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Preventing Secondary Victimization policies & practices



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Preface

The seventh toolbox in the series published by the EUCPN Secretariat focuses on the topic chosen by the Latvian presidency, namely Secondary Victimization. In recent years the Latvian police has taken huge steps in making the police officers aware of the phenomena and providing them with a guideline in how to prevent Secondary Victimization. They wanted to share the knowledge of this experience with the other Member States of the network and see if there were other good practices that they could use. The toolbox is divided into three parts: policy and legislation, a guideline of good and promising practices and examples from practices. All 3 parts of the toolbox are important however the most emphasis is put on the second part. Within this part of the toolbox, the focus is on the different steps of the justice system a victim has to go through. The EUCPN Secretariat made a 'matrix' which shows the different steps of the justice system. For each step in the judicial system, we have tried to formulate the most pressing needs of the victims, the EU minimal standards provided through the legislations discussed in part 1 and we have also formulated good practices gathered in the Member States.

The purpose of this 'matrix' was to be able to give a clear and easily accessible overview of what the victims are going through and to provide local and national practitioners and policymakers with a basic guideline in order to start preventing Secondary Victimization. The idea was, and is, to explain to local practitioners the viewpoint and experiences of the victims of crime in the different steps of the criminal justice system and to explain what can be done to ameliorate their experiences. It needs to be stated that the EUCPN Secretariat is no expert in the field of criminal proceedings, however the idea was not to explain every aspect in depth; we rather want to contribute to the rights of the victims of crimes and make local practitioners aware of them.

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Finally, we are very grateful towards all the participants of the workshops we organized in relation to this toolbox: Mr. Andis Rinkevics (State Latvian Police expert of secondary victimization), Ms. Dace Kavasa (...), Ms. Irina Frolova (Social worker for the Latvian NGO Marta), Ms. Maria McDonald (Ireland), Ms. Monique Anderson (PhD student researching restorative justice practices, University of Leuven), Ms. Kristel Buntinx (...), restorative justice service), Mr. João Lázaro (president of Victim Support Europe and APAV) and Ms. Els Enhus (dr. in criminology, Free university of Brussels).

The EUCPN Secretariat

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Introduction

Secondary Victimization, which means the victimization of victims by government officials after a crime has occurred, is not an overly known phenomenon. However, it is important to focus on this phenomenon, because the nature of a criminal act leaves a victim vulnerable and in need of assistance. Victims are, often for the very first time, involved in the criminal justice system and may have to speak to police officers, lawyers and judges and ultimately go to court. This process can be confusing and overwhelming and when these parties, who are there to protect, inform and help them, victimize the victims further by their behaviour and reactions, it can further traumatize the victims and let them lose faith in the system.

Because of this factor of unknown, the toolbox is primarily written for local policy-makers and practitioners since they will be confronted with victims in their daily work. Therefore we hope that this toolbox with its guideline and good practices provides for an easy-to-use framework to start the prevention of Secondary Victimization.

Toolbox elements

As usual, the theme of the EUCPN toolbox is explored from various perspectives, bundling as much information and knowledge as possible in an easy-to-read document for policy-makers and practitioners¹. This Seventh toolbox in the series consists of three parts:

Policy and legislation – within this first part of the toolbox, you can find a general introduction to the theme of Secondary Victimization. It builds on existing research, input from the Member States through a questionnaire and input from experts through two workshops organized by the EUCPN Secretariat. This part provides information on how legislation and policy measures are developed in the international level and in particular in the EU. Furthermore, we also examine what the EU Member States do with these international conventions. The implementations of these international agreements and Directives are very important in order to really prevent Secondary Victimization.

A guideline of good and promising practices – In this second part of the toolbox we have a look at the different steps a victim has to take when going through the judicial system. In order to make this as clear as possible, a matrix was constructed in which an overview can be found of the whole guideline. Each step of the judicial system is discussed through the needs of the victim, the EU minimal standards and by giving practical examples of how Secondary Victimization can be prevented in this particular step of the system. Through this, we hope to give the local practitioners and accessible framework to understand and begin the prevention of Secondary Victimization.

Examples from practice – One of the aims of the EUCPN is to stimulate the exchange of good practices between the Member States. The third and final part of this toolbox, therefore, contains all good practices which were sent to us by the Member States. We hope that these good practices, together with the practical examples given throughout part two of the toolbox, provide for enough ideas to start the prevention of Secondary Victimization.

¹ For the other EUCPN toolboxes, see: [http://eucpn.org/search/knowledge-center?f\[0\]=im_field_doc_subject%3A8&f\[1\]=im_field_doc_subject%3A15&f\[2\]=im_field_doc_subject%3A116](http://eucpn.org/search/knowledge-center?f[0]=im_field_doc_subject%3A8&f[1]=im_field_doc_subject%3A15&f[2]=im_field_doc_subject%3A116)

Part 1

Secondary Victimization – policies & legislation

Secondary Victimization policies & legislation

Secondary Victimization – policies & legislation

Introduction

The aim of this first part of the toolbox is to look at which documents have been put into place by the international organizations and the EU to help prevent Secondary Victimization. Furthermore we will also have a look at how far the Member States are with implementing these different regulations and what the differences are between the Member States.

In the first paragraph we will examine the concept of Secondary Victimization. However in order to understand what Secondary Victimization is, we will first have a look at what it means to be a victim. This is necessary because Secondary Victimization implies that you need to be a victim first before you can experience Secondary Victimization. After this general information, we will look at legislation which is connected to the prevention of Secondary Victimization.

As already mentioned, the focus of this part of the toolbox is on the international policies and legislation. It offers a broader framework for the other parts of the toolbox in which the practical implementations of these documents are presented and discussed.

What is Secondary Victimization ?

Our inquiries have shown us that not many people fully realize the meaning of Secondary Victimization. Therefore we will first briefly examine the meaning of the concept before we have a look at the different legislations in regards to Victimization with a focus on Secondary Victimization.

Definition of a victim

In order to be subjected to Secondary Victimization, you first need to be a victim of crime. Therefore we will first look at the definition of a victim². There are many different definitions of the term 'victim'. We will refer to two of them. First we will have a look at the UNODC definition of victims and then at the definition used by the EU.

- The UNODC defines the term 'victim' as follows: *'persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are violations of national criminal laws or internationally recognized norms relating to human rights'*³.
- The EU defines the term 'victim' as follows: *"Victim" means: (i) a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence; (ii) family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.*⁴

The UNODC definition, which is used in *'the handbook on justice for victims'*, refers to the *'declaration of basic principles of justice for victims of crime and abuse of powers'* which was

² We are referring here to 'Victims of crime', which are characterized by some damage, harm or loss

³ UNODC, *Handbook on justice for victims; on the use and application of the declaration of basic principles of justice for victims of crime and abuse of power*, New York, 1999, p. iv

⁴ Council of the EU, *EU Directive 2012/29/EU of the European parliament and of the council of 25 October 2012*, Article 2

drafted in 1985. However, in that declaration the definition is more extensive and incorporates also family members and the immediate social structure. Furthermore the declaration also specifies that victims should not be discriminated on the basis of race, gender, age, religion...⁵ It is not clear why the definition is not completely reused. Especially since adding family members as victims provides for a more complete idea of victims. Nevertheless the above mentioned definition can be seen as a good basis to understand the term victim.

In the definition of the Directive 2012/29/EU, there is a focus on two forms of being a victim. The first one refers to the same as in the UNODC definition set up by the handbook. It is the person who directly got victimized by a criminal act. However the EU definition also refers to the family members of a victim whose death was directly caused by a criminal offence. The fact that family members are included in the definition is an improvement in regards to the definition of a victim which the Framework Decision 2001/220/JHA of 25 March 2001⁶ used. The EU definition was also discussed during the first workshop with the experts, which was held on the 3rd of June 2015. The participating experts agreed that adding the family members has improved the definition. However they remarked that the fact that the 'original' victims needs to be death before a family member is acknowledged as a victim, is too restrictive.

Despite the remark made by the experts, we will be using the definition from the Directive 2012/29/EU. The primary reason for this is that, as you will see later in this chapter, the Directive is the main legislation in regards to victims' rights in Europe.

Secondary Victimization definition

Now that we have established a definition for the term 'victim', we can have a look at what it means to be Secondary Victimized. There are references to Secondary Victimization in the Directive 2012/29/EU; however the term itself is not defined. Nevertheless there is a definition in the UNODC handbook on justice for victims.

According to the UNODC, '*Secondary Victimization refers to the Victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim*'⁷. During the above mentioned workshop, the experts agreed that this is a correct definition; however they found it rather technical and incomplete. If the definition would mention what the rights of victims are and state that if they are not fulfilled, the victim is Secondary Victimized, than the definition would get a more hands on explanation.

Therefore for the remainder of this toolbox, the following definition will be used: '*Secondary Victimization refers to the Victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim. This includes, but is not limited to, not recognizing and treating the victim in a respectful manner, an insensitive and unprofessional manner of approaching the victim and discrimination of the victim in any kind*'.

⁵ You can find the full UN definition of a victim in the following document: United Nations General Assembly, *Declaration of basic principles of justice for victims of crime and abuse of power*; <http://www.un.org/documents/ga/res/40/a40r034.htm>

⁶ Council of the EU, *Framework Decision 2001/220/JHA of 25 March 2001 on the standing of victims in criminal proceedings*

⁷ UNODC, *Handbook on justice for victims; on the use and application of the declaration of basic principles of justice for victims of crime and abuse of power*, New York, 1999, p. 9

Development of policy and legislative measures in the EU

The first main international declaration in regards to victims' rights is the above mentioned *UN declaration of Basic Principles of Justice and Support for Victims of Crime and Abuse of Power*, which was universally adopted in 1985. It recognised victims as persons who had the right to receive justice, restitution, and compensation from the state and it gives them a voice in criminal proceedings.

At the European level, it took until 2001 before there was a council initiative to protect the victims' of crime; the Council Framework Decision 2001/220/JHA of 15 March 2001 deals with '*the standing of victims in criminal proceedings*'⁸. The EU Member States were required to adapt their legislation in line with the Framework Decision by 2006. However it is widely acknowledged that this legislation was not well implemented. Even the European Commission stated the following: '*The implementation of this Framework Decision is not satisfactory. The national legislation sent to the Commission contains numerous omissions. Moreover, it largely reflects existing practices prior to adoption of the Framework Decision. The aim of harmonising legislation in this field has not been achieved owing to the wide disparity in national laws. Many provisions have been implemented by way of non-binding guidelines, charters and recommendations.*'⁹

As a reaction to this, the Council stated in the Stockholm Programme (2010-2014) that an integrated and co-ordinated approach to victims was needed. Especially because the EU acknowledged that the national laws and policies on victims' rights and the role of victims in criminal proceedings differ considerably from one Member State to another.¹⁰ To resolve this gap, the Council of the European Union adopted a resolution; **a roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings** (the Budapest roadmap). Furthermore, the EU commission also adopted a package of legislative proposals (the Victims package) to reinforce existing national and EU measures on victims' rights.

The Council of the European Union formulated **10 general principles** which are aimed at introducing common minimum standards:

- Establish adequate procedures and structures to respect the dignity, personal and psychological integrity as well as the privacy of the victim in criminal proceedings;
- Enhance the access to justice by victims of crime, also by fostering the role of victim support services;
- Design adequate procedures and structures aimed at preventing Secondary and repeat victimisation;
- Encourage the provision of interpretation and translation for the victim within criminal proceedings;
- Where appropriate, encourage victims to participate actively in criminal proceedings;
- Strengthen the right of victims and of their legal counsel to receive timely information about the proceedings and their outcomes;

⁸ Council of the EU, *Council Framework Decision 2001/220/JHA of 25 March 2001 on the standing of victims in criminal proceedings*, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:082:0001:0004:en:PDF>

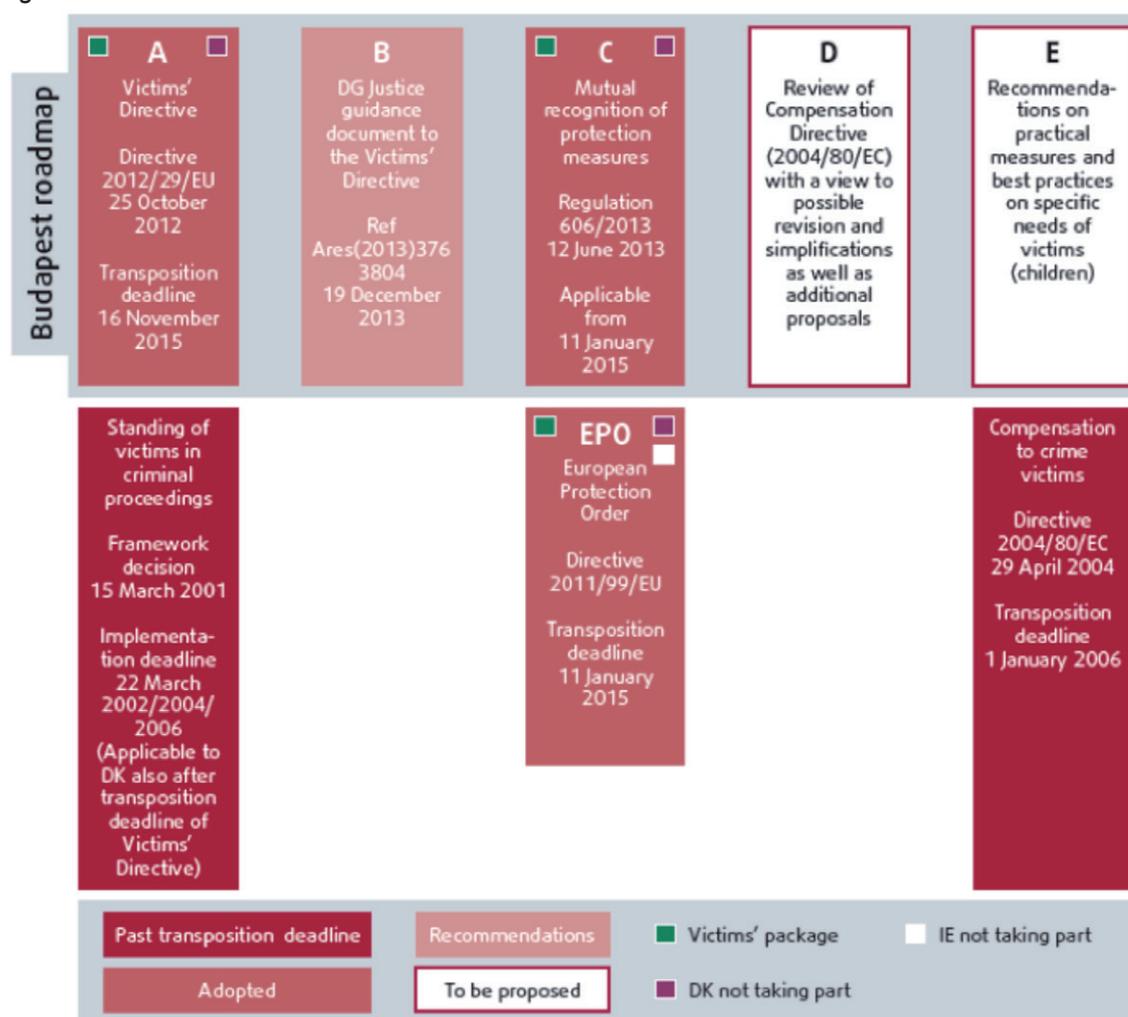
⁹ EU Commission, *Report from the Commission pursuant to Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA) (COM(2009) 166 final of 20.4.2009)*

¹⁰ European Commission, DG Justice, '*victims*' http://ec.europa.eu/justice/criminal/victims/index_en.htm

- Encourage the recourse to restorative justice and alternative dispute resolution methods taking into account the interest of the victim;
- Pay special attention to children, as part of the most vulnerable group of victims, and always keep in mind the best interest of the child;
- Ensure that Member States provide training, or encourage the provision of training, to all relevant professionals;
- Ensure that the victim may be awarded compensation as appropriate.¹¹

To address these general principles, multiple legislative measures were taken. Figure 1¹² ‘EU instruments related to victims of crime’ gives an overview of what the Budapest roadmap and the Victims’ package contains of legislative measures.

Figure 1: EU instruments related to victims of crime



Note: The labelling A-E is that of the Roadmap.

Source: FRA, ‘Victims of crime in the EU: the extent and nature of support for victims’, Luxembourg: Publication Office of the European Union, 2014

¹¹ Council of Europe, *Resolution of the Council of 10 June on a Roadmap for strengthening the rights and protection of victims*, in particular in criminal proceedings, OJ C 187, 28.6.2011

¹² Figure 1 represents the situation of 2014, therefore it should be stated that currently all legislation are already past transposition deadline.

