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Transforming how we communicate with victims moving beyond information provision to a system of communication

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RESUMO

Este artigo baseia-se no documento político do Victim Support Europe “Transformar a forma como comunicamos com as vítimas: ir além do fornecimento de informação para um sistema de comunicação”, elaborado e publicado em 2022 no âmbito do Projeto INFOVICTIMS 3. Os três projetos INFOVICTIMS, cofinanciados pelo Programa de Justiça Penal da União Europeia, foram desenvolvidos e liderados pela Associação Portuguesa de Apoio à Vítima (APAV). Fruto de múltiplos contactos e troca de conhecimentos e experiências, foi estabelecida uma parceria entre a APAV e o Instituto Brasileiro de Atenção e Apoio Integral às Vítimas (PRÓVÍTIMA). A ligação entre a APAV e a ProVítima caracteriza-se por esforços colaborativos e sinergias para criar uma resposta mais robusta e integrada aos desafios complexos associados à vitimização. A experiência da APAV no apoio às vítimas e o enfoque especializado da ProVítima contribuem para uma abordagem colectiva e coordenada de prevenção, intervenção e assistência às pessoas afectadas pelo crime. Esta colaboração exemplifica um esforço concertado para fornecer apoio holístico e defender os direitos e o bem-estar das vítimas no contexto português e brasileiro. Nessa parceria, o Infovictims chegou ao Brasil e o Instituto ProVítima criou o site Infovictims Brasil.

Palavras-chave: infovíctimas, infovítimas, direitos das vítimas, comunicar com as vítimas.

ABSTRACT

This article is based on Victim Support Europe’s policy paper “*Transforming how we communicate with victims: moving beyond information provision to a system of communication*”, drafted and published in 2022 under the Project INFOVICTIMS 3.

The three INFOVICTIMS projects, co-financed by the Criminal Justice Programme of the European Union, were developed and led by the Portuguese Association for Victim Support (Associação Portuguesa de Apoio à Vítima, APAV). As a result of multiple contacts and exchange of knowledge and experiences, a partnership between APAV and the Instituto Brasileiro de Atenção e Apoio Integral às Vítimas (PRÓVÍTIMA) was established. The connection between APAV and ProVítima is characterized by collaborative efforts and synergies to create a more robust and integrated response to the complex challenges associated with victimisation. APAV’s expertise in victim support and ProVítima’s specialized focus contribute to a collective and coordinated approach to prevention, intervention, and assistance for those affected by crime. This collaboration exemplifies a concerted endeavour to provide holistic support and advocate for the rights

and well-being of victims within the Portuguese and Brazilian context. Under this partnership, Infovictims reached Brazil, and ProVítima Institute created the website Infovictims Brazil.

Keywords: infovítimas, infovictims, victims rights, communicate with victims.

RESUMÉN

Este artículo tiene como objetivo analizar críticamente la actual política judicial de atención a las víctimas de delitos e infracciones. La ausencia de un instrumento legislativo específico para proteger a las víctimas crea un desequilibrio procesal y contractual, ya que el Estado no estará cumpliendo con su obligación de brindar seguridad pública a los ciudadanos.

Palabras clave: política judicial, condición de víctima.

RÉSUMÉ

Cet article de base n'est pas le document politique de Victim Support Europe « Transformer la forme en matière de communication en tant que vie : c'est également la fourniture d'informations pour un système de communication », élaboré et publié en 2022 dans le cadre du projet INFOVICTIMS 3. Les trois projets INFOVICTIMS, cofinancés par le Programme de justice pénale de l'Union européenne, sont développés et dirigés par l'Association portugaise de lutte contre la pauvreté (APAV). Le fruit de plusieurs contacts et de plusieurs connaissances et expériences, a été établi une parcelle entre l'APAV et l'Instituto Brasileiro de Atenção e Apoio Integral às Vítimas (PRÓVÍTIMA). La liaison entre l'APAV et ProVítima se caractérise par des efforts collaboratifs et synergiques pour créer une réponse plus robuste et intégrée aux défis complexes associés à la victimisation. L'expérience de l'APAV en matière de victimes et d'enquête spécialisée de ProVítima contribue à un accès collectif et à la coordination de la prévention, de l'intervention et de l'assistance aux personnes touchées par la criminalité. Cette collaboration est un exemple d'un effort concerté pour forger une apoio holistique et défendre les droits et le bien-être des vies dans le contexte portugais et brésilien. Nessa parceria, ou Infovictims a rejoint le Brésil et l'Instituto ProVítima a créé le site Infovictims Brasil.

