crimes also experience various problems when appearing before the court. Surveys on domestic violence in Serbia, as well as experiences of various victim support services suggest the following reasons for crime victims' dissatisfaction with the court: long duration of the trial and general inefficiency of courts; inappropriate application of laws; ineffective sanctions; blaming and otherwise inappropriate attitude toward the victim on the part of the judge; the lack of sensibility for the needs of victims in general, and in particular for the needs of victims of gender-based violence; discrimination of victims from ethnic minorities; and misogyny (Copic, 2002; Brankovic, 2009; Copic et al, 2010; Nikolic-Ristanovic, 2011; Nikolic-Ristanovic, 2011a; Nikolic-Ristanovic, 2011b).

“The (female) judge shouted at me and asked me why I still lived with my abuser, why I did not leave him”

“I was abused by my husband, but in court I was treated as the offender rather than as the victim” (Copic, 2010).

“My child gave a statement in a criminal procedure. I was surprised with the court's bad practices, since neither a psychologist nor a pedagogue spoke with him. (Radakovic, Kovacevic-Lepojevic, 2008)

Inappropriate application of laws in the cases of gender-based violence is the consequence of the lack of knowledge of judges about this type of violence and its consequences on victims. Recent monitoring of the application of the Domestic Violence Law against both women and men in Serbia has shown that victims are not properly protected, as well as that it sometimes happens that the law is applied against victims too. These are the cases where both the abuser and the victim are punished, and where the court does not recognise the difference between the primary victim who reacted in defence, and the secondary victim, i.e. the abuser (Nikolic-Ristanovic, 2011b).

On the other hand, victims of domestic violence who were satisfied with the way they were treated before the court mostly said that the judge was supportive and that the decision was appropriate (Copic et al, 2010). The appearance of victims before the court may thus be a less stressful and even empowering experience for them. Apart from a proper attitude and appropriate application of law, the victim needs support from persons close to her, and/or from non-governmental and state services for victims (Nikolic-Ristanovic, 2005; Nikolic-Ristanovic, 2009a).

In Serbia, some women's NGOs as well as VDS, support victims before the court, or provide them with legal representation free of charge, ad hoc or on regular basis. However, in the absence of legal regulation about the position of support persons before the court, this kind of witness support is mostly limited to providing victims with informa-

tion and monitoring the trial. Support persons are not allowed to be beside the victim when he/she testifies and to speak before the court.

The following example of the case monitored by the Victimology Society of Serbia may be a good illustration for the importance of this kind of support, particularly in inappropriate courtroom space:

“The courtroom was fairly small – at the back, there were about 15 chairs in three rows. I. and I sat in the last row. The two accused sat in the front row. Bilja entered and initially took a seat in the second row, (intending to sit as far as possible from the accused). When the trial began, she recognized me (not instantly) and asked me “May I sit next to you?” I made space between us and she sat there. As the trial already started we did not have a chance to speak to each other; I could feel her tension and I noticed that she was very pale (she held her hands in her lap, her hands were withdrawn into the sleeves of her jacket). When the owner of the flower shop, where Bilja used to work, started to testify, Bilja started to cry. While listening to her speaking about the threats by one of the defendants, Bilja’s entire body started to shake. I asked her whether she could bear that, or she would like to go out. She first told me that she did not know, but then said that she preferred to stay in the courtroom. The representative of the Agency and I held her hands, hugged and encouraged her, but she kept crying throughout the hearing. (Quote of VDS volunteer who monitored trial according to Nikolic-Ristanovic, 2005)

Research findings suggest that the victim’s overall experience of appearing at trial and testifying depends very much on how much support she receives and how she is treated by judges and prosecutors. Even in extremely terrifying circumstances and without proper protection of identity, the victim may come out of the trial very strong and empowered, provided that she had a supportive person with her during the trial, and that the judge and prosecutor treated her well. Moreover, in these circumstances some victims find an additional interest in the truth to be established and that suffering of other women is prevented. Some victims tell that they agreed to testify because they expected to feel better afterwards, as well as because they were aware that it may help rescue other victims. The following example of a victim of trafficking may serve as a good illustration for this:

“In spite of breaking the rule on her identity protection, Anita did not feel bad about her decision to testify. Moreover, she was very eager that the truth be established by the court. Anita defended her interests actively at this stage. She was not inert; she monitored the trial with attention and said she was not afraid of the presence of the accused, or of

facing them. She was even eager to face them so that everyone “sees, as soon as possible, who’s lying”. (Nikolic-Ristanovic, 2005)

Witness support services are still rare in Serbia. In spite of several initiatives and the introduction of recent court regulations (Rules on Court Procedures, 2009) which require the establishment of witness services in all courts, the only witness support service established in Serbia so far is the service for support of war crime victims, located in the Special Court. In this court there are two waiting rooms for witnesses, so that the victims do not meet offenders and their families. Summons to the trial are done in such a way that great care is taken that victims are not put in danger, as well as that they get all necessary information before they appear before the court. (Nikolic-Ristanovic, 2011c). However, recently, some other courts also started providing separate waiting rooms for victims and witnesses as part of overall preparatory activities for the establishment of witness support services.

Conclusions

In Serbia, recent legal changes created a good basis for the improvement of the position of victims before the court. However, these improvements are mostly relevant for several most vulnerable categories of victims, such as victims of organised crime and war crimes, as well as for underage victims. In addition, practical conditions, such as technical equipment and adequate rooms, for the existing measures to be implemented in practice are still lacking or are insufficient or inadequate. Although recently efforts have been made for their development, witness support services are still mostly unavailable in courts, so that victims feel insecure and are likely to undergo secondary victimisation from the very beginning they are summoned to court. The lack of education about victims at most of law schools and at the judicial academy is also a serious problem. Similarly as the police, judges and prosecutors did receive some training about certain categories of victims, but they still lack proper understanding of victimisation, consequences of crime and general needs of victims. Thus, there is obvious need to develop a more comprehensive approach to crime victims when they appear before the court. This approach requires further improvement of relevant legal provisions, development of appropriate training for judges and prosecutors, as well as practical measures and conditions to allow proper implementation of laws. The latter particularly needs to include development of witness support, not only by the state but by NGO services as well. All this should guarantee that secondary victimisation at the court is reduced as much as possible, and that all victims are treated without discrimination.

Chapter 13

The Health Care System and the Victim

Events occur every day, which require medical attention. Some people have traffic accidents while others may fall down a flight of stairs, but some have to go to the hospital because they have become a victim to a violent crime.

In general, there is no difference in treatment between accident victims and crime victims. Crime victims are different from many other patients, which the health care system comes in contact with, however. One important difference is that they are sometimes reluctant to tell the cause of their injuries.

Despite the well-documented interplay between physical and mental well being, the crime victim generally receives only half of the help he/she requires. Physical survival is generally ensured at the hospital, but the victim is often left to deal with the psychological injuries alone. It is vital that health care personnel understand the reactions and needs of crime victims in order to avoid a worsening of an already precarious situation.

Victims tend to seek care for their physical injuries. It is important for a future police investigation that the victim receives a detailed medical examination following certain crimes such as rape and assault. This examination is voluntary, but tends to be of great value to a continued investigation of the crime.

The Role of the Health Care System

The right to health care in Serbia is regulated by the Law on Health Protection. However, this Law does not regulate at all the obligations of health care professionals toward crime victims. It mentions victims only in the provision about foreign citizens where it prescribes that foreign citizens as victims of trafficking in human beings can be beneficiaries of free health care. On the other hand, however, the obligations of health care professionals are established in two protocols, namely: the Special Protocol for the Protection of Children from Abuse and Neglect, and the Special Protocol of the Serbian Ministry of Health for the Protection and Procedures with Women Exposed to Violence.

According to the Special Protocol for the Protection of Children from Abuse and Neglect, it is the duty of every health care professional to take care of an abused child and to report suspected abuse or neglect. Because of the complexity of this type of victimization, special advisory and coordinating role is given to the newly established professional teams for the protection of children from abuse. It is mandatory that all health care institutions establish these teams. The Special Protocol regulates in detail the procedures which specify how to recognize, document and report the abuse, or abuse risk. However, Special Protocol for the Protection of Children from Abuse and Neglect does not deal at all with how health care professionals should approach an abused child, although it recognises in general terms the possible role a health care professional may play in psychological recovery of the child.