The first measure that is proposed in the Budapest roadmap is a directive to replace the council Framework Decision 2001/220/JHA. **The Directive 2012/29/EU** fulfils this need and had to be ratified by all EU Member States¹³ by November 2015. The Directive establishes minimum standards on the rights, support and protection of victims of crime in order to ensure that persons who have fallen victim of crime are recognized, treated with respect and receive proper protection, support and access to justice. By doing this, the rights of victims and their family members are considerably strengthened. The Directive also requires that the Member States ensure appropriate training on victims' needs for officials who are likely to come into contact with victims and encourage cooperation between Member States and coordination of national services of their actions on victims' rights.¹⁴ This Directive is considered to be a mile stone in the fight for rights of victims of crime. The European Commission published a guidance document to assist the Member States in the process of ratifying the Directive 2012/29/EU. In part 2 of this toolbox, the Directive will be discussed more detailed by looking at which minimum rights it gives to victims in every step of the justice system. Furthermore, figure 2 'Structure and content of the Victims' Directive' shows the structure of the Directive 2012/29/EU.

¹³ Except for Denmark who is not taking part in the adoption of this Directive and is therefore not bound by it or subject to its application.

¹⁴ European Commission, DG Justice, 'victims', http://ec.europa.eu/justice/criminal/victims/index_en.htm

Figure 2: Structure and content of the Victims' Directive

	72 recitals
Chapter General provisions	Art. 1 – Objectives
	Art. 2 – Definitions
	Art. 3 – Right to understand and to be understood
	Art. 4 – Right to information from first contact
Chapter Provision of information and support	Art. 5 – Right of victims when making complaints
	Art. 6 – Right to receive information about their case
	Art. 7 – Right to interpretation and translation
	Art. 8 – Right to access victim support services
	Art. 9 – Support from victim support services
	Art. 10 – Right to be heard
	Art. 11 – Rights if decision not to prosecute
	Art. 12 – Rights to safeguards in restorative justice
Chapter Participation in criminal proceedings	Art. 13 – Right to legal aid
	Art. 14 – Right to reimbursement of expenses
	Art. 15 – Right to return of property
	Art. 16 – Right to decision on compensation (offender)
	Art. 17 – Rights of victims resident in other Member States
	Art. 18 – Right to protection
	Art. 19 – Right to avoid contact (victim with offender)
Chapter Protection and specific needs	Art. 20 – Right to protection during criminal investigations
	Art. 21 – Protection of privacy
	Art. 22 – Individual assessment (specific needs)
	Art. 23 – Protection for specific needs during investigating
	Art. 24 – Protection of child victims during criminal proceedings
	Art. 25 – Training of practitioners
Chapter Other provisions	Art. 26 – Cooperation and coordination of services
	Art. 27 – Transposition (16 November 2015)
	Art. 28 – Provision of data and statistics (16 November 2017)
Chapter Final provisions	Art. 29 – Report (Commission by 16 November 2017)
	Art. 30 – Replacement of Framework Decision 2001220/JHA
	Art. 31 – Entry into force (15 November 2012)
	Art. 32 – Addressees (to Member States)

Source: FRA, 'Victims of crime in the EU: the extent and nature of support for victims', Luxembourg: Publication Office of the European Union, 2014

Next to strengthening the victims' rights in the EU in general there is also attention for the right to continue to benefit from protection measures when moving to another Member state and the right to compensation. The first right refers to measures of mutual recognition, which have been put in place by the EU, to ensure that a person who has been granted a protection order in a Member State continues to benefit from this protection when he is moving or travelling to another Member State. Due to separate legal bases in EU law for mutual recognition of civil law measures and criminal law measures, two separate instruments were drafted; **the Directive 2011/99/EU¹⁵** on the European Protection Order (EPO) and the **EU Regulation No. 606/2013¹⁶** on mutual recognition of protection measures in civil matters. Both of these instruments needed to be ratified by all Member States as of the 11th of January 2015. The Directive 2011/99/EU sets up a mechanism that allows persons who benefit from a protection order in a criminal matter, issued in a Member States, to request a European Protection Order. This EPO grants the victim the same protection in other Member States where the protected person travels or moves. The EU Regulation No. 606/2013 has a focus on protection orders which were issued as a civil law measure. The Regulation sets up a mechanism that allows for direct recognition of the protection orders between Member states. This implies that, if the victim presents a certificate of his or her protection order, the competent authorities in the other Member States need to certify their rights.

Within the right to compensation there are also two different aspects to be mentioned. First there is the **Directive 2004/80/EC¹⁷** relating to compensation to crime victims which provides that persons can apply for state compensation when they have fallen victim to crimes abroad, and receive assistance to do so. As a consequence, all Member States need a state compensation scheme which provides for fair and appropriate compensation to victims of intentional violent crime. Furthermore, the Directive also facilitates the cooperation between national authorities for the transmission of applications for compensation in cross-border situations. Secondly Article 16 of the Directive 2012/29/EU provides the right to obtain a decision on compensation to the victim by the offender, within a reasonable time. It also encourages mechanisms to recover compensation awards from the offender.

The above described package of legislative proposals has tried to put the victims at the heart of the criminal justice agenda. The adoption of these measures has been a great success. However these rights have to be applied and implemented in practices now. The year 2015 was a crucial moment for this implementation. The Member states had to ensure that all the provisions of the Victims' rights and the EPO Directives are correctly transported into the national law and that the provisions of the Regulation on civil law protection measures are correctly applied by the relevant authorities.

¹⁵ Council of the EU, *Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order*, OJ L 338, 21.12.2011

¹⁶ Council of the EU, *Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters*, OJ L 181, 29.6.2013

¹⁷ Council of the EU, *Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims*, OJ L 261, 6.8.2004

Policy measures in the EU Member States

As described under the heading of EU legislation, the adoption of the package of legislation has been a great success. Nevertheless it does not stop there, the implementation within the Member States of these measures are now of great importance. Within this chapter we will have a look at just that.

In order to investigate the implementation of the legislative measures within the Member States, the EUCPN Secretariat in cooperation with the Latvian presidency has designed a questionnaire¹⁸, which was sent to all Member States¹⁹. As a consequence in this chapter we will first talk about the methodology of this questionnaire. Secondly we will focus on the answers of the questionnaire by dividing the content into multiple aspects which correspond with some of the general principles formulated by the Council of the European Union²⁰: procedures in how to interact with victims, training of officials who come into contact with victims, prevention of Secondary Victimization, focus on vulnerable groups and, about providing information to the victims and with the help of a study of FRA²¹, we will also have a look at the victim support services within the Member States. These aspects do not correspond to all of the general principles. However more of them will be looked at in Part 2 of this toolbox, when we look at the different stages the victim encounters while going through the criminal justice system.

The questionnaire

As stated above the questionnaire was sent out to all Member States which are part of the EUCPN. It was sent out on the 4th of June 2015 and in the course of the following two months the EUCPN Secretariat received answers of 21 Member States²². However it is important to note that 2 Member States did not reply to the full questionnaire.

Before we have a look at the answers of this questionnaire it is important to say something about its methodology. The Members of the Board of the EUCPN, who received the questionnaire, are all part of their national government and/or police. Some participants of the workshops, organized by the EUCPN Secretariat, pointed out that this can give a particular version of the answers to the questions. Secondly, the specific phenomenon discussed here is not the expertise of many of the Members of the Board. Furthermore the information which we were looking for is often spread out over different departments and ministries within governments. These two aspects can lead to certain imperfections in the answers of the Member States. Therefore we cannot state that the answers to this questionnaire represent the exact level of implementation of the legislation in all Member States.

In the future, when performing research into phenomenon like Secondary Victimization, it is important to include Non-governmental organizations in the surveys. However this was not possible in the scope of this toolbox.

¹⁸ The questionnaire can be found in Annex I

¹⁹ Except the United Kingdom since they are no longer part of the EUCPN

²⁰ All 10 principles can be found on page 9-10 of this toolbox.

²¹ The European Union Agency for Fundamental Rights

²² The Member States which answered were: Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Croatia, Ireland, Italy, Latvia, Luxembourg, Malta, Portugal, Romania, Slovakia and Spain

Procedures to interact with victims

As shown in Figure 3 ‘guidelines in how to interact with victims’, 16 Member States declared that they have implemented policies or guidelines in how to interact with victims²³. Four responding Member States have guidelines, but they are only applicable for target groups and one Member State declared that they have no known guidelines or implemented policies.

Even though this question refers directly to one of the 10 principles of the Council of the European Union “Establish adequate procedures and structures to respect the dignity, personal and psychological integrity as well as privacy of the victim in criminal proceedings”, only around 75% of the Member States state that they have fully implemented it. Therefore, we decided to add one of the guidelines which we received to the toolbox as an example. The general guidelines of Belgium in regards to interacting with victims and the guidelines which were developed especially for target groups can be found in Part 2 of this toolbox on page 39-40.

Figure 3: guidelines in how to interact with victims

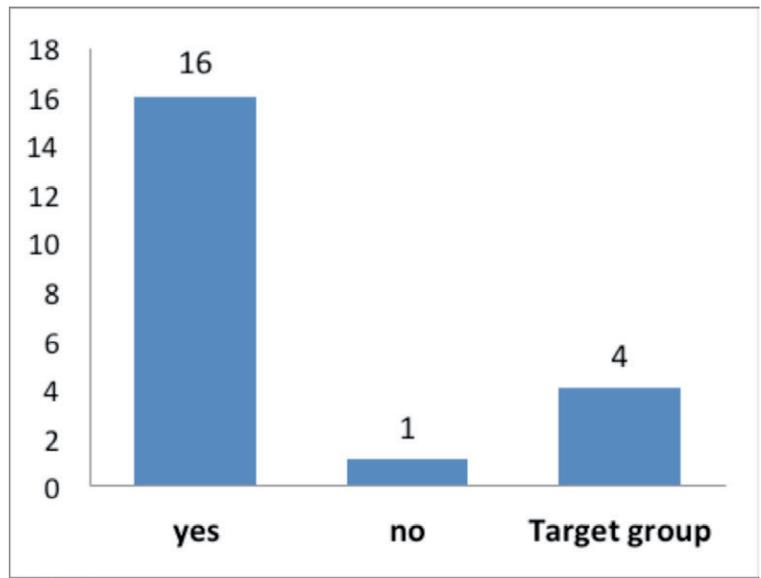


Table 1 ‘Key actors involved in producing guidelines’ shows which actors were mainly involved in producing these guidelines. The actor that is most recurrent is the police, which was to be expected since the police are often the first to have contact with the victim. Furthermore reoccurring actors are the justice system and the Ministry of Justice. This also follows the logic of extensive contact with victims. Also, there are some Member States who stated that Victim Support Services drafted the guidelines or at least that they helped draft it.

These numbers show that interaction with a victim is on the agenda of the governments and that steps are being taken. However it should be noted that all victims have the right to receive adequate structures and not just certain target groups who are seen as being more vulnerable than others. Furthermore, another important question to be asked here is about the use of these guidelines; it is not enough to produce the guidelines: they should also be used systematically. More research into this is necessary. The Latvian police did research into this by asking victims about how they were approached by the police. The results indicated that most police officers used some individual elements of the guidelines. However the police officers did not use the structure of the guidelines. Analyzed data revealed that 1% of the respondents indicated that the police officer did not use the guidelines, 44% indicated that the guidelines were used and 55% indicated that the police officers used the guidelines only partially²⁴.

²³ The questionnaire asked if there are policies and guidelines available. No questions were asked about the practical implementation of these guidelines and no direct information is available on the effects of these guidelines

²⁴ Latvian police, ‘Cutting secondary victimization in state police of Latvia’, Riga, 2015

Table 1: Key actors involved in producing guidelines²⁵

Member State	Only target groups	Key actors in producing guidelines
Belgium		The police, the justice services, the victim's aid services and the victim therapy services
Bulgaria	x	The police and judicial system (court and prosecution)
Cyprus	x	The police
Czech Republic		The police
Denmark		Director for Public Prosecution
Estonia		The police, the Prosecutor General, Ministry of Justice and the Ministry of Social Affairs
Finland		The National Police Board and in the future also Ministry of Justice
France		No information
Germany		No information
Greece	/	/
Hungary		Victim support services
Croatia		The Government
Ireland		The Garda (police) and victim support services
Italy	x	Juvenile Justice Services
Latvia		The police
Luxembourg		The Grand-Ducal Police
Malta		The police – Victim support unite
Portugal		No information
Romania		No information
Slovakia	x	The police, the information centre for the fight against THB and the crime prevention of ministry of Interior
Spain		No information

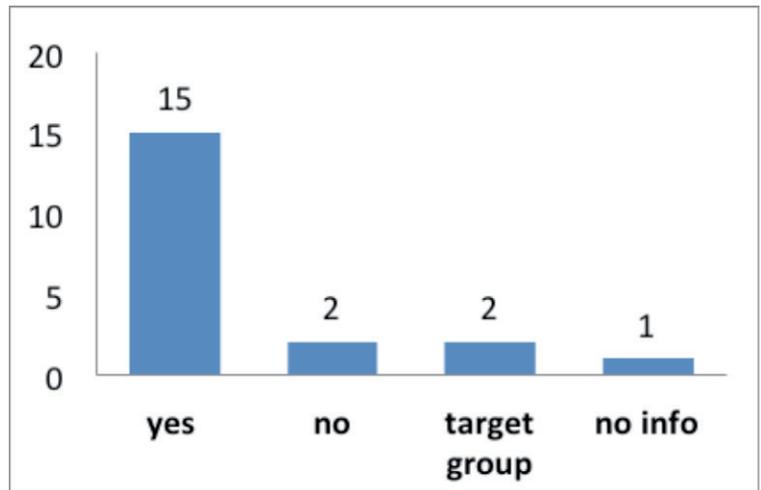
²⁵ The list of key actors were analyzed out of the answers the Member States gave on question one. It was not a separate question

Training of the police in how to interact with victims

In regards to the training of the police in how to interact with victims, two separate questions were asked; one specifically focused on if training was foreseen and the other question looked at if the police have access to specific services or experts who can help them with their contact towards victims.

As shown in Figure 4 ‘training of police in interaction with victims’, 17 Member States provide training for their police officers in relation to their interaction with victims; however 2 of them only look at target groups. Furthermore, 2 Member States declared that there is no training provided and one Member State did not answer to the question.

Figure 4: training of police in interaction with victims



During the first Workshop organized by the EUCPN Secretariat, the experts discussed that the police have an especially large impact on possible

Secondary Victimization since they are often the first who come into contact with the victim. Because of this, this question was decided on since training of the police seemed the most logical and widespread action to start preventing Secondary Victimization. However, since we asked only about training for the police, this question refers only partially to one of the guidelines of the Council of the European Union “*Ensure that Members States provide training, or encourage the provision of training, to all relevant professionals*”. Nevertheless, a provisional conclusion can be made. When not even all of the, according to the experts, most relevant professionals receive training in all Member States, it is safe to say that there is still much to do in order to fully answer to this particular guideline. There are many more professionals who come into contact with victims and all of them should receive appropriate training and information. This is also linked with the guidelines discussed above; the main actor in providing these guidelines is the police. This is, as said before, logic because they come into contact with the victims more often. However with the idea of preventing Secondary Victimization in all aspects of the criminal justice system, all professionals should receive training and guidelines should be available to them.

Furthermore, in light of providing better services to victims, it should also be possible for police officers to ask help in regards to certain cases. Therefore a question was asked about this aspect. Table 2 shows which specific services or experts are known to the police and which can be contacted by them to answer their questions in relation to the contact with victims. Overall it can be stated that 6 Member States organize this support towards the police by the state or within the police. Furthermore 12 Member States rely on external services; such as NGO’s or experts to give support to the police when they have questions in relation to victims.

Table 2: Specific services or experts which are known to the police and which can be contacted by them to answer their questions in relation to the contact with victims.

Member State	Services or experts which can be contacted by the police for help in regards to the contact with victims
Belgium	Specialized colleague and social worker within the police structure. When needed, meetings can be organized between police officers, the social workers, the people of victim's aid and other victim oriented organizations discuss questions and difficult situations.
Bulgaria	Cooperation of the police with psychologists and social workers form the centers for victims of crimes.
Cyprus	The police can contact the governmental department of mental health
Czech Republic	Psychologists, state attorneys, social workers and experts from various NGO's can be consulted
Denmark	/
Estonia	Victim support specialists are situated in the police stations. There is also the possibility to contact psychologists or other specialists.
Finland	/
France	Police officers can make use of MIPROF, of social workers in police stations, of psychologists, of those with complementary expertise and of associations which specialize in this work. Furthermore there is a central organization in the Ministry of Interior that deals with victims
Germany	Close cooperation with victim protection organizations.
Greece	Long-term cooperation with experts and academia in the fields of criminology, victimology and forensic sciences.
Hungary	Daily contact with victim support services
Croatia	At national level, a working group acts as a focal point and coordinating body. At the police districts, the assistant heads of police districts have been appointed coordinators in all activities regarding witness support.
Ireland	Regular consultations with internal and external non-governmental organizations, e.g. the Crime Victim's Helpline staff, the Rape Crisis Centres or Women's Aid. Their advice is incorporated into policy and training developed by An Garda Síochána.
Italy	The police can interact with the existing expert services.
Latvia	Cooperation with NGO's who are working and assisting crime victims.
Luxembourg	There is cooperation and exchange with external victim support services.
Malta	The police officer has the facility to consult with or refer to other local Government and/or Non-governmental organizations such as 'Agenzija appogg' and 'Victim Support Malta'.
Portugal	According to the subject there are networks for children cases, foreign, domestic violence, elder victims or the general social victims, which can be contacted.
Romania	The police can cooperate with the General Directorate of Social Assistance and Child Protection and with the National Authority for the Protection of Children's Rights and Adoption.
Slovakia	The police cooperate with experts in the field of psychology, pedagogy and other experts if necessary.
Spain	No information

Focus on vulnerable groups

One of the questions that was asked in the questionnaire was about specific procedures for victims of target groups. Therefore this question relates to the general principle *“Pay special attention to children, as part of the most vulnerable group of victims, and always keep in mind the best interest of the child”* of the Council of the European Union.