Mots-clés: infovictims, infovítimas, derechos de las víctimas, comunicarse con las víctimas.

RIASSUNTO:

Questo articolo si basa sul documento politico di Victim Support Europe “Trasformare la forma in cui comunichiamo con le nostre vite: fornire anche informazioni per un sistema di comunicazione”, elaborato e pubblicato nel 2022 nell’ambito del Progetto INFOVICTIMS 3. I tre progetti INFOVICTIMS, cofinanziati dal Programma di Giustizia Penale dell’Unione Europea, sono stati sviluppati e gestiti dall’Associação Portuguesa de Apoio à Vítima (APAV). Fruto de múltiplos contactos e troca de conhecimentos ed experiências, foi stabelecida uma parceria entre a APAV e o Instituto Brasileiro de Atenção e Apoio Integral às Vítimas (PRÓVÍTIMA). Il legame tra APAV e ProVítima è caratterizzato da sforzi collaborativi e sinergie per creare una risposta più robusta e integrata agli sforzi complessi associati alla vittimizzazione. L’esperienza dell’APAV non è mancata alle vittime e l’attenzione specializzata di ProVítima ha contribuito a un approccio collettivo e al coordinamento di prevenzione, intervento e assistenza alle persone colpite dalla criminalità. Esta colaboração exemplifica um sforzo concertato per fornecer apoio holístico e difensore os direitos e o bem-estar das vítimas no contexto português e brasileiro. Nessa parceria, o Infovictims chegou ao Brasil e o Instituto ProVítima creou o site Infovictims Brasil.

Parole chiave: infovictims, infovictimas, derechos de las víctimas, comunicarse con las víctimas.

INTRODUCTION

This article is based on Victim Support Europe's policy paper "*Transforming how we communicate with victims: moving beyond information provision to a system of communication*", drafted and published in 2022 under the Project INFOVICTIMS 3.

The three INFOVICTIMS projects, co-financed by the Criminal Justice Programme of the European Union, were developed and led by the Portuguese Association for Victim Support (Associação Portuguesa de Apoio à Vítima, APAV). These projects aimed to develop high-quality and accessible information materials (websites, leaflets, posters, brochures, apps) for victims of crime in the partner countries, to raise awareness on their rights through digital campaigning and to improve access to support, protection and rights. All products aim to provide simple information about the rights of victims, the impact of crime and trauma, explaining the justice system and its actors and available services in the countries involved — Portugal, France, Italy, Germany, Austria, Poland, Czechia, Lithuania, Greece and Scotland.

As a result of multiple contacts and exchange of knowledge and experiences, a partnership between APAV and the Instituto Brasileiro de Atenção e Apoio Integral às Vítimas (PRÓVÍTIMA) was established. The connection between APAV and ProVítima is characterized by collaborative efforts and synergies to create a more robust and integrated response to the complex challenges associated with victimisation. APAV's expertise in victim support and ProVítima's specialized focus contribute to a collective and coordinated approach to prevention, intervention, and assistance for those affected by crime. This collaboration exemplifies a concerted endeavour to provide holistic support and advocate for the rights and well-being of victims within the Portuguese and Brazilian context. Under this partnership, Infovictims reached Brazil, and ProVítima Institute created the website Infovictims Brazil.

The finalisation of INFOVICTIMS III, in 2022, comes at an important time for victims with the anticipation that the EU Commission will propose an updated EU Victims Directive (Directive 2012/29/EU). At the same time, a new proposed Directive is under negotiation to implement the Istanbul Convention and new proposals are expected in relation to human trafficking and child sexual exploitation. All current EU laws include information rights for victims.

The question as to whether those rights are sufficient to meet victims' information needs and what might be the best solutions in practice, is therefore an important step to examine. This policy paper reflects on the state of play of victims' information rights, discuss challenges in meeting information needs and explores a new way forward — a change in focus from information rights to communication systems.

The paper's methodology was structured around desk research, focus groups and additional online interviews and consultations. Desk research identified and collected relevant information and resources. Results from previous projects and research reports on the provision of information to victims, were reviewed. For example, Victim Support Europe produced, in collaboration with project partners, an EU-wide study assessing the implementation of the 2012 Victims' Rights Directive in all EU Member States under the VOIARE project. Outcomes included 26 national reports¹. Other existing studies included a collection of best practices in referral, information provision and individual needs assessment under the VICTORiiA project². Additional desk research then completed these initial findings.