On the other hand, the Special Protocol of the Serbian Ministry of Health for the Protection and Procedures with Women Exposed to Violence gives priority to detailed instructions to health care professionals on supportive approach, communication with, provision of information to, and protection of victims, as well as how to document violence, although the procedures are described as well. This Protocol also contains the form for documenting violence which health care professionals should use.

Previous Research

According to a domestic violence survey using WHO methodology which was carried out in Belgrade by the Autonomous Women's Center-Center for the Promotion of Women's Health, women's seeking help in relation to DV ranks second, immediately after seeking help from the police. However, the survey also showed that the percentage of women who approached health care institutions was rather low. The obtained data showed that 9.6% of abused women had contacts with health care institutions due to the violence they had suffered. (Djikanovic et al, 2011). This is lower than what was discovered by VDS domestic violence victimisation surveys in Serbia in 2002 (14.8%) and in Vojvodina in 2010 (30%) (Copic et al, 2002; Copic, 2010). These data may be interpreted as the trend of increasing readiness of DV victims in Serbia to approach health services, but it may also suggest that the consequences are getting more serious so that more victims need to contact health care institutions.

According to the Autonomous Women's Center's Survey, out of the total number of women who approached health care services, almost three fourths were satisfied (Djikanovic et al, 2011), which is similar to the findings of VDS survey in Vojvodina, where 87% of women were satisfied. In this survey, 44.7% of the women who were satisfied said that they were satisfied with the overall supportive attitude of health care institution staff toward them. Medical staff was, according to them, kind, patient and demonstrated full understanding for their difficulties. Other respondents said that

they were satisfied with the medical treatment they received, as well as with obtaining a report on sustained injuries from a medical doctor. On the other hand, women who were not satisfied said that the reasons were the lack of interest from medical staff about the causes of injuries, the lack of support, as well as improper behaviour of the doctor who made inappropriate jokes about the event (Copic et al, 2010). One of the extreme negative examples of inappropriate treatment of a DV victim by a medical doctor was identified in VDS domestic violence survey in Serbia in 2002. The victim was told that something like that happens to women who have a “long tongue“ (i.e. who talk too much) (Copic, 2002).

The majority of respondents from Autonomous Women’s Center survey (82%) answered that they expected to get help from health care workers, whereby women who had experienced violence (94%) expected help more frequently than those who did not confirm having had such an experience during the interview (80%). Women who were dissatisfied with the health care service answered more frequently that they did not expect the health care workers to help in the case of violence (17% in comparison to 7%). In the respondents’ opinion, the expected help can be rendered in different forms. The most frequently mentioned form of help was provision of information and counseling; this was followed by offering support and expressing understanding; contacting other institutions and services that provide assistance; conducting medical examination; and contacting the police. Only a very small number of women were aware of the importance of documenting the violence and stated that as one of their expectations.

Women who thought that health care workers cannot help in cases of violence against women (18% of women) stated the following reasons for such a situation: that is beyond their professional duties, or doctors simply cannot help, while a significantly lower number of women considered violence against women as a private problem and, due to that fact, that it should not be considered by doctors. The results of this survey suggest that women expect the doctors to offer them support and assistance in cases when they are victims of violence, and that the most important factors for that are (in) competence and (un)readiness of medical doctors, rather than personal attitudes, the tension felt by these women, or prejudices inhibiting them to talk about the violence they experienced.

Also, the data obtained on the opinions of health care workers within another survey conducted by Autonomous Women’s Center (Djikanovic et al, 2011) show that the majority of them think that in general health care professionals demonstrate supporting attitude towards a woman that was recognized as a victim of violence. They emphasized the importance of providing support to a woman in terms of understanding her situation, encouraging and supporting her, as well as pointing out to her possibilities of getting additional assistance. Health care professionals have noticed their role as hope in the chain of support. They feel insufficiently qualified to respond successfully to the

problem of violence against women. Most participants were of the opinion that health care workers lack clear guidelines that would steer them in providing adequate assistance to women victims of violence.

Insufficiently developed network of support to women in the community and the lack of systemic solutions have been recognized as significant obstacles for the efficient response to the recognized violence:

“(…) We should move the wheel, but the system that would roll the wheel further needs to be developed, because otherwise we will just be trying to stop the fire for nothing...but it will not be extinguished.“

Health care workers indicated that the current practices and existing networks of support are insufficient and un-coordinated. They expressed concern that a woman victim of violence can be easily lost in ineffective administrative procedures, which only complicate the woman's situation in respect to violence and additionally discourage her in searching for solutions.