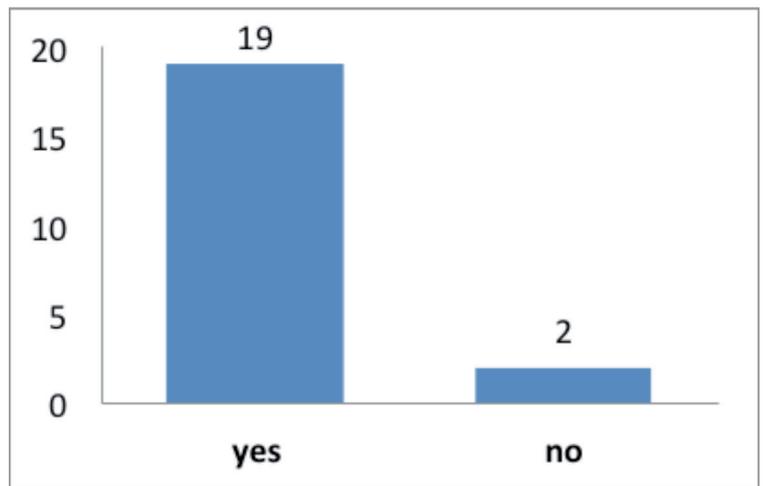
As can be seen in figure 5 ‘specific procedures for target groups’; 19 Member states declared that they

have special procedures in regards to target groups. However the answers showed a huge difference between the procedures of the different Member States. The main aspects which were mentioned were: shelters for vulnerable victims, different ways of approach and assisting the vulnerable victims, extra possibilities for experts such as psychologists and social workers to be present during interrogations, extra rights when it comes to participating in court as witnesses, etc.

Furthermore table 3 ‘target groups which receive focused attention’ shows that many Member States do focus on children as especially vulnerable victims. During the workshop the experts even discussed that too great of a focus on the child can also confuse the victim. For example when a child enters a police station, sometimes too many officers want to help, which can intimidate the victim. Also, attention should be paid to the parents of child victims, especially in the case of sexually abuse; they can also be Secondary Victimized.

Next to the attention on children, table 3 shows certain target groups who reoccur in most Member States, such as: victims of domestic violence, victims of sexual violence and victims of trafficking in human beings (hereafter THB). In these target groups, special attention often goes to women. Also, some Member States mention victims of hate crimes, honour related crimes or discrimination. As we consider these somewhat less known but very sensitive phenomena, for more information about them, we kindly refer to studies done by FRA.²⁶ (The European Union Agency for Fundamental Rights)

Figure 5: specific procedures for target groups



²⁶ The studies can be found in the bibliography of this toolbox. p. 70

Table 3: Target groups which receive focused attention²⁷

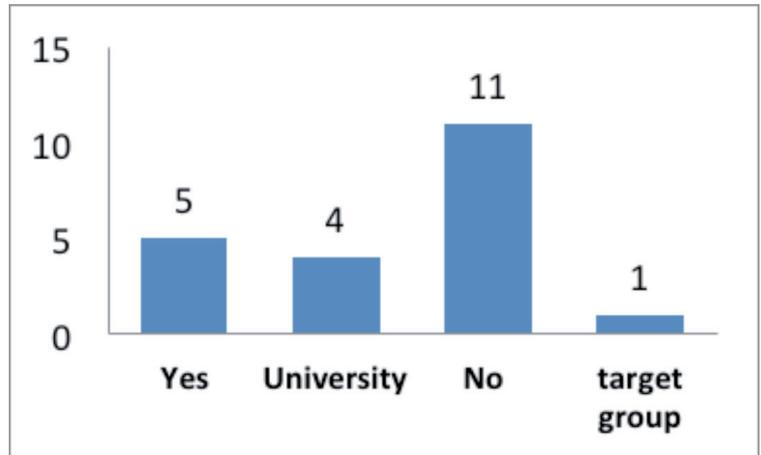
Member State	Target groups
Belgium	There are many different target groups which receive special attention: minors, women, victims of THB, victims of honour related crimes, victims of conjugal violence, and victims of sexual crimes...
Bulgaria	At the Ministry of Interior there is no special focus on different target groups
Cyprus	Special focus on women in regards of sexual exploitation and domestic violence. Also special attention to victims of THB. Furthermore, children always receive special attention with extra focus on sexual abuse and exploitation.
Czech Republic	There is a focus on especially vulnerable victims, including children, victims of domestic violence and victims of sexual abuse etc.
Denmark	Special focus on victims of honour related crimes or intimate partner violence
Estonia	There is special focus on children in general, on women and children suffering domestic violence, on THB victims, etc.
Finland	A victim is considered vulnerable because of his/her age or because of his/her mental and physical condition. Also, victims of sexual offences, victims of violence in close relationship and victims of THB are considered vulnerable.
France	Special attention goes to the protections of minors, of victims who deal with domestic violence, handicapped persons, women and victims of THB
Germany	As a rule, children and teenagers are considered especially vulnerable.
Greece	There is special attention for victims of domestic violence and extra protection of juveniles with special attention to THB.
Hungary	There is extra attention for children; however for the majority of cases, victims are treated equally.
Croatia	Vulnerability of a victim is considered by age and type of the criminal offence: children, victims of sexual offences and of THB receive special attention.
Ireland	Special attention goes to victims of domestic violence, sexual crimes and THB.
Italy	Special attention is given to victims of domestic and intra family violence, of THB, of racial discrimination and of organized crime groups.
Latvia	There are multiple target groups which receive extra attention however especially victims of domestic violence, THB and minors receive special attention.
Luxembourg	There are multiple target groups, one of them are victims of domestic violence.
Malta	No specific focus on target groups
Portugal	No information
Romania	There is special attention for the protection of minors and in a lesser extent there is a focus on victims of domestic violence, THB and sexual offences.
Slovakia	Special attention goes to underage people and to victims of offences against the human dignity and THB.
Spain	Special attention goes to violence against women, children and minors. Furthermore there is a focus on gender violence, domestic violence, THB victims and persons with a disability

²⁷ The question asked for specific procedures, out of the answers we have analyzed which target groups receive special attention. However it is possible that, because of the nature of the question, not all target groups were mentioned.

Prevention of Secondary Victimization

One of the questions asked about a possible survey which was implemented concerning the satisfaction of victims about the conduct of the police in the last 5 years. As can be seen in figure 6 'survey about the conduct of the police, 5 Member States declared that such a survey had been conducted and 4 stated that it was done by a university. This question was asked because we wanted to know if Member States are attentive to burdens of the victims, since it has been proven that during victim surveys; more victims come forward with their experiences than victims who actually report the crimes. However during the workshop of the 18th of August, the experts stated that we have to be careful about this result. A victim survey should not be seen as a good way to check if the police did his job properly. The experts stated that 'satisfaction' of the victim is not a good indicator to see if the police did a good job²⁸. It is better to see if the police followed the procedures.

Figure 6: survey about the conduct of the police



A follow up question, shown in table 4, wanted to know if there are well-known services where victims can complain about how they were treated by the police or justice system. Obvious, from the answers to this question, is that there are many different forms of complaint services. However the most reoccurring one is the ombudsman. Furthermore it can be stated that most Member States have complaint facilities within the police and that, when needed, complaints can go higher up in the system. Nevertheless, the experts of workshop II stated that these services are not always known to everybody, especially since these services are mostly high placed in the whole structure. Therefore, victims should receive information concerning the possibility to complain about the conduct of the police.

At the end of the questionnaire, the Member States were asked to give examples of good practices which focus on Secondary Victimization. The results showed that not many projects have Secondary Victimization as a particular focus. However there are projects which have aspects which focus on some facets of Secondary Victimization; as the collection of good practices in Part 3 of this toolbox shows. As can be expected, the above mentioned questions relate to the general guideline "Design adequate procedures and structures aimed at preventing Secondary and repeat victimisation" of the Council the European Union. Because of the recent legislative measures of the EU, Member States are working on improving the relations with the victims. However Secondary Victimization should not be forgotten as being part of this legislation. To have an idea about the relations between police and victims, a wide spread victim survey should be organized and research should be undertaken about how thoroughly the police follow the procedures designed to help the victims.

²⁸ More information about this line of thought can be found here: APAV, *Right to quality Services for victims of crime*, Lisbon, 2015, p. 7

Table 4: Well-known services where victims can complain about how they were treated by the police or justice system

Member State	Well-known services where victims can complain about how they were treated by the police or justice system
Belgium	Every citizen can file a complaint with a specialized, independent governmental service ('Comité P') against the police. Furthermore there is also a federal ombudsman and there are ombudsmen for every district (German, Flemish and Federation Wallonia – Brussels). Also, there are the Children's Rights Commissioners and the High Council for Justice.
Bulgaria	Citizen can complain to the Ombudsman and to the Ministry of Interiors.
Cyprus	Victims can complain about the way they were treated to the Chief of Police. Furthermore there is also the independent Authority for the Investigation of allegations and Complaints against the Police and the Office of the Commissioner for the Administration (Ombudsman) are also at the service of the victims and citizens.
Czech Republic	There is the Ombudsman, which is the superior independent expert to conduct such investigations.
Denmark	An independent board for complaints against the police deals with all kinds of complaints.
Estonia	No specific service, however victims can complain to the Internal Control of the Police or to the Prosecutor's Office.
Finland	A victim can make a complaint to the Parliamentary Ombudsman or the Chancellor of Justice. Both of these bodies oversee the legality of the actions of authorities and officials.
France	Victims can contact various dedicated call centers and they can appeal to the independent Defender of Rights.
Germany	Every citizen may file a complaint within the authority against police misconduct.
Greece	Citizen can contact the Greek Ombudsman Independent Authority, special section on Human Rights, to file a complaint about how they were treated by the authorities. Also the directorate of Internal Affairs deals with complaints.
Hungary	Citizens can contact the Independent Police Complaints Board.
Croatia	A toll-free number is in place for all citizens to complain about the work of the police. Furthermore there is also the National Call Center for Victims of Crime and Misdemeanors.
Ireland	The Garda Síochána Ombudsman Commission is an independent statutory body which deals with complaints made by members of the public concerning the conduct of members of the Garda Síochána.
Italy	Some centers who support victims can file complaints.
Latvia	Victims who believe there has been a violation of the police ethics can turn to the Internal investigation bureau of the State Police of Latvia.
Luxembourg	The General Inspectorate can be contacted by victims with complaints of male-treatment by the police.

Malta	Complaints about police misconduct and unfair treatment can be filled with the Police Internal Affairs Unit. Furthermore complaints can also be filed with the Ombudsman.
Portugal	Complaints can be directed to the General Inspection of Home Affairs and to the Prosecutor's Office.
Romania	Victims can contact the National Council to Counter Discrimination or to the Attorney General.
Slovakia	Victims can ask the prosecutor to examine an action of a police officer. Furthermore, complaints can also be filed to the Control and Inspection Service of the Ministry of Interior.
Spain	No information

Informing the victims

In order for victims to fully use their rights, they first need to be informed about them. The timely provision of accurate information on victims' rights that Chapter 2 of the Victims' Directive requires is key to empowering victims to use their rights and also points them to the most appropriate support services. The directive focuses on the right of victims to receive information extensively; they have the right of translation (Article 7), right to receive information during the first contact with the competent authorities (Article 4), they should receive information about their case (article 6) and they have the right to receive understandable information and to be understood (Article 3). In regards to this Victim Support Services are very important since Member States give some of these tasks to them.

Within the questionnaire, the EUCPN Secretariat did ask about these Victim Support Services and how they are organized within the Member States; however we have opted to show the results of a FRA study about the support to the victims. First of all, because the answers we received supported the information of FRA and secondly because FRA received information of all Member States in contrast to the Secretariat, which only received information of 21 Member States.

Even though "*Enhance the access to justice by victims of crime, also by fostering the role of victim support services*" is one of the main principles stated by the Council of the European Union, table 5 'main models of victim support' shows that 8 Member States do not have any generic structure that supports the victims, even though this is required by Article 8 of the Directive 2012/29/EU. Also, 3 other Member States do not take up this task themselves and leave the organization of the Victim Support Services up to the non-governmental organizations. This indicates that there is still work to be done, especially because out of the answers of the Member States to all the questions, we can deduct that Member States use and need the support of Victim Support Services to implement sufficient attention to the victims. For more information about the way Victim Support Services are organized we kindly refer to the study of FRA.

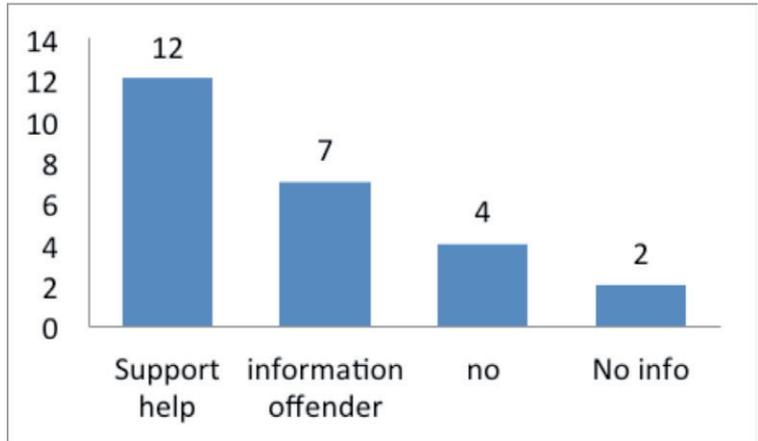
Table 5: Main models of Victim Support

	1. At least one national generic - main provider/structure is state run and funded	2, At least one national generic - main provider/structure is non-governmental but relies strongly on state funding	3. At least one national generic - main provider/structure is non-governmental, but does not rely strongly on state funding
AT			x
BE	x		
BG			
CY			
CZ	x		
DE			x
DK		x	
EE	x		
EL			
ES	x		
FI		x	
FR		x	
HR	x		
HU	x		
IE		x	
IT			
LT			
LU	x		
LV			
MT		x	
NL		x	
PL		x	
PT		x	
RO			
SE		x	
SI			
SK			x
UK		x	
Total	7	10	3

Source: FRA, 'Victims of crime in the EU: the extent and nature of support for victims', Luxembourg: Publication Office of the European Union, 2014

While researching the role of victims within criminal proceedings, we also wondered about what happens when criminal proceedings have ended. The literature clearly states that being victimized can affect a person for a long period after the crime has happened. Therefore, we asked the Member States if there was still support for the victims after the criminal proceedings have ended. Figure 7 ‘support for victim when proceedings have ended’ shows that 12 Member States proceed with supporting the victims in order to give them the help they need. Furthermore, 7 Member States provide the victims with information of the offender. However, here we need to note that this is not always a general rule for all victims of that Member State, but it is rather restricted to certain crimes such as serious crimes. Also, some Member States give both kinds of information to the victims²⁹.

Figure 7: support for victim when proceedings have ended



The main focus of the Member States, while dealing with victims after the criminal proceedings has ended, are listed in table 6. The main focus lies on psychological and medical help for the victim. Furthermore, some Member States also restrict their support for victims after criminal proceedings have ended to protecting them from the offender. Even though this is of course very important, it does not particular help the victim with processing what happened to him/her.

Table 6: the kind of support and information victims can receive after the criminal proceedings have ended

Member State	Support for victims after the criminal proceedings have ended
Belgium	The victims support services provide further assistance to deal with the consequences: emotional and psychological support, information together with assistance in contacting various institutions. Victims can be recognized to receive information on the anticipated release of an offender, have the right to be heard by the court competent for the execution of the prison sentence and have the right to formulate conditions.
Bulgaria	Not available
Cyprus	If at any case a need arises concerning the protection of the victim after the criminal proceedings have ended, the protection system is activated and put into force.
Czech Republic	Support after the proceedings include psychological help, financial help, material help, help to the members of the family etc.
Denmark	Crime Victims can be offered victim offender mediation at any time and can also themselves contact the victim-offender organization. In certain cases the victim can be informed of the release of the perpetrator.

²⁹ This is the reason why the sum of all answers is higher than the 21 Member States who answered to the questionnaire.