Focus groups and online interviews and consultations were conducted with partners from the Infovictims III project, including partners from nine EU countries, from Portugal to Lithuania, France, Ireland, Italy, Germany, Greece, Poland and Czech Republic. Participants validated the results of the desk research, provided practical examples and additional inputs and recommendations.

2. UNDERSTANDING THE RIGHT TO INFORMATION

2.1. Information, a key victims' need to recover from crime

Crime can impact victims in many ways and is often a traumatic experience. Both the crime and its aftermath can create emotional, physical, psychological, financial and social consequences. Victims are often distressed and develop feelings of fear, isolation, helplessness and guilt among others³. In the medium and long-term, these reactions might remain or worsen, sometimes to post-traumatic stress disorders (PTSD).

While experiencing this distress, victims are required to take many actions, such as deciding to report the crime or not; filing a complaint with the police; getting a medical examination and at a later stage, navigating through criminal proceedings and their outcomes. This can bring additional

distress and secondary victimisation, in particular when victims have limited knowledge about what they can or need to do, what to expect from services, their rights as a victim, and the functioning of the justice system.

From the need to minimise the impact of crime and its aftermath on victims, emerges the need for information. Information provision has been denoted as a key and uncontroversial right of victims, playing an important impact in their recovery. Provision of information helps prevent secondary victimisation, supports improved access to justice and support services, encourages victims' participation in proceedings and hence results in better outcomes of proceedings⁴.

Conversely, where information is not provided or not provided adequately e.g. victims are not able to effectively understand it, it has been proven to be an important cause of distress in and dissatisfaction of the justice process⁵.

Information rights are important as a mean to access other rights. In a lot of cases, victims don't access rights because they don't know about them e.g. for accessing compensation⁶. Information provision and exercising a right are consequently closely interlinked with awareness since it is a key component in defining and assessing the accessibility of services⁷.

While information is a fundamental need of victims, not all victims want or need all information. Moreover, there are many factors which will make the provision of information more or less successful. For some victims, receiving information, in particular during the criminal justice process, is linked with reliving the traumatic experience and their victimisation and they might not want to receive it⁸. Information provision must therefore be targeted and appropriate.

2.2. European legal framework for information provision

Within the EU, the 2012 Victims' Rights Directive introducing minimum standards on the rights, support and protection of victims of crime⁹ (hereafter: the EU Victims' Directive), recognised the importance of information provision. Its objectives (Article 1) underline that:

'1. The purpose of this Directive is to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings. [...]'.

The text establishes several information rights. Firstly, all victims of crime have a **right to understand and to be understood** (article 3), implying that all communications have to be provided in a simple and accessible language and take into account personal characteristics and needs, such as disability and mental or physical impairments.

Victims have a **right to receive information from the first contact with authorities** (article 4), usually referring to law enforcement authorities. Starting from the first contact, victims should receive different information, for instance regarding available types of support, procedures to report crime and obtain protection, legal advice and legal aid, and accessing compensation and interpretation and translation services.

The Directive establishes a **right for victims to receive information about their case during proceedings** (article 6), including basic information about the trial (date, time), nature of charges, decisions to end investigations or not to prosecute, among others. Information about the release or escape of the offender from detention should be provided as well, upon the victim's request.

Finally, victims have a **right to interpretation and translation** (article 7) during their participation to criminal proceedings, including any questioning and interviews. When making a complaint (article 5), victims have a similar right to make their complaint in a language they understand, and receive linguistic assistance when necessary. It's worth noting that Articles 6 and 7 also include various limitations on the eligibility of the right.

2.3. Minimum standards for providing effective information

In its key article (article 4), establishing victims' rights to receive information, Member States have the obligation to ensure victims are granted **effective access to information**. However, it is helpful to understand in more detail what are the core components of ensuring effective access. These components help determine communication objectives and have been set out through different research and reports.

The European Commission has set out indicators, based on the Directive and its recitals that can be used to assess whether victims have an effective access to and effectively understand the information provided to them¹⁰. In complement to the Commission guidance, VSE also established broader

criteria to define best practices in the communication of information¹¹:

It is equally helpful when designing communication objectives to explore other sectors. Communications within the health sector can be particularly relevant to the victims field and in this respect, the World Health Organization (WHO) set out a Communications framework with the following principles¹². Communications should be:

- Accessible
- Actionable
- Credible and trusted
- Relevant
- Timely
- Understandable

Guidance from the EU Commission, VSE and the WHO can be summarised as follows:

1) Information exists and is available through diverse means

Information must firstly be available. In other words, State and non-State actors must ensure that the information exists and is provided to victims. In addition, it must be provided to victims in different forms and channels, and through a variety of contact points that potential and actual victims might visit. This also means the information should be co-ordinated to comply with other objectives.