The lack of education and officially distributed information that would help them to be more effective in their job, were frequently identified by health care workers as obstacles for providing support to women victims of violence. Due to that fact it is particularly important to emphasize that the results of the mentioned surveys generated the framework and provided guidelines for creating the Special Protocol for the Protection and Treatment of Women Exposed to Violence, which together with adequate instruction on the implementation of the Protocol, may present the essential support to health care workers in their contacts with victims (Djikanovic et al, 2011).

In addition, it is worth mentioning that recent research on the ways health care professionals act toward abused children, carried out in Belgrade, suggests the lack of proper education as an obstacle to reporting and proper approach to victims. This research also showed that there are still health care professionals who are not aware of their legal obligation to report suspected child abuse, or to whom they are to report it. The research revealed positive correlation between education and awareness of professionals about this obligation. This research also showed that the majority (two thirds) of examined health care professionals were not aware that they had teams for the protection of abused children in their institutions, and that only one fifth had cooperated with this team. The majority of health professionals mentioned the following as their main problems: lack of education, shortcomings of laws and non-existence of a standardised protocol for reporting the cases of abused children (Misić, 2011). The latter obviously suggests that they are not informed about the Special Protocol for the Protection of Children from Abuse and Neglect, and that more effective and comprehensive training, as well as further development of this Protocol, are necessary.

Conclusions

Although there has been obvious advancement in the development of awareness of health care professionals in Serbia about the victims, it is obvious that, as with other stakeholders mentioned above, this awareness is still limited to certain categories of victims. Health care professionals as well lack basic victimological knowledge which is obviously the obstacle for them to deal adequately even with women and children as victims of violence – two categories they seem so far to have become aware of as victims in need of support and protection. Thus, it is obvious that there is need for both more general victimological education of health care professionals and for provision of instructions to them how to assist victim in an appropriate way. The Special Protocol for the Protection and Treatment of Women Exposed to Violence may be a good model to follow in the development of a more comprehensive or general protocol for the treatment of victims. Also, the partnership between NGOs and health care professionals which led to the development of this protocol may be used in the development of a general protocol as well.

Chapter 14

Non Governmental Organisations and the Victim

Being victimised by crime is a very powerful experience for most people. This experience is often accompanied by a number of negative consequences such as economic loss, physical injury, psychological reactions, social consequences and practical problems.

During the last years changing family structures have increased the risk that individuals do not receive the help and assistance they require. Given this problem, non governmental organisations such as victim support centres and women's shelters have become an invaluable complement to the official government programmes and the social network of friends and family.

This chapter will discuss the non-governmental organisations in Serbia, which work with victims of crime.

The shelters

The shelters offer women aid in the form of a safe place to stay, counselling, supportive discussions, emotional support, information and social fellowship. They also offer legal counsel and support women during their contacts with the judicial system and other authorities. If the need exists, the shelters will see that women receive appropriate medical care. Shelters may have support groups for women who were subjected to sexual abuse during childhood.

Most shelters have one or several female employees and volunteers. Some of them are paid by the shelters, while in certain countries some of them receive salary through government programmes. In some countries shelters also have a crisis telephone, which is open during certain hours. When the crisis telephone is not staffed, there is an answering machine where women can leave messages. The shelters also usually have the obligation to provide a "contact woman" to women seeking aid. The contact woman supports women moving into the shelter in various ways, such as accompanying them during their dealings with the authorities.

The shelters are dependent upon a functioning co-operation with the police and the social services if they are to provide appropriate assistance to women in need. Shelters often report that the co-operation is not always as good as it should be, and it is a general observation that co-operation with the police works better than co-operation with the social services.

The first Serbian shelter¹⁴ for battered women (and children) was established in Belgrade in 1994. Apart from battered women, the shelter also accommodated women victims of war (raped women, refugees etc.), who made even 22.38% of women who spent some time in the shelter between 1994 and 1999 (Cetkovic, 1998). Later on, shelters for battered women were established in other parts of Serbia. Also, after 2000 the shelters for women victims of trafficking in human beings were also opened.

Since the beginning the number of shelters and their capacities have been small and far from being able to meet the needs of victims. Also, the shelters run by NGOs have been struggling with financial difficulties so that some of them had to terminate their work or to leave it to be run by social welfare institutions. At the same time, state run shelters for battered women and children were opened as well.