Estonia	Victims have the right to compensation for costs of psychological care. The application has to be filed in within one year after the crime but can be used without a time limit. Discussions are ongoing to add practices such as the restorative justice approach.
Finland	No information
France	Victims, who got a restraining order, can be assisted through a tele-protection system to prevent the offender from contacting the victim.
Germany	Before, during and after the trial victims of serious crimes will be provided with additional assistance free of charge. In particular, children and teen victims of serious violent and sex crimes are to receive a legal right to free psychosocial assistance. Upon motion the aggrieved party will be notified when measures involving deprivation of liberty against the accused or convicted person are ordered or terminated, or if detention conditions are relaxed or leave from prison is granted. Furthermore, the victim receives the opportunity of being informed immediately if the accused has escaped.
Greece	Further communication with the victims is not maintained in any case
Hungary	The victims have the possibility to contact the Victim Support Services at any point.
Croatia	When a department of the Ministry of Justice informs the police that the offender is released from prison who displayed difficulties in accepting the sentence for his criminal offence, the victim may be alarmed. The police can contact the victims to instruct her about her rights, self-protective behavior and manners of communication where necessary.
Ireland	There is no time limit in place for supporting victims of crime and similar support exists pre and post criminal proceedings should victims of crime wish to avail of it.
Italy	Psychosocial support to the victims is guaranteed by local services. Notification of the release of an offender is not obligatory.
Latvia	No, there is no specific support after the proceedings.
Luxembourg	Under certain circumstances SCAS can deliver further assistance.
Malta	When a prisoner applies to be released on parole, the victims are informed and their opinion is sought on the matter. If the parole board accepts to release the prisoner, the victim is informed.
Portugal	Individual protection or generic policing surveillance can be provided.
Romania	Victims have the right to be informed, in case the offender will be taken to custody, respectively charged in any way.
Slovakia	The police corps does not deal with victim support after the criminal proceedings. Victims have the right in pre-trial proceedings to ask the prosecutor or the court to be informed that the accused was released from custody or ran away from it or if the convicted was released from imprisonment or ran away from it. Law enforcement agencies and court are obliged to inform the victim.
Spain	The intervention of the victim at the stage of executing the sentence is regulated when it comes to enforcement of sentences for particularly serious crimes.

Conclusion

The European Union has recently undertaken actions to put the victims at the heart of the justice system. The Budapest Roadmap, and in particular Directive 2012/29/EU, are being regarded as the cornerstones of this process. All Member States, except Denmark, have signed the Directive 2012/29/EU. It is therefore now up to them to implement all aspects and make sure that the victims know and receive their rights. Through the questionnaire, which was sent out by the EUCPN Secretariat to all Member States, it was investigated which policy measures the Member states have taken so far.

Some general aspects can be deduced from the answers of the questionnaire. First of all, it can be stated that, within the limits of the questions asked, there are two main actors involved in improving the relationship with the victims. The police are, for the most part, being put forward by the Member States as responsible for the prevention of Secondary Victimization. Since the police are the actor which comes into contact with the victim the most and they are often the first contact of the victim with the justice system, their conduct can have a big impact on preventing Secondary Victimization. Furthermore, it is also apparent that for the full implementation of all aspects of the Directive 2012/29/EU, many Member States are dependent on the work of NGO's and Victim Support Services (these can also be State-run or -sponsored). This was also mentioned by the experts of the workshops organized by the EUCPN Secretariat.

Secondly, there are Member States who implement the minimal rights for victims only for target groups. These target groups are often women and children. Although we do recognize that they are vulnerable groups which deserve extra attention, the minimal rights mentioned within the Directive 2012/29/EU should be applied for all victims. Target groups can receive extra measures on top of these minimal rights. Furthermore, another apparent aspect is that in many Member States the above mentioned policy measures are of a recent date. This proves the necessity of a central and coordinate approach to augment the rights of the victims, which was undertaken by the Council of the European Union and by the European Commission. Lastly, more research should be performed to know if the actions taken by the Member States are fully used by the practitioners on the terrain. Only then will the prevention of Secondary Victimization be really effective.

Part 2

Good and promising practices:
a guideline of victim right throughout the justice system

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Introduction

Within this part of the toolbox, we will have a look at the different steps of the justice system a victim has to go through. We structured this by using a 'matrix' which shows the different steps of the justice system. For each step in the judicial system, we have tried to formulate the most pressing needs of the victims, the EU minimal standards provided through the legislations discussed in part 1 and we have also formulated good practices gathered in the Member States³⁰.

The purpose of this 'matrix' was to be able to give a clear and easily accessible overview of what the victims are going through and to provide local and national practitioners and policymakers with a basic guideline in order to start preventing Secondary Victimization. Also, it allows the local practitioners to situate their working field in order to focus more on that part of the 'matrix'. Nevertheless it needs to be stated that there is a large interaction between the different services of the different steps. One part of the matrix cannot stand on its own; for example court proceedings cannot use statements made through video recording if the police does not use this. If they do, then victims do not have to tell about their traumatic experience over and over again, which can prevent them from feeling intimidated by the court.

Nevertheless the usage of the 'matrix' forced us to mention certain actions in one of the parts even though it should or could also be used in other parts of the matrix. We have tried to add these kinds of measures to the most obvious places but this does not mean that certain measures cannot be used in other steps of the justice system. Furthermore, there are also rights and measures which had to be mentioned in all steps; such as the right for information. Also, some aspects, such as Victim Support Services, are mentioned as a continuous in the 'matrix'. This was done because victims have the right to these services and can contact them at any time throughout the proceedings.

Prevention of Secondary Victimization

As stated in the introduction, this part of the toolbox is structured through a 'matrix'. Therefore the 'matrix' will be mentioned first in this chapter. After this we will discuss the 'matrix' in detail. First we will have a look at the continuous aspects; the Victim Support Services, Restorative Justice and vulnerable victims and, in relation to this, the individual assessment. To conclude the discussion of the 'matrix', we will have a look at each of the different steps mentioned in it. Furthermore, it should not be forgotten that some of the good practices are discussed more extensively in part 3 of this toolbox.

³⁰ The good practices which are mentioned in the 'matrix' and who are indicated with a * will be further explained in part 3 of this toolbox, the others will just be mentioned in the text of part 2.

The 'matrix'

Process	The crime		The police			Court proceedings			Post-proceedings
	Medical system	112	First face-to-face contact	Investigation	Prosecutor / state authorities	Defence lawyer	Trial		
Victim needs & perspective	No trust in the police		- Need to be heard - Need to feel safe - Need for information	Need for safety, support, information, access, continuity, voice and justice	Need to be heard treated with respect	Need to participate/to be heard		Need for information and transposition	
EU minimal standards	- Right to be recognized as victim - Right to access victim support services - Support from victim support services	- Rights of victims when making a complaint	- Right to understand and be understood - Right to interpretation and translation - Right to receive information from the first contact with a competent authority - Individual assessment of victims to identify specific protection needs - Rights of victims when making a complaint	- Right to understand and to be understood - Right to receive information about the case - Right to interpretation and translation - Rights in the event not to prosecute - Rights to protection between victim and offender - Right to avoid contact with victims during criminal investigations - Individual assessment of victims to identify specific protection needs	- Right to receive information about the case - Rights in the event of a decision not to prosecute - Right to protection of victims during criminal investigations	- Right to protection of victims with specific protection needs during criminal proceedings	- Right to understand and be understood - Right to interpretation and translation - Right to be heard - Right to legal aid - Right to reimbursement of expenses - Right to the return of property - Right to decision on compensation form the offender in the course of criminal proceedings - Right to protection between victim and offender - Right to protection of victims with specific protection needs during criminal proceedings	- Right to receive information about the case - the Directive 2011/99/EU on the European Protection Order (EPO) - The EU Regulation No. 606/2013 on mutual recognition of protection measures in civil matters	
Victim support services									
Restorative justice*									
Vulnerable victims*									
Good practices	- Training of medical teams (IT)* - Increasing police-population relations (EFUS)*	- Red button website (HR) - Training of call officers (IT)*	- Training of the police (LV)* - Information letter in 20 languages (HR) - Blue rooms for children (BG)*	- Training of the police (LV)* - Direct letter to services - Special hearing rooms for children (CY)*	- Track my crime app (UK) - Training of practitioners	- Training of practitioners	- Video recording - Separate waiting rooms and BG) - Guided tours through court buildings	- App about updates of prisons (UK and DE) - Centre for social rehabilitation (BG)	

Continuous aspects

It is important to realize that certain support systems and rights should be applied or offered in every stage of the judicial system. The most known are the Victim Support Services; we will mainly have a look at them through a study of FRA³¹; The European Union Agency for Fundamental Rights. Furthermore, some Member States already have a long tradition of restorative justice services. This support system is also mentioned in the guideline of the Council of the European Union, therefore we will also discuss it in this chapter. Also, throughout the judicial system it is important to identify vulnerable victims since they have special needs which need to be taking into account.

Victim Support Services

Victim support services have a fundamental role to achieve justice for victims and ensure victims can claim their rights. Victim support services provide assistance available to victims before, during and after criminal proceedings, including emotional and psychological support and advice relating to legal, financial and practical issues as well as to risks of further victimisation and secondary victimization. They are often indispensable for victims to make legal aid available and to raise awareness to the victims of their rights.

The Directive 2012/29/EU acknowledges the importance of the victim support services in Chapter 2 'Provision of information and support'; Article 8, '*the right to access victim support services*', and Article 9, '*support from victim support services*'. Important in Article 8 is that any victim can benefit from the victim support services, even if the victim does not make a formal complaint. Furthermore, Article 8 declares that all Member States should have a general victim support service; these are services that seek to provide support for victims irrespective of the nature of the crime. However, in part 1 we already referred to a FRA study which stated that in 2014 still 8 Member States had no general victim support service³². Moreover, Article 9 mentions a list of minimum actions victim support services should provide and that attention needs to be paid to specific need of victims who have suffered considerable harm due to the severity of the crime.

When it comes to establishing or developing a system of organisations providing victim support, Article 8 of the Victims' Directive makes it clear that Member States have more than one organisational model available to them. Victim support services can be set up as public organisations or as NGOs, they may be organised on a professional or voluntary basis, and specialist services can be provided in addition to, or as an integrated part of, general victim support services. The study of FRA discovered 3 different kinds of organization in the generic services:

- Structures that are state run and funded;
- Those that are NGO run but rely strongly on public funding; and
- Those that are NGO run and rely mainly on non-state funding sources.³³

³¹ FRA, 'Victims of crime in the EU: the extent and nature of support for victims', Luxembourg: Publication Office of the European Union, 2014

³² FRA, 'Victims of crime in the EU: the extent and nature of support for victims', Luxembourg: Publication Office of the European Union, 2014, p. 58

³³ FRA, 'Victims of crime in the EU: the extent and nature of support for victims', Luxembourg: Publication Office of the European Union, 2014, p. 57

When states are involved, then most of the time, more than one ministry of that Member state is involved since victim support services typically relate to the portfolio of more than one ministry. Irrespective of the model chosen, governments

Funding through contributions by convicted persons

In some Member States, a 'victims of crime fund' has been established to help pay for victim support services. Persons who are convicted of an offence need to pay a fine to help fund this 'victims of crime fund'.³⁶

should get involved to ensure coordination of existing services, decisions concerning the funding and develop services that may be missing.³⁴ Furthermore, it is important to know, that there are not only national and regional victims support services. There are also European organizations, such as Victim Support Europe, who advocate victim rights.

Article 8 states that support to victims needs to be provided free of charge in all Member states. This means that in most cases funding is partially or completely secured by the state. According to the FRA study, there are still some services in some Member States that charge victims a fee for specific services³⁵.

According to the FRA study, the responsibility of Member States under Article 8 and 9 of the Victims' Directive to ensure that support services are of sufficiently high quality implies that the government must implement a system of quality control³⁷. However the Victims' Directive does not state to which standards victims support services should refer to. In order to get a more unified approach this gap should be addressed in the future³⁸. Also, in order for victims to arrive at the correct victim support service, they need information about their rights and on the available means to exert these rights. Article 8 states that it is the task of the Member States to facilitate the referral of victims, by the competent authorities and by other relevant entities, to victim support services.

Referring victims to victim support services

Instead of just giving the victims information about victim support services, our experts suggested that the police should ask the victims if they can give their information to the victim support services. That way, the victim support services can contact the victims and give them more information about their rights and possibilities at a later stage. This would prevent that victims overlook the information about victim support services and it prevents them of being overloaded with information and options directly after the crime has happened.

³⁴ FRA, 'Victims of crime in the EU: the extent and nature of support for victims', Luxembourg: Publication Office of the European Union, 2014, p. 63

³⁵ FRA, 'Victims of crime in the EU: the extent and nature of support for victims', Luxembourg: Publication Office of the European Union, 2014, p. 61

³⁶ More information can be found in the FRA study

³⁷ FRA, 'Victims of crime in the EU: the extent and nature of support for victims', Luxembourg: Publication Office of the European Union, 2014, p. 66

³⁸ The FRA study already addressed this issue and has put forward some recommendations.

As might be suspected, victim support services are present during many steps of the system. Therefore, we will mention their specific roles and tasks within the different steps of the judicial system.

Restorative justice

In the past two decades, restorative justice has received increased attention and has developed mainly as a diversion and alternative measure to a criminal justice process. In this chapter, we will have a look at the meaning of restorative justice, its suitability and its minimum standards. Notwithstanding its predominantly diversionary character, it has been recommended by experts – as also confirmed by Council of Europe Recommendation R(99)19 concerning mediation in penal matters – that restorative justice should be available at all stages of the criminal justice process: from the pre-trial level to the post-sentence phase. Therefore, we have opted to add it to the continuous aspects.

In Directive 2012/29/EU restorative justice is defined as follows:

‘Restorative justice’ means any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence through the help of an impartial third party.³⁹

However, in some literature, this definition is seen as the definition of victim-offender mediation and not of restorative justice. Another possible definition is the following:

‘Restorative justice is based on the principle of repairing as far as possible the harm caused by crime. It offers the victim, the offender and all parties concerned and affected by a particular offence the opportunity to come together and resolve collectively how this can be done.’⁴⁰

This definition puts less emphasis on the role of a third party, focusing more on repairing the harm as an inclusive and cooperative process among the parties involved⁴¹. Although this participatory principle can be found in all restorative justice practices, victim-offender mediation is – at least in Europe - the most widely known form of restorative justice.⁴² Therefore, we will use the definition of the Directive 2012/29/EU, also because our experts referred to this definition when speaking of restorative justice.

Restorative justice is advocated as a measure that allows the victim to participate more in the court proceedings. It encourages offenders to understand the impact of their behaviour – the harm they have done – and urges them to take steps to put things right as much as possible.⁴³ This is where restorative justice states to be different from the criminal justice system. The criminal justice system is more concerned about holding offenders accountable rather than making them understand the consequences of their actions or empathizing with victims.

³⁹ Council of the EU, EU Directive 2012/29/EU of the European parliament and of the council of 25 October 2012, Article 2 (d)

⁴⁰ EFRJ, Memorandum, p. 1

⁴¹ Van Ness, Daniel W. (2004). RJ City@: Contemplating a restorative justice system. Paper presented at Building a Global Alliance for Restorative Practices and Family Empowerment, 5-7 August 2004. Richmond, BC, Canada.

⁴² Other forms are sentencing circles and family or community conferences.

⁴³ ZEHR (H.), The little book of restorative justice, 2014, New York, p. 17

During criminal justice procedures, it is the state who takes the place of the victim⁴⁴. Therefore the involvement of the victim is often limited. Restorative justice declares to put the needs of the victims central. ZEHR states that there are four types of needs which are especially neglected: 1. Information – Victims often need answers to question about the crime (why it happened, what has happened...). To secure this kind of information, direct or indirect access to the offender, who holds this information, is needed. 2. Truth-telling – Often it is important for victims to tell their side of the story to the offenders and to have the offenders understand the impact of their actions. 3. Empowerment – involvement in their own cases and being part of the decision-making process can be an opportunity for victims to return a sense of empowerment and control over their lives⁴⁵. 4. Restitution or vindication – Restitution by offenders is often important for victims, because of the actual losses, but also because it implies recognition of the mistake/crime.⁴⁶

It is acknowledged, and supported by research⁴⁷, that restorative justice can be beneficiary for victims. However this is not always the case if specific cautions are not carefully taken into account. Therefore safeguarding of the victims is needed to prevent repeat and secondary victimization when providing restorative justice. The Directive 2012/29/EU can be seen as critical to the assessment that victims needs and restorative justice are always in harmony. Article 12 of the Directive lists a number of conditions to which restorative justice services need to be at least subject to. The purpose of this list of conditions is to safeguard the victims from secondary and repeat victimization, from intimidation and from retaliation. The main condition, which was also declared by one of our experts, is that the offender has to have acknowledged the basic facts of the case. In other words, the offender has to admit that he did something wrong.

Furthermore, it is also important to explain to the victims that restorative justice is an option, but not an obliged step; it should be completely voluntarily and parties can withdraw at any time if they wish to do so. The appetite of the victim for restorative justice depends on the needs and interests of the victim. One of our experts stated that some victims want to face their offender immediately and others only years after the crime has happened. Restorative justice should be seen as a personal matter which could bring victims some peace of mind.