The WHO separates channels between:

- Mass Media e.g. television, radio, newspapers, magazines, outdoor and transit advertising, direct mail and websites
- Organisation and Community: These channels reach specific groups of individuals based on geography or a common interest e.g. community-based media, such as local radio talk shows, organisation newsletters; community-based activities, such as health fairs; and meetings at schools, workplaces and houses of worship
- Interpersonal: People seeking advice or sharing information about health risks often turn to family, friends, health care practitioners, co-workers, teachers, counsellors, and faith leaders. These one-on-one discussions are often the most trusted channels for health information and can reflect the approach

of many victims of crime.

Means can include oral provision of information and the use of written materials (leaflets, brochures, posters...), online and interactive formats and tools (videos, websites, apps). Contact points include agencies of first contact like police stations and victims' services, but also healthcare facilities, tourist information sites, administrative structures as embassies and consulates, educational facilities, etc. This ensure that as many victims as possible are reached and enables better access to services.

Not only does this approach improve access to the information, but it can help to avoid overwhelming victims who are already struggling to understand information due to trauma. For instance, In Northern Ireland three separate information schemes have been set up for informing victims about prisoner release where they are in prison, hospital or on probation. A website and leaflets explain the schemes and how to register for information, with victim and witness care units also mandated to support victims. This example counts as a good practice example on access to information by prisoners?.

2) Information is accurate

Information must be accurate and regularly updated in order to guarantee information is in line with the latest legal and policy measures applicable. This also means co-ordination of information provision between organisations so there is a consistency in the information and to avoid contradictory guidance. Regular reviews of information will be necessary to ensure it remains accurate and up-to-date.

By centralizing information into a single platform covering victims' rights, justice system, available services, contact information and links to relevant procedures e.g. for reporting crime, apply for compensation, information accuracy can be improved. For instance the German Federal Ministry of Justice has created the German Help-info.de¹³, in Belgium the website Victimes.be¹⁴ was created for victims of crime, and in France the French online one-stop shop for victims of terrorism¹⁵, serves as support for specific types of victims (in this case, terrorism victims). Yet, good practices can be found in the non-profit sector as well, such as the INFOVICTIMS websites¹⁶. When such good practices already exist in a country, governmental authorities and non-governmental actors should make sure to coordinate to promote and reference existing content through several entry points.

3) Information is simple and easy to understand

Information must be simple and easy to understand, avoiding technical and complex language which would require specific skills or training to understand easily. It should be easy-to-grasp by all readers despite individual factors that could impact comprehension at any level¹⁷. In some countries, standards have been established so that organisations can test how easy their publications and materials are to read and understand. In illustration of that, In Sweden a specific ordinance requires the Director General for Legal affairs to encourage the greatest possible simplicity and clarity in the language used in statutes and other decisions. This is achieved through a team of language experts and lawyers who check the quality of texts from all the ministries. In addition, the government:

- Changes ineffective text models and create prototypes that meet the readers' needs,
- offers special seminars and training sessions for drafters,
- writes handbooks, guidelines and articles on clear drafting,
- gives advice by telephone or email and on our website Klarspråk (Clear language),
- takes part (as members or special experts) in the work of law commissions¹⁸.

A different good practice example is the Infovictims' websites already developed. In fact, at the heart of the project is the need to ensure that information is provided in an easy-to-understand way using simple language and visually appealing formatting, as such headings are clear and the most important information for victims such as impact, rights, and what to expect during criminal proceedings are provided on the home page.

4) Information is accessible to all victims

This focuses in particular on ensuring the availability of information across a country (geographical availability) — in metropolises, rural communities, for cross-border victims. It is also interconnected with adaptations based on individual needs and simplicity of understanding, but with a more group based focus. For example, by ensuring information is accessible to people with disabilities, older people, or to those who don't speak the language — through multi-language versions of information.

5) Information is timely and repeated

This aims to counteract the memory issues that might arise from the impact of trauma, avoid information overload that might create additional distress and keep victims up-to-date depending on the stage of proceedings. This is important since many victims may not register or absorb the information when it is first provided, or it may not be relevant at the time. A handout or leaflet may sit on a kitchen table for weeks, unnoticed. However, when the same issue is raised later, either by the same person or even a different agency, the victim may be in a better position to take on board the information or to act on it. This makes co-ordination of information provision essential. Organisations need to know who provides what information and when so they can manage their own information provision accordingly.