According to available data, at the time of writing this book (autumn 2011), there were four shelters and one transition house run by NGOs in Serbia: three shelters for battered women, one shelter for foreign (female) victims of trafficking and one transition house for women, domestic victims of trafficking. NGO statistics show that during 2010 the NGOs run shelters and transition houses came in contact with approximately 220 women and 200 children.

The Victimology Society of Serbia: VDS info and support to crime victims

As already mentioned, VDS Info and Victim Support Service is the first Serbian victim support service for crime victims in general. It was established in 2003 and functions as the special unit of the Victimology Society of Serbia. VDS Info and Victim Support offer assistance to victims of all crimes and their families – both women and men. The Service is primarily intended for persons over 14 years of age, while assistance to children under the age of 14 is provided through their parents. The latter includes raising awareness of parents about child victims, in general, and in particular about the child victim's specific reactions and recovery process. The Service also provides assistance and support to battered women who have killed their abusers and are now in prison. Victims are offered emotional support; information; referrals to other services; legal and psychological assistance; support in contacts with institutions, including witness support; and urgent material aid. With regard to the target group (i.e. wom-

¹⁴ It is also worth mentioning that, in order to avoid women's association with war shelter, in Serbia the term »safe house« is used more often than the term »shelter«.

en, men and battered women in prison) the VDS Info and Victim Support Service is unique both in Serbia and in the region. In its work, the Service applies European and international principles and standards prescribed by the international documents, including, particularly, the documents of the Victim Support Europe, whose member it has been since 2004. The standards that are applied include specifically: free service, trust, respect of victims, their rights, needs, feelings and autonomy, as well as confidentiality of information. Every year, a new group of volunteers is trained and included in victim support work, where they are offered regular supervision. The trainings are based on both theory and practical experiences – those of the VDS Info and Victim Support service staff, and the experiences of victim support organizations, such as UK, Dutch and Belgian VS, from whom VDS staff themselves received training.

Since 2005, VDS info and victim support helped 1181 victims. In 2010, 302 victims were assisted, out of which 70% were women and 30% were men. Victims who approached VDS Info and Victim Support come from various parts of Serbia. In 2010 most of the victims asked support in relation to work related abuse (64%) and domestic violence (18%), while the rest were victims of various crimes such as: assault and battery, school violence, threats, fraud, harassment, burglary, stalking, child kidnapping, war related victimization, as well as battered women who killed their abusers.

Specialized SOS hotlines and counseling services

The first SOS hotlines in Serbia were SOS hotlines for women and children – victims of domestic violence were established in Belgrade and Kraljevo in 1990, and afterwards, in 1993, in Niš. This was followed by the establishment of other SOS hotlines and counseling centers for providing assistance to women and children victims of domestic violence, but also to victims of sexual violence, trafficking in human beings, as well as to victims of torture and work place violence.

Apart from the SOS hotlines and counseling services for victims of different crimes, there are also specialized SOS hotlines for certain vulnerable groups, such as those for Roma women and children, disabled women, and lesbians.

According to the data available from previous research (Brankovic, 2009) and recent information about termination of some of services, it is possible to estimate that in autumn of 2011 the number of active specialized SOS hotlines and counseling services in Serbia was around 20. The most developed organizations of this type are: Autonomous Women's Center, Counseling Service against Domestic Violence, I.A.N., From the Circle, Roma Children's Centre and ASTRA – all from Belgrade, Fenomena (Kraljevo) and DamaD (Novi Pazar).

Most of these specialized SOS hotlines and counseling services offer emotional support, information and referrals. Some of them also offer assistance in situation of crisis,

legal and psychological aid, financial support, and practical aid, assistance in contacts with institutions and/or witness support, as well as support in social reintegration.

In addition to supporting victims, specialised services for women carry out information and education campaigns to inform people about the power structures in society, which work to oppress women, and their connection to violence. These organisations also initiated regular marking of 25 November, International day of Combating Violence against Women, as well as 16 days of activism against violence against women. They are also involved in education of people who meet victimised women professionally, as well as in various other activities aimed to raise awareness and improve social response to male violence against women.