Vulnerable victims

As stated in the Directive 2012/29/EU every victim has the right to get basic help such as information, minimum standards of victim support, right to participate in court proceedings etc. In addition, vulnerable victims need extra or other help, because they have special needs. Chapter 4 of the Directive deals with this assumption. Vulnerable victims can need special support throughout the judicial system; therefore we opted to add them to the continuous aspects.

According to some of the experts, the main revelation of the Directive 2012/29/EU is the obligation to perform an individual assessment of victims to identify specific protection needs. During the individual assessment attention should go to the personal characteristics of the victim, the type or nature of the crime and the circumstances of the crime. In practice this

⁴⁴ A crime implies breaking the law and a public interest; therefore, the state is considered as the first victim

⁴⁵ Vanfraechem, I., Bolivar, D. & Aertsen, I. (eds.) (2015). Victims and Restorative Justice. London: Routledge

⁴⁶ ZEHR (H.), The little book of restorative justice, 2014, New York, p. 16

⁴⁷ Vanfraechem, I., Bolivar, D. & Aertsen, I. (eds.), (2015) Victims of Restorative Justice. London: Routledge

means that the institution that makes the first contact with the victim is responsible for the individual assessment. However FRA findings have shown that the police often refer victims to generic support services who then have to further assess the possible individual need for specialised support⁴⁸.

Like it was stated before, every victim has the right to minimum standards of victim support. However the individual assessment has as a purpose to investigate if a particular victim has the need to receive extra support. This does not mean that they have special rights, just that they have special needs. Article 22 (3) states that particular attention should be paid to victims who have suffered considerable harm due to the severity of the crime; victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics and victims whose relationship to and dependence on the offender make them particularly vulnerable. When keeping these particulars in mind, special attention should be given to victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence exploitation or hate crime, and victims with disabilities. The Directive also declares that child victims will always be presumed to have specific protection needs.

Victims with disabilities

Communicating with mentally disabled victims is not assumed easy for the police. They should receive special training for this since victims with disabilities can have a lot to tell. France took this into account when drafting the Law no. 2005-102 of 11 February 2005 on the Equality of Rights and Opportunities, Participation and Citizenship of People with Disabilities.

Member States need to realize that being a vulnerable victim is not a synonym for being a victim of a priority crime. In the last paragraph we mentioned a couple of phenomena who should be looked at closely when talking about vulnerable victims, because the victims are vulnerable to repeat and secondary victimization, to intimidation and retaliation. However every Member State has its own list of priority crimes and therefore victims of these priority crimes are sometimes seen as being more a victim than victims from other crimes. It is important to realize that the need for specific support can depend on the situation of the victim; for example the victim could be experiencing problems in his marriage, lost his job etc. The context of a victim can make him or her vulnerable. In order to perform an individual assessment it can thus be important to ask the victim what they need.

In order to bring the individual assessment into practice, it will be necessary to train the police more extensively in how to interact with victims. In part 1 of this toolbox, we already saw that 15 Member States put emphasis on this. However, the time the police is educated about their interaction with victims varies from country to country. A standardized training for the police in how to interact with victims could be useful, especially since they will have to perform the individual assessment frequently.

⁴⁸ FRA, 'Victims of crime in the EU: the extent and nature of support for victims', Luxembourg: Publication Office of the European Union, 2014, p. 15

Different steps in the criminal justice system

The above mentioned information can all be used in every step of the judicial system which is represented in the 'matrix'. They each give specific rights to the victims throughout the process. However within the different steps of the judicial system, the victims have different needs. This has been acknowledged and specific rights have been declared. In this chapter we will have a look at the four major steps within the judicial system; the crime itself, the investigation, the court proceedings and the post-proceedings. Within each of the steps we will focus on the victim perspective and needs, the EU minimal rights and we will also try to formulate some good practices. Within the investigation and court proceedings we have also detailed some sub steps in order to be more complete. By doing this we hope to give a clear and easily accessible overview of the different steps victims go through when faced with a crime.

The crime

As stated in Part 1 of this toolbox, the focus is on victims of crime. Therefore this means that a crime has to have happened before the victim, or his family, can have the rights and needs described here. Within this part of the chapter we will have a look at victims of crimes who do not or have not yet reached the police.

Before going further with this step in the judicial system, we would like to point out some anomalies in this idea of victims of crime which have consequences for the way these victims are treated. One of the experts pointed to a group of victims which do not fall under this definition however they should also have access to these rights; road-collision victims. One of the experts reported that 95% of the road-collision victims were not informed about victim support services. Nevertheless road-collision victims or their families often need to follow all the same steps of the judicial system as 'real' victims of crime. Furthermore, attention should also go to victims who are not identified as victims by the police but as offenders. In particular, attention should go to victims in relation to trafficking in human beings. Victims of trafficking are sometimes forced into economical professions which are seen as illegal in Member States such as illegal prostitution, drugs etc. For example, there are THB victims who are forced to water cannabis plants. When a plantation is raided by the police they should make sure that victims are not treated as offenders since this will lead to secondary victimization. Therefore, the first problems victims are confronted with; is the recognition of being a victim. If they are not recognized as a victim, they will not be treated as one and secondary victimization will occur.

Crimes which are reported to the police do not represent the actual number of crimes. A lot of crimes go unreported; the so-called 'dark number'. Within the total number of crimes taking place, it is roughly estimated that one in four is known to the police⁴⁹. These numbers are estimates based on victim surveys. The last European Union International Crime Survey dates from 2005⁵⁰. The main reason why crimes were not reported in 2005 was that the victims did not think it was serious enough. However, 25% of the victims stated that they would solve it themselves or within their family. Also victims mentioned the ideas that the police would do

⁴⁹ Van Soomeren, P., and Wever J., (2005), Review of Costs and Benefits Analysis in Crime Prevention, Amsterdam, p. 27

⁵⁰ Van Dijk, J., Manchin, R., Van Kesteren, J., et al, (2005) Research Report: A comparative Analysis of the European Survey of Crime and Safety (EU ICS)

nothing, dislike or fear of the police and fear of reprisals when asked why they did not report the crime⁵¹. Being ashamed for the crime and dependence on the offender can also lead to not reporting the crime. It is important to state here that reporting the crime is not a condition for victims to receive assistance and to access their rights. However when a crime is reported or known, it is easier to inform the victims about these rights.

It is perceived as difficult to increase the reporting of crimes. However there are certain measures that can be taken. One of the possibilities is to increase and improve the police population relations. The idea is that, if the police and the population understand each other better, the threshold to report crimes will be lower. The European Forum for Urban Security (EFUS) has set-up a project in which pilot studies and projects were performed in multiple cities across Europe in order to improve the relations between the police and the population. You can find more information about this project in part 3 of this toolbox.

Another action which should be considered is to inform and train the medical system in order to recognize possible abuse victims. Victims who have suffered physical harm do not always report the crime to the police; however it is possible that they go to

Reporting crime a necessity to receive insurance

One of the reasons why some victims did report the crime was to claim insurance⁵². If reporting the crime is a restriction to claiming the insurance in all Member States then less crimes could go unreported. This would lead to more victims being informed about their rights and to decrease repeat and secondary victimization.

the doctor or hospital. This is especially true for domestic violence and sexual crimes since these victims often have a close connection to the offender or are dependent of the offender. Informing and training the medical staff could allow to detect unreported crimes and to give victims information about their rights and access to victim support services. In the Italian city of Milan a handbook for future doctors to detect abuse of children was produced. More information about this project can be found in part 3 of this toolbox. Furthermore, in Hungary a doctor is by law obliged to report children in danger. Doctors who do not report children in danger get fined.

We can conclude that, when a crime occurs, it is important to recognize the correct people as victims. Furthermore, this toolbox focuses only on victims of crime; however other victims, who also go through the judicial system, should have the same rights since they are also vulnerable for secondary victimization. Also, even though reporting the crime is not a condition to receive victims' rights, Member States should try to augment this since information about their rights can only be given to victims if they are known by the correct services. Training the medical staff and improving the relations between the police and the population can help with this.

The police investigation

After the first step of the criminal justice system, in which getting access to the victim is the most important action, we will now look at the police investigation. Within the police investigation,

⁵¹ Van Dijk, J., Manchin, R., Van Kesteren, J., et al, (2005) Research Report: A comparative Analysis of the European Survey of Crime and Safety (EU ICS) p. 69-70

⁵² Van Dijk, J., Manchin, R., Van Kesteren, J., et al, (2005) Research Report: A comparative Analysis of the European Survey of Crime and Safety (EU ICS), p. 70-71

there are different processes the victim has to go through. In this chapter we will look at the following processes: the 112 emergency calls, the first face-to-face contact between the victim and the police and the actual investigation of the crime. As in the previous chapter, we will try to formulate multiple examples of good practices or smaller actions which can be taken to start preventing secondary victimization of the victim by the police.

Guidelines for the police in how to interact with victims

Guidelines for the police are important; in part 1 of the toolbox we saw that there are still Member States who do not have general guidelines for the police in how to interact with victims. All member states should have at least basic guidelines. As an example you can find the Belgian guidelines in how to interact with victims. They are very basic and are addressing all victims. Member States should also be encouraged to produce guidelines for specific target groups.

1. Attend:

First aid first. Is there a need for medical assistance? Provide security of the location the police is in contact with the victim. Let the victim take her/his time; smoke a cigarette; drink a cup of coffee, change clothes, call a loved one etc. It is important to listen to the victim without minimizing the situation; use a respectful language, avoid referring to different policepersons, be discrete, use an open posture etc.

2. Accompany

Victims need to feel secure. This can be assured by the presence of a policeperson or/ and by the relocation of the victim. Assure that the victim has somewhere safe to go after they leave the police service. If needed search a refuge.

3. Inform and refer

A guideline has been drafted with a minimal of practical information that should be given to every victim policeperson who comes into contact with victims. Right information on what is happening and what is going to happen is considered very important. An answer to questions like: 'what is the consequence of an official declaration?', 'How will damages be repaid?', 'Do I need a lawyer?', 'How can I get my confiscated cell phone back?' should be correctly answered by police officers. A police officer can call a social worker to come help with victims who are more difficult to approach. They can be either very emotional, silent, confused etc. The social worker can talk to the victim but it is not the intention that a therapeutic relationship is formed. The social worker has to refer the victim to an appropriate service within about 3 contacts. An appropriate service means a service that will help the victim most. A police officer can also refer a victim to a variety of services. They have to choose the best appropriated for the situation of the victim.

4. Declaration

Help with the right use of language in the declaration is important for later use in justice and insurance procedures. If a victim wants to take civil actions, this has to be noted. The items that are stolen or damaged need to be clearly defined.

5. Subsequent contact

A subsequent contact can be useful to the police but also for the victim. The information the victim received can be adjusted and/or completed. This could also be the time to give prevention advice. Furthermore, information can also be given about the inquiry (within the boundaries of the professional secrecy). In regards to this, additional questions can be asked to see if the victim remembers more details. There can be a new referral or a reminder to the earlier referral.

In Belgium the legal provisions on victims are concretised via Circulars of the Board of Public Prosecutors, co-signed by the Minister of Justice and the Minister of Interior, so involving all the actors of the field in drafting concrete other guidelines with special attention to different types of victims or situations. These guidelines set a line of conduct when in contact with victims, how to help the victims, useful information for victims, important forms to fill in for the justice procedures, specific addresses to refer victims, how to find who is next of kin, rights of the victim, how to intervene in specific situations... All of this can help in prevention secondary victimization.

112

The 112 calling centres of the police, also known as the emergency call centres, are a special case in this toolbox and matrix. These call centres are often seen as a sec means to get information and react to situations. The information needed basically comes down to: what, where and when. However the interaction between the call centres and the victims can also cause secondary victimization.

People want to, and often need to, get in touch with the public security forces in a matter of minutes, and citizens need to be listened to and understood. However, there is a difficulty of comprehension between citizens and policemen because they speak different 'languages' and their needs

are different. As stated above, the call centres officers need very practical information in order to make sure that they react in an appropriate way. However, the citizens see only their immediate problems without considering the context. Furthermore, police officers and call centre officers often speak a technical language that is considered obscure to other people.

The Italian city of Milan took action to improve the effective communication within the call centres. Trainings were provided to call centre officers in which real conversations at the call centres were heard, analysed and discussed. Information was given about how to communicate and how to really listen to the victims. More information about this project can be found in part 3 of this toolbox.

RED button website

The Croatian police has established a specialized internet service to provide necessary information to vulnerable victims of crime, as well as for reporting crime: the red button website was designed for online report of crime of sexual exploitation and abuse of children. The online aspect of reporting the crime can decrease the barrier to go to the police.

First face-to-face contact

The idea for this toolbox came from the Latvian Presidency because the Latvian State Police was able to perform a study named “*Cutting Secondary Victimization in State Police of Latvia*”. Police officers responding to criminal incidents are in most cases the first point of contact for crime victims. This puts the officers in a unique position; being responsible for assisting victims just after the incident,

in terms of helping them to cope with the trauma and to understand further proceedings and their rights. However it is also one of the steps in the judicial system with high risks of Secondary Victimization. On the basis of this Latvian study we will first examine the needs of the victims in this step of the judicial system. Then we will have a look at their rights and formulate some good practices and ideas.

Soft skills in addressing victims

Even though all police officers need to be training in how to interact with victims, there are always some police officers who are better with soft skills than others. When a call comes through via 112, the nature of the crime could have an effect on which police officer needs to be send. By making sure that victims of grave crimes, such as sexual violence, are directly addressed by police officers who have mastered soft skills, the chance of secondary victimization decreases. Making sure that there are mixed teams of partners of police officers could make this action easier

Law enforcement experts have identified seven main victim needs i.e., need for safety, support, information, access, continuity, voice and justice⁵³. However special attention should be paid to three critical needs – safety, support and information. Especially since all these three needs are important during the first contact between the victim and police officer. The study within the Latvian project revealed that attention to the feeling of safety and support will result in victim’s satisfaction with the police service. The need for information is an important factor when looking at police professionalism. However, although crime victims are willing to receive information from police (further steps after offence, case progress etc.) this factor does not influence victims satisfaction with police. This implies that only increasing the level of information will not result in victim’s satisfaction with the police. The police should therefore put effort in increasing the level of safety and support for victims, since this is what victims see as the primary task of the police.

Within the Latvian project there was a survey which asked police officers about their knowledge of victim needs. The police officers believe that victims needed a professional police response. They assumed that a professional response to crime victims would result in victim’s satisfaction. Furthermore, police officers also believe that police professionalism is not explained by their ability to provide feelings of safety, support and information but rather by solving the case. This is used as main criteria for police effectiveness. This meant that police officers have false perception about the fact that more effective police response will result in more satisfied crime victims. As a consequence there is a certain degree of discrepancy in crime victims’ needs and police understanding of these needs. The survey of the Latvian State Police also showed that there was a difference in expectations between female and male victims. The Latvian police

⁵³ IACP (2010), Response to Victims of Crime, <http://www.theiacp.org/Portals/0/documents/pdfs/MembersOnly/VictimsPolicy.pdf>

have little knowledge on how to approach victims in certain crime cases e.g. rapes. The focus of police officers is more on hard skills, however soft skills are important when addressing victims. More information about investigating the crimes and about how to question a victim will be provided in the next chapter 'the investigation'.

Information letters

As stated, the victims have the right to receive information from the first contact with a competent authority (Directive 2012/29/EU, Article 4). However there is so much information that needs to be given that a victim, who has just gone through a traumatic experience, can forget most of it directly. Therefore talking about the information and providing with a written explanation of their rights is important. Furthermore, it should not be forgotten that all victims have the right to translation. The Croatian government anticipated to this and translated all their forms into the 20 most common languages, in order to make sure that victims receive accessible information as fast as possible.

The victims have multiple rights in relation to their first contact with a competent authority in the judicial system. Most of these rights can be found under chapter 2 of the Directive 2012/29/EU; *'provision of information and support'*. Article 3 states that the victims have the *'right to understand and be understood'*; this is important in relation to Article 7 which explains the *'right to interpretation and translation'*. As a consequence, information and communication should be available to the victim in a

simple and accessible language and in the means most appropriate for them. This means that this communication should take personal characteristics of the victims, such as disabilities, into account. When the impact of the crime was too grave, the victim is also allowed to be accompanied by a person of their choice. However here it is important to pay attention to who the victim is accompanying since there is a possibility that this is contrary to the interests of the victim. Our experts stated that possible offenders, who are in close contact with their victims, can use this possibility to keep performing pressure on the victim when talking to competent authorities.

The kind of information that needs to be provided to the victims is clearly explained and stated in Article 4 of the Directive 2012/29/EU. Here, it is again important to state that giving information about victim support services, restorative justice services, legal advice etc. is not enough. Competent authorities and especially police officers should take the time to really refer victims to the appropriate services in order to make sure that they can access their right as complete as possible. An individual assessment is needed in order to determine which kind of information will be most beneficiary for the victim. It is important to incorporate the specific needs and personal circumstances of the victim and type or nature of the crime, when giving detailed information.