Cooperation and communication channels and tools which are accessible to all professionals are helpful so they know what information has been provided by whom and when, in order to avoid duplications or close information gaps. Joint case management or information platforms are examples of such platforms.

6) Information is adapted to individual needs

Information must be adapted to individual needs and characteristics, such as age, gender, personal circumstances, the socio-cultural context, etc. and how it might impact the victimisation and the ability to receive information. For instance, an elderly person might be provided with written material with larger print than usual. Any personal characteristics must also take into account any impairment(s) or disability that would lead the victim to need specific assistance or alternative communication channels to understand information and communicate. This builds on other criteria requiring practitioners to take a more individualised assessment of the victims' circumstances, needs and abilities rather than relying solely on assumptions based on group needs such as disability or country of origin.

Training is critical for interpersonal communications

Training to professionals in contact with victims as a part of the communication framework should also be harmonised as part of the strategy. Training should include both generic and specialist training focusing on understanding victims' rights and the impact of trauma and crime, as well as soft skills, including communication and active listening for instance.

Training should be delivered to all professionals of the framework's sectors, i.e. law enforcement, justice sector, victim support services, societal services (healthcare, social services, education structures, and administrative services such as embassies/consulates) and private sector, and on communication skills, empathy, included in a more general training on understanding the impact of victimisation and trauma.

Finally, the strategy should look at how the strengthening of other rights, such as access to translation and interpretation, right to legal accompaniment and to legal representation can support a better access to information. Research and experience of VSE members has indeed proven that access to legal accompaniment/representation can support victims' access to adequate information, leading to increased participation of victims in proceedings and an easier access to their rights¹⁹. Any strategy seeking to improve victims' access to information and rights should therefore review how other rights can influence and play a role in it and how they can be enhanced themselves.

7) Information is Actionable

A fundamental objective of communication must include that the receiver is able to use the information — they can action it.

The WHO sets out a number of steps to increase the likelihood that people will use the information they provide:

- Increasing of awareness of the issues in general
- Individuals should be helped to understand the risks of not acting on information as well as the benefits of acting on that information
- Actors should increase individuals' knowledge of rights, services and solutions
- Individuals should be instilled with confidence to act on the information they receive
- Influence social norms: rules, beliefs, expectations, and behaviours which are supported by family, friends and the community can have an important affect on behaviours. Influencing these norms in favour of communications objectives will increase the likelihood they are acted upon

In this paper, the above criteria defining best practices for information will be used to assess the current status of information provision to victims at each step of the victim's journey and the challenges that remain. At each step, criteria where the most important challenges were identified will be discussed.

3. Challenges and recommendations for information provision to victims

Following a victim's journey, from the crime to the outcomes of proceedings, we will try to understand what are the main issues to be addressed when providing information to victims of crime in particular with respect to:

- Availability
- Accuracy
- Simplicity of language
- Accessibility
- Timeliness and repetition of information
- Adaptation to individual needs

For the sake of completeness, challenges have been broken down based on the stage of criminal proceedings. A number of themes have been summarised below for an overview of key challenges.

Summary: challenges and barriers in information provision to victims

- Information on victimisation issues is not widely available for the general public as part of awareness raising and prevention activities;
- Information provision to victims remains incomplete and inconsistent across and within all services (police, justice system, victim support), with the quality relying on the provider's individual skills;
- First contact authorities and actors from the justice system still fail to inform victims in a complete, timely manner in a simple language that is adapted to their individual needs;
- Absence of State proactivity in providing information;
- Additional barriers met by victims do not speak the national language include problems with interpretation and translation;
- Lack of procedures and mechanisms for providing information at all and in time to victims about their case and its developments;

- Lack of clarity among authorities as to who should provide certain types of information, e.g. on compensation;

Drivers to these challenges usually include:

- Lack of knowledge of authorities themselves about victims' rights;
- Lack of time and resources of first-contact authorities in particular, to adequately and effectively inform victims;
- Lack of training of authorities in how to communicate with victims;
- Lack of tools and mechanisms for providing information to victims at all and in a timely manner;
- Lack of co-ordination and planning in the design and delivery of information.

3.1. Increasing public awareness of crime, victimisation and prevention

Whilst it is common to consider actions for victims once they report a crime or seek help, victim needs arise from the moment the crime takes place — well before any report ever happens. In addition, given the limited number of victims who come forward or report a crime, if information is only available through first contact authorities this will greatly reduce access to this information²⁰.