Previous Research

In September and October 2010, the Victimology Society of Serbia carried out an exploratory survey on the activities of NGOs that provide assistance to crime and war victims (Nikolic-Ristanovic, 2011a). During 2009, the number of crime victims who received some form of assistance from the NGOs encompassed by the sample differs a lot and it ranges from 17 to 1696. Most victims received assistance from services for victims of domestic violence and other forms of violence against women and children; while the least received assistance was from services that assist street children and victims of trafficking in human beings.

The obtained data indicate a wide range of different forms of assistance offered to victims by the examined organizations. Organizations intended for crime victims are offering the following forms of assistance and support: emotional support, information and referrals to other services; professional assistance (legal, psychological, medical), different forms of practical assistance (e.g. enrollment of children in the kindergarten or school, transport, financial support in urgent situations), humanitarian aid, family counseling and mediation, accommodation (shelter, day care center), witness support and support in contact with other institutions; self-help groups, raising awareness on violence and possible ways of protection against violence, as well as assistance in the process of reintegration and social inclusion (the latest refers to trafficking victims and street children).

The obtained data show that the number of paid staff in organizations providing support to crime victims ranges from 0 to 34, while there are still organizations that do not have paid staff at all. The data indicates the existence of considerable differences between organizations in engaging paid personnel, and points out the fact that there are organizations whose financial situation does not allow them to engage paid personnel. On the other hand, all victim support organizations have volunteers.

The data also suggest that the personnel of most organizations underwent a number of trainings for working with victims. When asked to specify those forms of education, persons working with victims mostly stated different forms of education for working with victims, i.e. traumatized persons. Several organizations also indicated programs of education on how to open, i.e. start a victim support service, on documenting the cases, managing self-help groups, preventing and overcoming the burnout syndrome, working with multi-problem clients etc.

The obtained data show that victim support organizations in Serbia still rely on foreign donations, while the financial support by the state is mainly symbolic. Regarding the relationship of the state towards victim support organizations a number of problems have been indicated, while the following have been particularly emphasized: the lack of systematic and regular financial support, inadequate financial status of NGOs due to which they have to pay taxes in spite of the not-for-profit nature of their activities, the problem of sustainability of projects after the end of financial support by donors, the lack of financial sources for the current sustainability of organization, the lack of funds for renting adequate premises, the lack of funds for the improvement of the existing and launching of new programmes, but also the delay in payments by the local governments. Due to the lack of social support, in the period of just six months during 2010 four SOS hotlines terminated their activities (The Network Women against Violence, 2011).

Domestic violence victimization surveys are a unique source of information about the awareness of citizens as potential or actual victims about NGOs victim support services. For example, VDS 2010 Vojvodina survey suggests that a considerable percent of women know about the existence of victims services run by NGOs (65.7%) which is similar to the situation in the entire Serbia in 2002 (66.9%). However, both VDS surveys as well as Autonomous Women's Center survey suggest that only a small percent of abused women actually use these services (4.4%, 2, 4% and 2.1% respectively).

The Vojvodina survey showed that only one woman who approached NGO support service was not satisfied. The other women were satisfied with the approach as well as with the support received:

“I was happy with the way I was accepted.

“I felt empowered and more secure.”

“I was happy with the complete and very detailed information that I received.”

The analyses of VDS info and victim support service also suggest that victims appreciate emotional support and the effort made by NGOs to help them:

“Thank you very much for listening to me. Now I can see some things much clearer.”

“I know that you have a lot of people to help, and you do so much for me. Thank you for thinking about me. Talking with you means so much to me.”(Nikolic-Ristanovic, Copic and Kovacevic 2006)

Conclusions

Development of NGO victim services in Serbia in the beginning mostly followed the trend that existed worldwide. Specialised services were first established by women’s NGOs, and only much later the first and only victim support service of a more general type was established. However, the overall number of victim services is symbolic, and able to serve only a very small portion of victims. Decrease of international funding has not been followed with systematic and comprehensive state support to NGO services. The consequence is that well established victim services are struggling to survive and unfortunately more and more of them are either stopping supporting victims or shifting to other activities. On the other hand, state services that are established lack knowledge and experience, as well as the enthusiasm and flexibility of NGOs. It seems clear that the state needs to look at victim support in a holistic way, and to develop a clear vision how it intends to use all existing resources in the best interest of all victims. The new Law on Social Protection may be an important legal basis for further steps in that direction.

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