Even though formulating a formal complaint is not a requirement to receive the rights of a victim, there are also certain specific rights when making a formal complaint. Article 5, of the Directive 2012/29/EU, states that, victims need to receive a written acknowledgement of their formal complaint. One of our experts declared that sometimes victims go to police offices to make a

complaint and when they have provided the police officer with their story they think that they made a formal complaint even though this is not always the case. Police officers should make sure that the victims realize what exactly a formal complaint is; the right to receive a written acknowledgement of the complaint can help with this. Furthermore linguistic assistance and translation, free of charge, needs to be provided to victims when making a formal complaint.

When dealing with victims, it is important to keep in mind that cases which are routine for police officers are usually a once in a lifetime situation for victims, which therefore cause strong emotions. For this reason, it is essential that police officers have a good knowledge of the victims' reaction causes and stages. One way to improve police response to victims of crime and to reduce secondary victimization is through training of police officers and by offering them practical tools that are adapted to most of their routine activities. Against this backdrop, the project *“Cutting secondary victimization in State Police in Latvia”* aimed at two things: developing the capacity of police officers to adequately respond to the needs of victims in different criminal incidents and increasing victims' awareness of their rights during the criminal procedure. More information about this project can be found in Part 3 of this toolbox.

Within Part 1 of this toolbox, we already looked at the importance of adequate training for the police. Not all Member States already provide a general training for the police about how to interact with victims. Even though, the interaction with the police has a huge risk for secondary victimization. In order to really prevent secondary victimization, all Member States need to provide training in how to interact with victims from the police academy onwards. Important to note here is that even when trainings for new police officers start now, it will take years before all officers have had this in their basic training. Therefore courses should also be available for the older police officers. The Croatian government is using train the trainer courses to fix this problem.

HR project ‘Support for victims of criminal offenses’

In light of the Directive 2012/29/EU, the Croatian government decided to start with a project which trained all trainers from all Police Districts about how to interact with victims of criminal offenses. These trainers held then, at their turn, training courses at county level, which brought the number of trained police officers rapidly to a total of 6200. The project triggered a series of practical training courses aiming at raising awareness among police officers and representatives of other competent authorities and institutions involved in the area of protection and support for victims of crime and misdemeanors.

The use of train the trainer courses make sure that a large group of police officers get the information in a fast and efficient manner. However we have to point out here that the quality of the train the trainer course is very important since the trained people need to train others. A constant evaluation and guidance is therefore needed.

As a conclusion for the first face-to-face contact between the victim and the police, it can be stated that the training of the police is the most important part. According to the Latvian study, the police has even a different idea of the needs of the victim; the victim really wants to feel

safe, to get information and to get support, while the police mostly thinks of hard skills such as fast reaction time, solving the case etc. If these critical needs are not addressed correctly, then there is a possibility that there will not be a second contact between the police and the victim. Furthermore, the victims have a variety of rights listed in the Directive 29/2012/UE with reference to this part of the judicial system. Police officers should, at least, be aware of these rights in order to provide the victims with the best support possible. In this stage of the judicial system it is also important to perform an individual assessment to get specific support to the victims.

The investigation

After, and even during, the initial contact between the police and the victim, the investigation to solve the crime should start. During this part of the judicial system, it is again the police which has a huge role to play in prevention secondary victimization. Some of the rights for victims who were mentioned in the part face-to-face contact also apply for the investigation; however there are also specific rights. In this chapter we will examine them and provide information about good practices and ideas.

The needs of victims are not static throughout the judicial system. They do not only vary depending on the phase of the judicial system but also depending on the personal characteristics of the victim. Some victims want to forget the whole event and move on with their life as soon as possible, and others cannot move on until they feel that justice has been done. In the chapter about the first face-to-face contact we already referred to seven main victims needs i.e., need for safety, support, information, access, continuity, voice and justice⁵⁴. During the first chapter three needs received precedence: the need for safety, support and information. Although these three needs are still important during the investigation, the other four needs should not be forgotten.

Criminal investigations can be a stressful and confronting step in the judicial system. The police treat victims most of the time as witnesses possessing information to start the investigation. Therefore they focus only on the crime and not on the victim, which is an important part of explaining the origins of secondary victimization and thus important to know when trying to prevent it. There are three things which officers should pay attention to during the investigation interviews: how questions are asked, eradicating victim blaming and not explaining why he/she is a victim. The first and second aspect are very much linked since it is difficult to eradicate victim blaming if an officer has to ask the question (why were you here?), however the way these questions are asked can have a big impact. An officer should try to get information via the perspective of the victim, not via the perspective of the police. To embrace this vision, the police should let the victim tell them their version of the story and then the police can make the analysis of the event. The police should also always remember that small things can have a huge impact; the place of the interrogation (home or at the station), being accompanied by a known person for moral support etc. In order to determine what is needed to accommodate the victim, individual assessment is needed.

⁵⁴ IACP (2010), Response to Victims of Crime, <http://www.theiacp.org/Portals/0/documents/pdfs/MembersOnly/VictimsPolicy.pdf>

The Directive 2012/29/EU also pays attention to the sensitivities which are the consequence of the criminal investigations. Article 20 lists a number of specific rights for the victim in this step of the judicial system. The Directive states that interviews with victims should be conducted without delays after the complaint has been made and that the number of interviews should be limited to a minimum. This is to avoid that victims are confronted with the traumatic event too often and to allow them to move on with their life. Furthermore it is also stated that victims should be interviewed by the same person as much as possible and that victims of sexual offences should be interviewed by an officer of the same sex to avoid extra stress and intimidation. Police officers should be aware of these rights, it is therefore needed that all police officers who can come into contact with victims are informed about the rights of victims.

One of the most important rights is that victims have the right to receive information about their case⁵⁵. Article 6 (1a) of the Directive 2012/29/EU states that all victims should receive information about any decision not to proceed with or to end an investigation or not to prosecute the offender. For every criminal offence there is a possibility that the investigation will be terminated. This can happen for multiple reasons; the most obvious one being the lack of evidence. The termination of an investigation can be difficult for a victim since it can lead to feelings of injustice. Therefore the information should be provided as soon as possible and it should contain the reasons or a brief summary of reasons for the decision concerned. Furthermore, the victim has the right to a review of a decision not to prosecute. Even though this applies more to the court proceedings, it could also give some possibilities to victims during the investigation.

Again, here it comes back to training of the police. There is a lack of extensive competence training at police schools. The priorities remain operational training and education on investigation. The importance of adequate training highlights three different aspects; competence (know-how), system (procedures) and staff (emotional intelligence). A minimum level of the training should incorporate the three

Advice and support for the police

Even though the police should be sufficiently trained to handle all victims, there is always a possibility that they come across victims which, due to their situation, have specific needs. It would be beneficiary if the police could then ask for advice to specialists.

In Estonia, the victim support specialists are situated within the police stations. They are available for advice and support on working days. This allows the police to work more closely together with the victim support services and improves the service they give to the victims.

aspects mentioned above: how questions are asked, eradicating victim blaming and not explaining why she/he is a victim. The project 'cutting secondary victimization in State police of Latvia' produced a handbook for police officers in how to interact with victims. The matter in how to ask victims questions are also addressed in this handbook. More information and contact details about this good practice can be found in part 3 of this toolbox.

⁵⁵ Council of the EU, EU Directive 2012/29/EU of the European parliament and of the council of 25 October 2012, Article 6

Furthermore, it is important to pay attention to the special needs of victims. As already stated above, the place where the interview takes place can have a big impact on the victim. When children are involved, this impact can be even bigger. Therefore the Czech Republic installed special hearing rooms for children which are less intimidating than the normal rooms. More information about this good practice can be found in part 3 of this toolbox.

The conclusion of the investigation chapter is rather similar as the one about the first face-to-face contact. The police have a big part to play in how victims experience the interviews during the investigation. The main aspect which needs to happen is that the police are aware of the victims' rights in regards to these interviews and that they are trained in how to ask questions. Furthermore a continuous attention should be paid to the special needs for victims. Therefore individual assessments are necessary; this can be done by just asking the victims what they want and need and to pay attention to these wishes.

The court proceedings

After discussing all the steps in which a victim can come into contact with the police, it is now time to go to the next step in the judicial system: the court proceedings. Within the court proceedings it is not one main actor which can cause Secondary Victimization. Secondary Victimization can happen at the hand of the prosecutor, the defence lawyer or during the trial itself. It is important to realize that victims can experience court as a hostile and traumatizing environment provoking Secondary Victimization, especially because it is often the first time that victims are confronted with these proceedings.

During this chapter of the toolbox we will have a look at the different parts within the court proceedings. It is sometimes difficult to make an exact distinction of victim rights between these parts; therefore there will be some overlapping aspects and we will discuss most aspects under the subtitle 'trial'. Nevertheless, it is important to realize that not all victims get to this stage of the judicial system. We already mentioned the dark number in the chapter 'the crime', however according to VAN SOOMEREN and WEVER⁵⁶ there are also many reported crimes which are not prosecuted due to a lack of evidence or no known offender. This fact alone can already cause secondary victimization since it can cause feelings of injustice and it can appear that their traumatic experience is minimized.



⁵⁶ VAN SOOMEREN, P., and WEVER, J., *Review of Costs and Benefits Analysis in Crime Prevention*, Amsterdam, 2005, p. 27

The prosecutor

Prosecutors have a special role in the judicial system, because they are representing the state as the victim of the crime. However they should not forget the real victims of the original crime. Therefore an important job of the prosecutor is informing the victim of the proceedings of their case and to pay attention to their rights and needs. Within this part of the toolbox we will have a look at just that.

The prosecutors decide if a case will develop into a trial. In practice, the decision not to prosecute may be based on technical and legal reasons, as well as on the principle of opportunity; for example the lack of public interest, the nature and seriousness of the offence, the available evidence etc⁵⁷. Article 11 of the Directive 2012/29/EU lists the rights of the victim in the event of a decision not to prosecute. Under procedural rules determined by national law, all EU Member States are obliged to provide victims with the possibility to challenge a public prosecutor's decision not to prosecute, and to inform victims of this right. This right has an important impact on Secondary Victimization since it gives the victims a voice in their case. This right, however, is conditioned upon the victim's role in the criminal proceedings⁵⁸. Because of this, the application of this right will vary across national legal systems, and victims with no formal standing during the criminal proceedings will not be able to enjoy it. Nevertheless there is an exception for victims of serious crimes; the directive 2012/29/EU states that, even when the role of the victim in the criminal proceedings has not been established, the victims of serious crimes will have the right to a review of a decision not to prosecute anyway. Furthermore there is one more exception; if a decision not to prosecute results in an out-of-court settlement, then the victim cannot ask for a review of the decision. Prosecutors should be aware of the impact of these kinds of settlement on the victim; it can lead to repugnance of the court proceedings through a sense of injustice.

As stated above, the prosecutor is the person in charge of making sure that the trial will be conducted. However, this is not always possible and prosecutors need to understand the effects of this on victims. In order to soften

the effects a good and continuous communication about the case should reach the victim. Information on the case and on their rights can help victims to understand what is going on. The prosecutor especially needs to make sure that the victim is informed about their case; the date of the trial, the next steps, the nature of the charges against the offender etc. Training of prosecutors in how to interact with victims is necessary to prevent the risk of secondary victimization.

Track my crime

In order to provide for a smooth information exchange from the prosecutor to the victims, the UK developed an app called 'track my crime'. The victim can simply log on to this application and follow what has happened in their case.

⁵⁷ FRA, 'Victims of crime in the EU: the extent and nature of support for victims', Luxembourg: Publication Office of the European Union, 2014, p. 36

⁵⁸ More information of this under the part 'trial'

Defence lawyer

Even though the primary focus of the defence lawyer is on the offender, this does not mean that he should not respect the victims' rights. The defence lawyer needs to be aware of the victims' rights, especially Article 18 of the Directive 2012/29/EU which states the right to protection.

Article 18 declares that without ignoring the rights of the defence, Member States need to make sure that the victims and their family members are properly protected against secondary and repeat victimization, from intimidation and from retaliation, including against the risk of emotional and psychological harm, and to protect the dignity of victims during questioning and when testifying. Furthermore, in regards to questioning and testifying it is also important to adhere to Article 23 of the Directive 2012/29/EU; the right to protection of victims with specific protection needs during criminal proceedings. This article gives victims with specific protection needs the possibility to participate in court proceedings without being physically present; the Member States need to make sure that the communication technology needed for this, is available. Furthermore, it also restricts the defence lawyer to question the victim about his private life not related to the criminal offence. A good practice here would be to provide for special hearing rooms where the victim can be questioned. These hearing rooms should be equipped with all technological communication measures necessary to make sure that the victim does not need to give his statement multiple times. In part 3 of this toolbox, a good practice of the Czech Republic can be found.

The Blue Room (BG)

The blue rooms serve as hearing rooms for children who have become victims of crime or witnesses of crime, as well as, in some cases, for hearings of adults. The idea was to provide children with a friendly encounter to the judicial system. The secure and protected environment for the child aims at reducing the level of stress and subsequent psychological traumas.

The blue rooms are equipped with a specialised audio and video technology. It consists of two separate rooms, one of them provides for a calm and friendly atmosphere for the child, and the other room is specially equipped to video and audio tape the interrogation. The collected data which is recorded can be used during the criminal proceedings.

The defence lawyers need to acknowledge the above mentioned rights. In order to make sure that this happens, training and information for defence lawyers, on how to ask questions to a victim without causing Secondary Victimization, is needed. Moreover, it is the task of the Member States to provide for this training and information.

The Trial

The trial can be seen as the last step in the judicial system, however as stated above, not all criminal proceedings arrive at this stage. Furthermore, victims should not stand at the side-line when the trial takes place. Therefore the Directive 2012/29/EU formulates multiple rights which are of fundamental importance in empowering victims to play a role during the court proceedings, without exposing them to further victimization.

According to one of our experts, 49% of the victims felt revictimized during court. People get the feeling that ‘the law is on the side of the offender’. The lack of protection in court is still provoking Secondary Victimization, when for example victims are confronted by a second testimony with the traumatizing facts. To change this, the victims need a well-defined role in the criminal proceedings but also limited unnecessary interactions to prevent them from feeling revictimized and living through the experiences again.

As stated multiple times already; when a crime is committed, it is the state which will act as a victim. Therefore an important right of the victim during the trial is the ‘right to be heard’ and thus to play an active part in the trial. However the role of the victim in the criminal proceedings depends strongly on the historical development of the legal framework in each Member State. The variety largely remains even though EU legislation for victims of crime has been in place since 2001. This leads to differences between the rights guaranteed to victims during court proceedings. According to the FRA study, the EU Member States exhibit three distinct basic models:

- Victims as witnesses
- Addressing damage done to victims and awarding compensation
- Victims as rights holders.

In reality, these abstract models often overlap. FRA states that they should therefore be seen as points of departure from which the individual national systems deviate to a lesser or greater degree. In the first model, the victim is not seen as part of the proceedings but rather as a witness. This means that victims are not expected to take an active part in the proceedings unless the court summons them. This limits the possible participation of the victim to the court proceedings. Furthermore there should be a strong focus on the risk that the victim – as a witness – might suffer secondary victimization during court proceedings. Therefore, victim support services can help with this experience by providing information and protection from further harm.

The second approach emphasises the damage done to victims and their right to seek compensation directly through criminal proceedings. This allows the victim to perform an active and influential role; however the status is premised on the fact that the offence caused the victim some form of damage. Through this, the criminal procedure is merged with the civil for the element of compensation, and the role of the victim in criminal proceedings remains significantly similar to a civil party. One of the possibilities within this approach is the subsidiary prosecution; where the prosecutor decides to step aside and the victim is allowed to step in. This approach presents a particularly strong acknowledgement of the victim’s legitimate interest in the prosecution and conviction of the offender.⁵⁹ It can be understood as the prosecutor, in name of the state, acknowledging that they are not the only victim in this case.

The third and final role of the victims in the criminal proceedings perceives the victim as a person whose rights have been violated by the criminal offence. The victim is therefore entitled to see that justice is done and to actively participate in criminal proceedings. This role focusses

⁵⁹ Council of the EU, EU Directive 2012/29/EU of the European parliament and of the council of 25 October 2012, Article 10

on empowering the victim. The criminal offence committed against the victim is the main point of this approach; it is not premised on an additional element such as the damage caused by the offender⁶⁰. It can easily be argued that this approach gives the victim the largest role in the criminal proceedings. Therefore, Member States should be encouraged to accustom their legal framework to this approach.

German Nebenkläger (subsidiary prosecutor)

In Germany, the victim acting as Nebenkläger is entitled to legal representation both before and during the proceedings, may examine the case dossier including the defendant's statement, suggest factual investigations, ask questions to witnesses, make closing statements, and be present throughout the trial. He or she is also entitled to file an independent appeal against the judgement. This approach to the role of the victim in the court proceedings would arguably be the most reliable of the three models. It gives the victim the most possibilities to be heard in court and to be really part of the proceedings.