Practitioners consulted for this paper confirmed this challenge, in particular in Portugal where information about reporting crime and awareness-raising campaigns are still too few. Moreover, information is rarely delivered in a timely, complete, and simple manner that ensures victims understand the information and are able to act on it (see 3.2. Information on first contact with authorities and reporting crime).

In a recent study from the EU Fundamental Rights Agency (EU FRA²¹), practitioners working with victims insisted on the importance of providing information about victims' rights and services through awareness-raising measures and activities, targeting potential victims and victims who have not yet reached out to authorities and services. The EU FRA indicated that activities should focus in particular on how and why to report crime and the availability of support services.

- By increasing awareness before a crime ever happens, it can both

reduce stress and confusion for victims themselves and can improve the public's understanding of the situation of victims as well as their role in assisting victims. As such awareness raising information can have different objectives.

Objectives of Awareness Raising

- Prevention: Improve public and community knowledge on mitigating the risks of crime;
- Victim Identification: Improve the general public's knowledge on how to identify signs of victimisation;
- Understanding and Assistance: improve knowledge on victims' issues, the consequences of crime and on how the public and a victims social network can assist victims;
- Resilience: Increase victim self-awareness, knowledge about the impact of crime and how to cope and 'bounce back';
- Recovery: Increase knowledge on rights and victim services including on what to do if you become a victim and how the criminal justice process works.

3.1.1. Prevention

Information and awareness-raising can play an important role for crime prevention. Firstly, through sensitising the general public about the risks of crime and how to protect themselves from it. Secondly, by mobilising communities and establishing the belief that the community's safety can be achieved through collective efforts²².

To achieve long-term and sustainable change however, all awareness-raising measures should be implemented on the long-term and on a regular basis, be conducted at the European/transnational, national and local levels, receive sufficient funding as to ensure high quality and innovative approaches.

These types of activities can include campaigns and advertising (online and offline) and outreach activities, such as engaging directly with communities, in schools and at conferences and events.

3.1.2. Victim Identification

Many victims never report crime or never seek help from others. There are many reasons for this from the crime not being important or victims not feeling it's worth it, through to serious barriers which leave victims isolated. These may be linked to the crime and situation of victims. For example, people in institutions, children who are abused at home, partners suffering domestic violence, or victims of human trafficking are controlled by their attackers and feel they have limited chances to seek help. Others may be fearful of authorities or may be confused about how to report a crime. Some may simply not know what to do.

A victim centric response to crime is one that doesn't just rely on victims to come forward but also empowers those in contact with victims and broader society to identify signs of victimisation and know what to do where such signs are seen. This can involve training and knowledge for specific professions such as teachers, hospital staff or care workers in institutions.

However, partnerships have also been developed in other sectors. For example between victim support and hotels in France to train cleaners to identify signs of²³ human trafficking. Similarly, in the US, the organisation Truckers Against Trafficking was set up to help truck drivers identify signs of human trafficking and have a specific number to call.

Many employers have well established schemes to help employees who are victims in the workplace or outside. This is not only about the professional sector, however. The more knowledge that family and friends have about victims' issues, the more likely they are to identify signs and know how to approach the issue and most importantly know how to offer or seek help. Providing information on this through publicly campaigns, through information in workplaces and through multiple routes could greatly improve the number of victims able to access help and justice.

3.1.3. Understanding and assistance

Increasing knowledge of the general public also directly supports the strengthening of a victim's social support network, which is composed of the victim's friends, family, sometimes co-workers or other contacts from support groups such as religious groups, sports clubs, etc.

Since a significant number of individuals who fall victim to crime will first turn to their social network, that network can play an important role in helping victims make decisions about their next actions, reassuring and

supporting them, as well as helping them in their recovery. Several studies have demonstrated that the stronger and more supportive the network is, the better the outcome and recovery for victims²⁴, a good practical example of this is the online platform named 'For the helpers²⁵' (Voor de Helpers), developed in the Netherlands, by the organization of Victim Support Netherlands (Slachtofferhulp Nederlands), where information and advice is provided to victims' social networks on how to support victims of crime. The website includes information on understanding the victims' recovery process, advice on how to support the victim at different steps of the proceedings (reporting crime, during proceedings, during compensation claims) and for specific types of crimes (fraud, violence, road accidents...). The platform includes specific advice for supporting children as well as self-care tips for the helpers. A free online course is also available, with one basic session focusing on eight steps to start helping others and two in-depth sessions on communicating with a victim and how to be present for a victim.

3.1.4. Resilience and recovery

An important factor in coping with crime is understanding how crime can affect a person physically and psychologically and how it can impact on behaviour in the family, in the work place or school, and beyond. Where individuals are better prepared and knowledgeable about this, they will be in a better position to cope with it.

Such information and knowledge can be combined with general information and personal tools on for example stress management, improving sleep and health which themselves increase resilience to trauma. With this basic knowledge and understanding before a crime has ever taken place, victims can already be in a stronger position to cope. Combined with general information on rights and services, which should be part of the general knowledge of the population, victims and the public will be in a far better position to cope and react should they ever suffer a crime.

3.1.5. Challenges for raising awareness and reaching victims

Where awareness-raising measures and activities (campaigns, trainings, education programmes) exist, they often remain ad hoc initiatives limited in time, therefore not creating any real long-term change in behaviour and mentality.

In education and administrative structures, there is a lack of inclusion

of victimisation-related issues. This is either in specific education curricula or mainstreamed awareness-raising initiatives to e.g. raise students' and/or staff awareness and knowledge on the impact of trauma, knowledge of the justice system and how to react to a disclosure for staff. In this line, Brunel University London in cooperation with 7 partners and associate partners across 6 European countries²⁶, has conducted the European Union Funded research project USVR between 2016 and 2017 whose purpose was to develop innovative training for university staff who may respond to disclosure to sexual violence. The project partners developed a training programme and conducted a pilot with 80 staff members, from various services — teaching, administrative, management, welfare services, security, student unions, etc. The training programme included knowledge on sexual violence, understanding barriers to disclosing sexual violence, group exercises and case studies.

3.1.6. Information for victims through diverse sectors

As set out in the report of EC advisor Joelle Milquet²⁷, scientific research has demonstrated that information needs to be offered in different forms and at multiple locations to actually reach victims. It should be provided through diverse means, including online platforms and resources (e.g. videos), written materials (posters, leaflets etc.) available through multiple points of contact. In the report, it is suggested to fund initiatives for the development of awareness-raising campaigns, not only through traditional media and social media but also through medical services, tourist services and maps, airlines companies.

As with awareness raising mentioned above, information should be available and communicated by professionals who are in contact with victims. The latter include typically authorities such as the police, and victim support, but also professionals who do not provide support and assistance directly to victims but who are in contact with them due to their mission and interactions with clients, i.e. mainly healthcare practitioners, social services, educational institutions, and other public/administrative services such as embassies and consulates. Overall, experts consulted feel these practitioners should be more involved since they can have an important role in identifying signs of victimisation and providing relevant information to victims about where to find support and information²⁸. As suggested by VSE, Information for victims who have fallen victims to crime must be provided through multiple contact points, using diversified means. Contact points should include practitioners from sectors who directly support victims and who are

likely to get in contact with them due to the nature of their missions, e.g. healthcare and social services.

In some cases, these services can be the first ones that victims turn to after a crime, e.g. accessing healthcare services when suffering from physical injuries from the crime. Findings from EU FRA studies reveal that women victims of domestic violence for example, are more likely to get in touch with healthcare practitioners and institutions than other professionals, including NGOs. In addition, 87% of the women victims surveyed indicated that they would welcome questions from healthcare practitioners if they were showing signs of violence/abuse²⁹. Hence, these professionals need to be able to provide information to victims, both orally and through written informative materials (leaflets, booklets, but also posters in waiting rooms, etc), understand how to communicate with and guide victims depending on their situation. Other points of contacts such as embassies and consulates, need to be included in these strategies as they often are the first point of contact of foreign/international victims³⁰.

Another effective way to reach victims include helplines. Created in 2007³¹, the European helpline 116 006 is assigned for national helplines to provide free and anonymous information to all victims of all crimes. They represent a quick and effective way to provide information to victims about their rights, available support services and respond to questions they might have. However, the 116 006 helpline is only available in 13 Member States as of November 2020³². This reflects a lack of prioritisation of information mechanisms for victims as well as a lack of co-ordination in a country and across the EU as a whole. It should instead, operate in all EU Member States, under sufficient funding, as to maximise the ability to reach all victims and provide a confidential and anonymous channel for victims to seek help and access information.

With information remaining a means for victims to access rights and services, these gaps strongly impact victims' ability to access support services, to reach out to authorities and to understand whether they want to report crime or not.