The status of the role of the victims is not only important in relation to the right to be heard but also for the right to legal aid⁶¹ and the right to reimbursement of expenses⁶². Both of these rights depend on the status of parties to the criminal proceedings. Furthermore the conditions and procedural rules, under which victims have access to these rights, have to be determined by national law. If the victim has a valid role in the criminal proceedings, then the Member States need to make sure that victims have access to legal aid and they need to give victims the possibility of reimbursement of expenses incurred as a result of their active participation in criminal proceedings. Giving victims access to legal aid and the possibility of reimbursement can make it easier for the victim to actually be present during the trial of his crime and to participate in it, thus reducing the risk of victims feeling left out of the criminal proceedings. Member States should therefore be encouraged to always provide these rights to the victims, even if they do not have a specific role during the criminal proceedings. Especially because of Article 18; which give the victims the overall right to protection from secondary and repeat victimization.

The Directive 2012/29/EU describes two more rights which are connected to the above, but in which the role of the victims during criminal proceedings are less important: Article 15 'the right to the return of property' and Article 16 'the right to decision on compensation from the offender in the course of criminal proceedings'. Personal property of the victim can be seized in the course of the criminal proceedings to be, for example, used as evidence. However, the Directive states that these possessions should be returned to the victim without delays. Furthermore, when an offender commits a crime there is often economical and emotional loss for the victim. Therefore the Directive 2012/29/EU declares that victims have the right to get compensated for these losses by the offender. A decision on this compensation should be

⁶⁰ FRA, 'Victims of crime in the EU: the extent and nature of support for victims', Luxembourg: Publication Office of the European Union, 2014, p. 29

⁶¹ Council of the EU, EU Directive 2012/29/EU of the European parliament and of the council of 25 October 2012, Article 13

⁶² Council of the EU, EU Directive 2012/29/EU of the European parliament and of the council of 25 October 2012, Article 14

taken within a reasonable time. A delay in decisions about these rights can cause the victim to lose trust in the system and therefore suffer secondary victimization.

The above described rights are specifically formulated in relation to the financial implications to the victim of the crime and the trial. Moreover the Directive 2012/29/EU also formulates rights which allow victims to follow the trial more easily. One of the more recurring rights, throughout the criminal proceedings, is the right to receive information about their case⁶³. Because of this right, Member States need to make sure that victims receive information about the final judgment in the trial. This information needs to include reasons or a brief summary of reasons for the decision concerned⁶⁴. In relation to this, Member States and practitioners should also remember the right to understand and to be understood⁶⁵ and the right to interpretation and translation⁶⁶. All information which is essential to the exercise of the rights of victims in criminal proceedings should be available in a language that they understand. Furthermore, in accordance with their role in the relevant criminal justice system, Member States need to make sure that victims can use communication technology during the trial to give the victim the right to interpretation and translation. This needs to be free of charge.

Furthermore, the Directive 2012/29/EU lists multiple rights to avoid repeat and Secondary Victimization because of the way trials are conducted. Important here is that victims have the right to avoid contact with the offender⁶⁷. In order for this to be possible, Member States need to invest in separate waiting rooms for offenders and victims in court buildings. The Directive 2012/29/EU states that this needs to be ensured in the new court premises, however Member States should try to implement this right also in older court premises. This does not need to be a large change, it could suffice to let offenders or victims wait in the office of a clerk. Also the victims have the right to protection of their privacy⁶⁸. Member States need to take measures to avoid exposure of the victim in public; they need to be especially careful with information that could lead to the identification of the victim.

Lastly there are some special rights for victims of specific protection needs. However, here we want to clearly state that these rights will improve the experience of the trial for all victims, not just for the vulnerable once. Therefore, Member States should be encouraged to provide these rights as widely as possible. The extra rights of the victims with special protection needs are mostly about avoiding visual contact between the offender and the victim. In order to be able to do this and to give victims the right to be heard; Member States will need to invest in communication technology. Furthermore, when vulnerable victims go to court to give statements, the Member States need to take measures to allow the hearing to take place without the presence of the public.

Many of the rights described above need no particular good practices; a lot of the rights need to be provided for by the Member States and are rather straightforward. Member states will,

⁶³ Council of the EU, EU Directive 2012/29/EU of the European parliament and of the council of 25 October 2012, Article 6

⁶⁴ This does not apply for a jury decision or a decision where the reasons are confidential.

⁶⁵ Council of the EU, EU Directive 2012/29/EU of the European parliament and of the council of 25 October 2012, Article 3

⁶⁶ Council of the EU, EU Directive 2012/29/EU of the European parliament and of the council of 25 October 2012, Article 7

⁶⁷ Council of the EU, EU Directive 2012/29/EU of the European parliament and of the council of 25 October 2012, Article 19

⁶⁸ Council of the EU, EU Directive 2012/29/EU of the European parliament and of the council of 25 October 2012, Article 21

for example, have to invest in communication technology and in possibilities to access legal aid, reimbursement of expenses, retrieving of property etc. However to make sure that victims can make optimal use of these rights, we would suggest that Member States engage victim support services when installing these rights. The number one right which can decrease the risk on Secondary Victimization is providing the victim with enough information. Victims support services could be a valuable partner in this. They could explain how court proceedings work, how they can get legal aid etc. Furthermore, it could even be beneficiary to accompany the victim to the trial or to go to the court premises one day early to already get a first impression. Throughout all steps before the trial, victims should already have had contact with victim support services. When these services accompany them to court, it could diminish some stress for the victim and prevent them from feeling revictimized.

As an overall suggestion about the part of the court proceedings, we need to state that all involved practitioners should receive adequate training. The awareness about the rights of the victims needs to be increased and training in how to provide these rights and about how interact with victims needs to be provided. Article 24 of the Directive 2012/29/EU is specifically drafted to make sure that practitioners are adequately trained. Furthermore, Member States need to request that those responsible for the training of judges, lawyers and prosecutors involved in criminal proceedings make both general and specialist training available. This could have a tremendous impact on the prevention of Secondary Victimization.

The post-proceedings

When the verdict has been read and the offender has been punished, the state sees the criminal proceedings as terminated. However, this is not such a strict end for the victim. Victims can feel the effects of their traumatic experience for many years; this can manifest itself through insomnia, anxiety attacks, fear to go out at dark etc. Therefore it is important to have attention for the victims even when the criminal proceedings have ended.

The right to access victim support services and restorative justice services does not end after the trial. It can take years before victims want to talk to their offender through restorative justice. Furthermore, it is not because the court has ended, that the victims do not need psychological help anymore.

Member States need to be aware of this and need to adjust the victim support services accordingly. In reality, victims of violent crimes need immediate psychological support. However, there is a two to three year waiting cue for counselling with these needed services for extreme crimes. In the meanwhile, people are handed severe drugs and medicines because of the lack of requisite help. Therefore

Centre for social rehabilitation

When a violent crime has accord, victims have sometimes difficulties to integrate back into society. The Bulgarian government therefore has set-up centres for social rehabilitation; where victims of crimes get help to integrate back into society. The centres works via an integration set of short-term and long-term social services; including consultations, individual psychological and family consultations etc.

when there is not enough money for victim support this would have as a result that more money has to go to the healthcare system.

Next to help for their emotional and physical health, victims also have the right to receive information about the offender. Article 6 (5) of the Directive 2012/29/EU declares that Member States have to offer victims the opportunity to be notified if the offender is released from or has escaped detention. Furthermore, the Member States also need to ensure that victims are informed of any relevant measures issued for their protection in case of release or escape of the offender. The manner in which the Member States do this can be decided by the Member States; an example of Scotland can be found underneath. This kind of information allows victims to prepare themselves for a possible encounter on the street.

Victim notification scheme

In Scotland, the victims are entitled to receive the following information about the offender through the victim notification scheme:

- The date of the prisoner's release;
- If the prisoner dies, his date of death;
- If the prisoner has been transferred to a place out with Scotland;
- That the prisoner is for the first time entitled to be considered for temporary release;
- That the prisoner is unlawfully at large; or
- That the prisoner who was released has been returned to custody; and
- That the prisoner who was unlawfully at large has been returned to custody.

Victims can choose to receive this information by registering in the scheme. Furthermore, victims are also entitled to make representations to the Parole Board for Scotland – in relation to release on Parole license – and to the Scottish Prison Service – in relation to temporary release and early release on Home Detention Curfew.

At 5 March 2015 there were 2145 victims registered on the scheme and actively receiving information. These comprised of victims of 748 life sentence prisoners, 1070 long term prisoners and 326 short term prisoners.⁶⁹

When looking at post-proceedings, it is also important to refer back to the other legislative measures at the EU level. The Directive 2011/99/EU and the EU Regulation No. 606/2013 both deal with acknowledging protection measures, which have been taken in one Member State, in all Member States. The idea is that protection measures and orders which are granted by one Member State should be granted by all Member States. This allows the victim to move freely and without fear in the EU. Furthermore the Directive 2004/80/EC gives victims the right to receive state compensation when they have fallen victim to crimes abroad.

⁶⁹ More information and contact can be found through the following link: <http://apav.pt/25/images/PDF/James.pdf>

It is important to always remember that victims can feel the consequences of the crime longer than the criminal proceedings. Therefore Member States need to be aware of the victims' rights in the post-proceedings. Informing the victims and the practitioners is key to the success of the interaction with victims.

Conclusion and recommendations

Throughout this toolbox, the EUCPN Secretariat tried to give an easy and understandable overview of how Secondary Victimization could be prevented. We hope the matrix, which shows the most obvious steps of the criminal proceedings, can be an easy to use tool for this. The idea was, and is, to explain to local practitioners the viewpoint and experiences of the victims of crime in the different steps of the criminal justice system and to explain what can be done to ameliorate their experiences. It needs to be stated that the EUCPN secretariat is no expert in the field of criminal proceedings, however the idea was not to explain every aspect in depth; we rather want to contribute to the rights of the victims of crimes and make local practitioners aware of them.

Great steps have already been taken to put victims more at the heart of the criminal proceedings; however there are still quite a few challenges lying ahead. The framework decision of 2001 is largely regarded as having failed. Therefore the possible success of the Directive 2012/29/EU is of great importance. As a first general recommendation we would therefore state that a large responsibility lies with the national governments of the Member States. Especially when we look at the rights of the victims during court proceedings, much comes down to the **correct implementation of the Directive 2012/29/EU by the Member States**. Member states will, for example, have to invest in communication technology and in possibilities to access legal aid, reimbursement of expenses, retrieving of property etc. When all of the minimum standards stated in the Directive are implemented, the rights of the victims will improve significantly.

In relation to this, it needs to be stated that the Directive 2012/29/EU declared some special **rights of victims with special needs**; i.e. vulnerable victims. However, all victims could benefit from these kinds of rights. Therefore, the Member States should be encouraged to enlarge the scope of these rights to all victims of crime. Also it should not be forgotten that vulnerable victims are not the same as victims of priority crimes. A victim becomes a vulnerable victim because of his or her context. The same recommendation is applicable for the rights of victims which are conditioned by **their role in the criminal proceedings**. Giving victims access the all rights could all victims to take up an active role in their case and thus prevent the victims of feeling left out of the court proceedings.

One of the Articles of the Directive 2012/29/EU, which should be at the top of the list of priorities, is Article 25 '**training of practitioners**'. The project of the Latvian State Police, which was the incentive for this toolbox, proves that training is vital if the prevention of Secondary Victimization is taken seriously. The police can be considered as the most important 'offender' of Secondary Victimization. Therefore, police officers need to learn, starting from the academy, how to interact with victims; how questions should be asked and how to eradicate victim blaming.

Nevertheless, not only the police should receive training; in order to adequately prevent Secondary Victimization, all practitioners who come into contact with victims should receive training. For example, in the city of Milan, future doctors were trained in recognizing abused child victims. Also, informing all actors and practitioners about all victims' rights is one of the main challenges. Member States will have to take action to insure that all actors, even in the most remote police offices in the countryside, are **aware of the rights of victims of crimes**.

Moreover, not only the practitioners need to be informed, but also the **victims need to receive the correct information**. In relation to this aspect, victim support services are important. One of the aspects which confuses and effects victims is the continuous referral to other people and agencies. **Victim support services should be allowed to follow-up the case of the victim in order to be the continuous beacon of the victim throughout the criminal proceedings**. However here we need to state that no standard minimum qualities have been formulated for victim support services, this should be amended in order to provide a common support to all victims in the EU Member States.

It needs to be stated that a **multi-disciplinary and multi-agency approach** is considered very important. Every step in the judicial system has different main actors, however this does not mean that their work stands alone; all aspects are connected to each other. If the police videotape their questioning of the victim, the prosecutor will not have to question the victim again and the questioning can be shown during court. Suffering from Secondary Victimization can be a chain event for the victims, therefore the full chain of practitioners needs to work together to prevent it. One of the aspects stated above is that police officers should actively refer the victims to the victim support services. It is not enough to merely give information of the existence of these services.

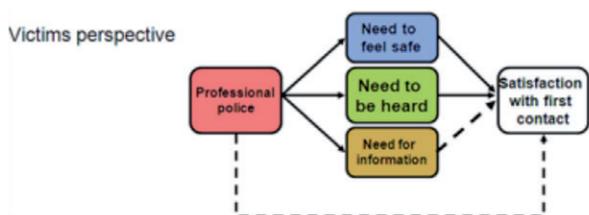
Throughout the toolbox, we tried to give a variety of ideas to start preventing Secondary Victimization. Some of these ideas will take a greater and centralized effort, however there are also many ideas which can be implemented at the local and regional level. Secondary Victimization can be seen as a hidden crime; it is unlike other criminal phenomena such as trafficking in human beings, cybercrime etc. It never happens on its own; it is always connected to previous criminal and traumatizing experiences. The offenders of Secondary Victimization are also different from other phenomena since we are speaking here of police officers and judicial practitioners such as prosecutors, lawyers and judges, who do not know and/or respect the rights of victims of crime. Therefore the exchange of ideas, knowledge, practices and research is extremely important. As an EU-wide network, the EUCPN plays a significant role in doing just that. Through this, Member States can learn from each other in finding other and better ways to prevent Secondary Victimization. Therefore, we truly hope that this toolbox can be a stepping stone in the prevention of Secondary Victimization. Additionally, the EUCPN also serves as a platform where specific questions for information about different criminal phenomena can be directly asked to all Member States.

Part 3 Examples from practices

Examples from practices

Part 3: Examples from practices

Cutting Secondary victimization in the State Police in Latvia (LV)



Short description

One way to improve police response to victims of crime and to reduce secondary victimization is through training of police officers and by offering them practical tools that are adapted to most of their routine activities. Against this backdrop, the project

'cutting secondary victimization in State Police in Latvia' aimed at two things: developing the capacity of police officers to adequately respond to the needs of victims in different criminal incidents and increasing victims' awareness of their rights during the criminal procedure. The following activities were undertaken within the project:

- Crime victim needs assessment: two crime victim surveys and an analysis of the police's routine practices in dealing with crime victims were carried out;
- Training activities: Development and delivery of police training activities on working with crime victims and a 'train-the-trainers' session;
- Dissemination material was developed, including inter alia leaflets on the rights of crime victims and a Police handbook on how to work with victims of different crime offences;
- Conferences: the final project conference brought together 120 participants. The project results were also presented at the Stockholm Criminology Symposium.

Start/duration of the project

The project duration was 24 months and started on the 3rd of October 2011, until 2nd of October 2013.

Background research

A needs assessment showed that there is a certain degree of discrepancy in crime victims' needs and police understanding of these needs. Cases which are routine for police officers are usually a once in a lifetime situation for victims, which therefore cause strong emotions. For this reason, it is essential that police officers have a good knowledge of the victims' reaction causes and stages.

Budget

The project was funded by the ISEC fund of the European Commission and had a budget of € 385.639,00. The grant beneficiary was the State Police of the Republic of Latvia and the project partner was Skalbes (a Latvian NGO providing psychological help for people in crisis situations). Furthermore, the project had also associated partners: The Swedish National Police Board, Lithuanian Police Department, Estonian Police and Border Guard Board.

Type of evaluation

To our knowledge no real evaluation took place however the European Commission an exemplary project and it will be disseminated towards other Member States.

Actor conducting evaluation/timing

/

Further information

For further information you can contact Mr. Andis Rinkevics, the project manager and expert in the State Police of Latvia: andis.rinkevics@vp.gov.lv

‘Special hearing rooms for children’ (CZ)



Short description

The SHR for children are design to protect a child victim or witness of crime from further suffering and trauma or from any other forms of secondary victimization. They may be also used to interrogate juvenile offenders or other vulnerable individuals, such as victims of sexual abuse or domestic violence. The first SHR in Czech Republic was launched in 2004 in Prague.

The SHR is a properly equipped and clearly outlined facility which helps reaching maximum authenticity of the proceedings and their exact documenting (interviewing/working standards). SHR are equipped with cameras, microphones and sometimes also with computers and digital recording devices but, at the same time, they must be appropriately decorated and equipped for children (colourful furniture, toys, pictures, plants, etc.) in order to help them feel safe. SHR are located in a police building or another police facility based on the local conditions.

Nonetheless, the SHR by no means replace experts. The most important element must be seen in the human potential, i.e. the officers who have the skills necessary to prepare and conduct hearings in these special facilities. The Police have a specific training model for those officers which deal with SHR. Such training is conducted by experts who also invite other specialists, such as prosecutors or psychologists, to discuss their area of expertise. Since 2009 the Ministry of the Interior has organised a series of training sessions for experts who currently use the SHR. They focus primarily on psychological aspects of the hearing of child victims, on preparation of such hearing and on the use of documentation/recording in criminal proceedings. One training session is divided into a theoretical part (presentations) and practical part (simulated hearing).

Start/duration of project

Since January 2004 till now

Background research

The following are the key documents which were instrumental for their creation nationwide: UN Convention on the Rights of the Child, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and National Plan on Combating Commercial Sexual Exploitation of Children, National Strategy for the Prevention of Children Against Violence, and Crime prevention strategy of the Czech Republic. The above mentioned conceptual documents are complemented by many internal management acts on the part of the State Police.

Budget

SHR are financed in accordance with the Government Resolutions to the National Plan of Combating Commercial Sexual Abuse of Children, which appeals to the authorities to secure SHR financing. Moreover, the authorities use the Ministry of the Interior Crime Prevention

Programme to co-finance SHR. Up to this point there are 59 SHR.
One hearing room costs approximately EUR 1000,-`

Type of evaluation

Annual statistics / there are various data monitored using qualitative and quantitative methods
/ number of victims, number of hearings, types of victims, type of crime, geographic aspects

Actor conducting evaluation/timing

/

Further information - target victims

Special investigation rooms are recommended for victims of the following crimes:

Crimes against human dignity – children under age 18 + women + seniors

- Rape
- Sexual abuse
- Incest
- Trafficking in human beings

Crimes seriously violating civic order

- Pandering
- Compromising morals

Crimes against family and the youth

- Compromising morals of minors
- Enticement

Maltreatment of a person living in a shared house

European Forum for Restorative Justice (EFRJ)



Short description

The European Forum for Restorative Justice (EFRJ) is not a good practice in the strictest meaning of the word since they do not defend any one 'best practice' model of restorative justice, but recognise that restorative justice is an evolving approach. It is also for this reason why we decided to add them to our list of good practices.

The forum tries to develop and establish victim-offender mediation and other restorative justice practices throughout Europe. Therefore they can be seen as the central contact point for restorative justice in Europe. They promote dialogue between practitioners, policymakers and researchers and they support public education that increases awareness about issues for victims, offenders and the community.

Start/duration:

In June 2000, a draft constitution for the European Forum was discussed in a technical seminar. This led, on the 8th of December 2000, to the formation of the European Forum for Victim-Offender Mediation and Restorative Justice (now: EFRJ).

Budget:

The EFRJ is funded through EU grants. However they also attract funding through organizing conferences and selling books. In 2014 they had a budget of 507.362,32 euros.

Type of evaluation

External audit was performed.

Actor conduction evaluation/timing:

Type of data collection method:

The Forum explores and develops the theoretical basis of restorative justice and they stimulate research about it. Furthermore, they assist in the development of principles, ethics, training and good practices. The research reports can be found on the website.

Further information:

The forum has a website: www.euforumrj.org and they also send out newsletter. You can subscribe to the newsletter through the website.

JAD – Joint Action Against Domestic Violence (RO)



Short description: The main objective of the project is to enhance the capacity of Romanian police and judicial authorities in Romania in fighting domestic violence (DV) with a view to applying a non-discrimination principle and victim-centered approach.

The target group of the project will be: police officers, prosecutors and judges from Romania with attributions in investigating, prosecuting and judging cases of domestic violence. During the project, 40 trainers will be trained and 250 specialists (judges, police officers and prosecutors) will receive the training.

Start/duration:

Duration of the project is 22 months. On 14.07.2014 the financing contract was signed.

Background research:

In January a questionnaire was carried out (on policemen, prosecutors, judges) regarding the problems and challenges faced during processing domestic violence cases.

Budget:

Project is supported by a grant from Norway through the Programme RO 20“Domestic and gender based violence,,). Its budget is 487.814 Euro (85% financed by Norway and 15% national co-financed).

Type of evaluation: /

Actor conducting evaluation/timing: /

Type of data collection method:

Carrying out of a small survey, organization of a fact finding mission in Romania; organization of a study visit and a workshop in Norway and organization of a workshop in Romania.

Further information:

Once the project has been finalized, the results will be available on a webpage and a manual with good practices in the field of fighting against DV for the Romanian Police and judicial authorities will be produced.

Protection order (RO)

Short description: The project started to correct the lack of information of police workers and victims/potential victims. The main objective is the improvement of Police public service for citizens involved in family violence. The specific objectives are:

- Increasing the level of judicial knowledge of police workers
- Elaboration of internal instruments and procedures in order to implement the legislative change
- Increasing the implication of police workers in proceeding the family violence cases
- Increasing the level of information of victims
- Increasing the level of confidence in the police of family violence victims.

The project exists out of two parts; legislation trainings with police workers and a communication campaign for victims. During 3 years, 965 policemen from the prevention, proximity, public order, criminal investigations and public relations departments were trained. The training aimed at updating legislative knowledge and offering examples of “best practices” in intervention in cases of family violence, under the new law. The communication campaign for victims was based on two video spots with the message “Ask a protection order now!” that presented a young woman beaten (resemblance to a boxing match) and a child traumatized by permanent fighting in his family. The spots were aired over the years 2013, 2014 and 2015 on three national covering channels: TVR, Romania TV and Reality TV.

All 26 police stations in Bucharest were provided with information materials. There were set up information points at stations where citizens could request information and advice to a specialist in public relations and a proximity policeman. Moreover, to support victims, protection order forms - part of the law - were multiplied and made available to them at the headquarters of the 26 police stations. During the project, the Hebrew State Theatre, a partner in the project, played a series of performances inspired by family life, raising public awareness about the violence occurring in this space. The connection to NGOs was permanent so that police workers could orient domestic violence cases to Anais Association, ADRA and “Necuvinte” words for free legal advice and assistance in court in order to issue the protection order.

The project contributed to raising legislative awareness among 5,200 field police workers and 200,000 citizens; improved police intervention proceedings, in accordance with the new law; contributed to increasing the number of referrals Police (doubled in 2014 compared to 2013) and increase the number of protection orders issued by the court.

Start/duration:

Start in January 2012 and repeated annually.

Background research:

The possibility of family violence victims to claim a protection order was introduced in Romanian legislation in 2012.

The change of legislation brought in the attention of prevention officers within the Bucharest Police a potential problem in its implementation: the lack of information of the victims and the resistance to change of policemen.

Budget:

The project was financed in proportion of 70% by nongovernmental and private partnerships, the remaining contribution was supported by the Crime Analysis and Prevention Department within the Bucharest Police.

The elaboration of TV spots and their dissemination by television was supported pro bono by the civil society partners in the project. A cost estimation show that the elaboration of spots would have cost 14,000 EURO and their broadcast 200,000 EURO.

Type of evaluation:

The project is internally assessed quarterly by sociologists and Forecast Department of the Prevention of the Capital Police. The assessment provided in the project:

- Two internal surveys were carried out in 2013
- Analysis of police statistics every 3 months (regarding claimings of protection orders and complaint withdraws)
- Analysis of the files completed by the police workers for each victim that addressed the police
- Analysis of the number of TV spots viewers.

Actor conducting evaluation/timing:

sociologists and Forecast Department of the Prevention of the Capital Police.

Type of data collection method:

Surveys and analysis of statistical data.

Further information: /

Milan Impulse project: Effective communication, a bridge towards citizens (IT)



Short description:

The call center of Milan Local Police receives 250,000 calls every year from the citizens. In order to improve the skills of the policemen working in the call centre of the Milan Local Police, the project put in place an interactive course named “Comunicazione efficace: un ponte verso il cittadino » (Effective Communication, a Bridge towards Citizens) .

The 120 people attending the course were divided in small groups of twenty people. During the learning session real conversations at the call center were heard (every single call is recorded) and all the participants were invited to talk about them.

Moreover, the course gave an introduction on the basic rule of proactive communication and assertive communication, the techniques of real listening and so on. Each course participant received a leaflet containing all the slides showed during the lessons and a questionnaire was subdued at the beginning and at the end of the course.

Start/duration of the project:

The sessions were on January (23 and 29); February (5, 18 and 24); March (6, 10, 13, 18 and 20) 2015. Each group received 12 hour of lessons.

Background research:

In Milan more initiatives targeting the relations between local Police and population were carried out. Milan is working in order to strength good relationships by giving the message that Police are present in the territory. Among these initiatives: neighbourhood Police; relations with district councils; call centre; twitter; magazine; web pages; students courses; elderly people courses... Citizens of the metropolitan cities show a feeling of insecurity which is often a subject for political debates. This feeling of insecurity is tied up with the need of seeing more policemen on the roads. People want to get in touch with public security forces in a matter of minutes, and citizens need to be listened and understood. However, there is a difficulty of comprehension between citizens and policemen because they speak different languages and their needs are different. For example, citizens watch only their immediate problems without considering the context; on the contrary, policemen speak a technical language that is often obscure to other people.

This problem is present in the Local Police call center. That is the phone front office of the Local Police. Every year the call center receives 250,000 calls at the number 020208, and police operators are used to answer to thousands of different enquires. Citizens call after a car accident, ask help for a lost kitten, demand an intervention for a bad parking car or against noisy people... Sometimes they do not receive the expected answer and sometimes the quality of the communication between caller and Police officer is not good. In order to improve the

relationship between citizens and police, it is necessary to show how Police works and how you can get in touch with them.

Budget:

The budget of the course was 11.520 euro: 7720 from Milan Municipality and 3.800 from Impulse Project of Efus (With the financial support of the Prevention of and Fight against Crime Programme European Commission - Directorate-General Home Affairs)

Type of evaluation

A questionnaire was given at the beginning and end of the course. All participants were asked to write their expectations and their judgments of the course.

Actor conducting evaluation/timing:

The course was given by a team of psychologists already working with the Milan local Police. The team of “Centro di Ricerca e Studi in Psicotraumatologia” already knew the internal dynamics of Milan Local Police as they are leading other projects of peer help thought to fight the working stress. The same team conducted the evaluation at the beginning and at the end of the course.

Type of data collection method:

Written questionnaire, closed answers

Further information:

Information about the IMPPULSE projects can be found on the website of EFUS: <http://efus.eu/en/topics/responses/police/efus/9378/>

Handbook guiding doctors and pediatricians in relation to the management of cases involving the abuse (or suspected abuse) of young girls and boys (IT)



Short description

Terre des Hommes and the Doctors Council of the City of Milan worked together to make a handbook which can guide doctors and pediatricians in relation to the management and detection of cases involving the abuse (or suspected abuse) of young girls and boys.

They managed to introduce the topic as a course “Diagnosis of Child Abuse and Neglect” in the University of Milan. The topic is now for the first time, introduced into all the disciplines of Medicine and Surgery’s curriculums.

Start/duration

The course started in November 2014 and will take 6 months. The complete project took 1 year.

Background research:

TDH Italy in collaboration with the National Authority for Childhood and Adolescence and Cismai presented in November 2014 the results of the First Italian investigation on the dimension of child maltreatment titled: ‘child maltreatment: how many victims are there in Italy?’. This research was the basis for the course.

Budget:

39.000 euro

Type of evaluation: /

Actor conducting evaluation/timing: /

Type of data collection method:

The investigation for the background research was conducted in 250 Italian municipalities thanks to the financial backing of the National Ombudsman for Children and Adolescence.

Further information:

www.terredeshommes.it

IMPULSE project – “Improving Police/Population Understanding for Local Security” (Efus)



Short description

Cities wished to implement this project in order to work together towards introducing local projects aimed at strengthening police-population relations. However certain aspects needed to be taken into account; the different organizational contexts of the police, culture and history of each country; the different means and resources and the different police doctrines.

The project had 3 main objectives:

- Stimulate, promote and develop good practices bringing the police and the population together;
- Operate and evaluate these good practices within the project’s cities;
- Accumulate and disseminate the results at the European level.

There were multiple partners to the project: The European Forum for Urban Security (coordinator), the city of Milan (Italy), Aubervilliers (France), Toulouse (France), Lisbon (Portugal), Nantes (France), Lisbon (Portugal), Nantes (France), Amiens (France) Barcelona (Spain), the Brussels Police Zone (Belgium) and ASBL BRAVVO of the city of Brussels (Belgium) (associated partner).

Start/duration

The project duration was 24 months; it started in December 2013 and ended in November 2015.

Background research

For more than 15 years, European cities within the European forum for Urban Security have examined the determining factors in relations between the population and the police, as well as the tools and practices. By working on specific projects, often in partnership with police forces, Efus attempts to analyze the evolution of this relation.

Within the *Aubervilliers and Saint-Denis Manifesto (2012)*, Efus member cities declared that the police should be considered a major actor in the prevention chain and that cities should play an intermediary role between the police and the citizens with the aim of strengthening police-population relations.

In the project Efus and the members of a support committee produced a desktop review of existing literature on the topic of police/population relationships improvement.

Budget

The project was Co-financed by the ISEC Program of the European Union.

Type of evaluation:

The project developed two types of evaluation:

- An external evaluation focused on the outputs and results of the initial project was conducted. The main component of the evaluation was related to the level of participation and satisfaction of the stakeholders and the potential sustainability of the project in terms of actions.
- An evaluation of the pilot projects developed by the partners. A report included recommendations on evaluation criteria that could be common to all the cities and be disseminated throughout Europe, was produced.

Actor conduction evaluation/timing:

The external evaluation was conducted by an external evaluation firm from July 2015 to January 2016.

The evaluation of the pilot projects were conducted by an expert.

Type of data collection method

Each participating city set up a pilot project. The results of these projects were presented in a concluding conference in November 2015 and in the project final publication *Police-population relations: challenges, local practices and recommendations*.

Further information

More information can be found on the website of Efus: <http://efus.eu/en/topics/responses/police/efus/9378/>, or by contacting Carla Napolano (napolano@efus.eu). The summary of the recommendations can be found through this link: http://efus.eu/files/2016/02/PP_ENG-W21.pdf

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Annex 1: Questionnaire regarding secondary victimization

Latvia holds the presidency over the European Crime Prevention network from January until June 2015. During their presidency, they decided to focus on secondary victimization. The UNODC defined secondary victimization as follows: *'Secondary Victimization refers to the victimization that occurs, not as a direct result of the criminal act, but through the response of institutions and individuals to the victim.'*⁷⁰ The topic brings us back to the primary and basic work of the police services and other governmental authorities – the support to the citizens to ensure a better security and prevention of crime. Every year thousands of citizens become victims of crime in EU Member States. This creates a great challenge because the police have to respond properly to crime victims, since victims should be supported, recognized and treated with integrity on a professional base. Special attention goes out to vulnerable groups with specific needs, for example victims of honour related crime. The Latvian presidency believes that extra awareness on how to prevent secondary victimization will be very useful for policy makers, researchers and practitioners, especially since the Directive 2012/29/EU, which will establish minimum standards on the rights, support and protection of the victims of crime, has to be implemented in the national laws of the EU Member states by November 2015.

The purpose of this questionnaire is to get a better overview of the actions that the different EU Member States take in preventing secondary victimization. The questionnaire will help us to gather the needed information on a structured and standardized manner so that it can be analyzed and compared during processing and, in a final stage, be disseminated on a transparent and clearly structured base.

1. Does your country have an implemented policy or guidelines in how to interact with victims? What are they, please give examples.
2. Does your country have specific training for the police in how to interact with victims? Please explain.
3. Do the police have access to a specific service or experts which can answer their questions in relation to their contact with victims?
4. How is the victim support organized in your country during criminal proceedings? If possible can you provide us with an organogram?
5. Is there still support for victims after the criminal proceedings have ended? If yes, what kind of support is given and how are the victims informed about it? For example, when the offender is released from prison...
6. Does your country have specific procedures for victims of target groups, such as women, illegal immigrants, victims of honour related crimes, ...? If so, what are they? Who has responsibility for the procedures and how will the victims know about them?

⁷⁰ UNODC (1999), Handbook on justice for victims, Centre for international crime prevention, p.9

7. Has a survey about the satisfaction of the victims about the conduct of the police been implemented in the last 5 years in your country? If yes, please give information about the survey and the findings.
8. Are there in your country well-known services where victims can complain about how they were treated by the police or the justice system? Please provide us with information about this service.
9. Please inform us if your country has any projects or good practices in regards to informing the victims of the criminal proceedings. Can you please describe the best practice according to the following topics:
 - *Summary*
 - *Context (Why did the project start?)*
 - *Goals of the project*
 - *Target group*
 - *Results of the project: (For example: what were the end results or if not finalized yet, which achievements have already been made?; What was the effect on the crime rates and on the files dealt with?; Was there a heightening in registration readiness during the campaign?)*
10. Please inform us if your country has any projects or good practices in regards to preventing secondary victimization. Can you please describe the best practice according to the following topics:
 - *Summary*
 - *Context (Why did the project start?)*
 - *Goals of the project*
 - *Target group*
 - *Results of the project: (For example: what were the end results or if not finalized yet, which achievements have already been made?; What was the effect on the crime rates and on the files dealt with?; Was there a heightening in registration readiness during the campaign?)*
11. Do you know any other experts of Secondary Victimization in your country? Could you please provide us with their contact details?

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