3.2. Information on first contact with authorities and reporting crime

A victim's first contact with authorities can happen under various circumstances. For most victims, it will happen in the immediate aftermath or shortly after a crime; for others, a few days/weeks/months or even years

after the crime. There are many ways in which first contact can happen including directly at the crime scene when a victim calls law enforcement for help in an emergency situation, when a victim comes forward to report a crime or when a victim, who has not decided whether to report the crime or not, visits a police station to seek information.

In the context of the EU Victims' Directive, first-contact is broader than law enforcement authorities and includes border and custom agencies too, for example or other named authorities. According to the EU Commission, healthcare institutions and social services cannot be categorised as first-contact authorities³³.

In the first contact, especially when it is in the immediate aftermath of the crime, victims often experience disorganisation and stress, causing them difficulties to think clearly, manage their emotions, and impacting their ability to function³⁴. In addition, victims may feel overwhelmed and anxious when they do not know the functioning of the justice system, and may be unaware of their rights when they go to or contact law enforcement authorities

The contact and communication between first-contact authorities and the victim can therefore play an important role in the victims' recovery, in the decisions a victim will make about reporting a crime, participating in proceedings and getting support.

According to the Victims' Rights Directive³⁵, victims should receive information tailored to the victim's personal situation from first-contact authorities about:

- how to report a crime and its consequences;
 - the status of victim and related rights and obligations;
 - available support and assistance and access to services such as interpretation and translation;
- legal advice and aid;
- access to protection; and
 - access to compensation.
- Challenges when providing information on first contact

The main challenges and difficulties observed when providing information on first-contact relate to the availability, simplicity, accessibility, and timeliness of information as well as its adaptation to specific/individual

needs.

3.2.1. Lack of availability

The information provided on first contact remains incomplete and inconsistent, with the amount, content, quality and length of information varying from one Member State to another and even from one authority to another. At the first-contact, a minority of victims (38%) receive most of the information they are supposed to receive, with only 20% receiving the full information³⁶. Most of the time, practitioners observe that law enforcement authorities fail to inform victims about existing and available support services and how to contact them³⁷. First-contact authorities and support organisations should strengthen their partnership and cooperation, for instance through automatic opt-out referral mechanisms, to mitigate problems such as lack of time, resources and/or expertise, for providing complete and adapted information to victims.

A survey conducted in Sweden in 2019 revealed that only 55% of victims surveyed claimed to have received information on their rights when reporting a crime, while 27% said they have never received this information and the remaining 18% indicated they received the information at a later point in time³⁸.

When guidance and procedures for authorities on how to provide information are inexistent or not sufficient, it results in little or no information being provided. Experts consulted additionally highlighted the lack of time of law enforcement authorities to provide complete and tailored information to victims. As a result, strengthening partnerships with victim support organisations, notably through strong referral mechanisms, was seen as an effective solution³⁹.

Active cooperation and collaboration between police authorities and victim support organisations are often the most effective ways of addressing shortcomings in the information provided to victims at the first contact. In the Netherlands, victims are automatically referred to Victim Support Netherlands where they consent. Victims are then provided detailed information about their rights and support services. Such a system allows adequate information to reach the victims and counteracts the limitations faced by law enforcement authorities⁴⁰.

3.2.2. Language not simple

When information is provided, research shows that a recurring problem in Member States is that it is not simple and easy to understand. The language is complex and technical, using legal terminology — whether it written materials or provided orally.

In some cases, a copy of the national legal provisions is provided without explanation. In Lithuania, a standardised six-page letter of rights is provided to victims, using technical and complex language⁴¹. In the Netherlands, a lawyer highlighted that even for a lawyer, the information provided can be complex to understand, with a similar letter often being provided to victims without oral explanations at all⁴².

One cause for this barrier remains the lack of proper training of authorities on the use of simple and easy to understand language and in communication skills in general⁴³. In order to counter this issue, regular training must be provided to first-contact authorities for developing communication skills and learning how to communicate in a victim-sensitive and trauma-informed manner. For written materials, European standards for producing simple information should be further used and adapted to national contexts to be used by authorities.

Practitioners consulted highlighted the importance of regular training on communicating with victims in a simple and tailored way. As for written materials, national authorities should actively develop and/or collaborate with relevant agencies and organisations to develop guidance, recommendations and standards for producing simple and easy to read and understand materials. For example, in Ireland, victim support organisations work together with the National Adult Literacy Agency (NALA)⁴⁴ to develop simple and easy to understand materials. At the European level, European standards were also recently produced.

In October 2021, Inclusion Europe, a European platform representing persons with intellectual disabilities, published European standards for making information easy to read and understand⁴⁵. Available in 16 languages, the guide presents recommendations for developing written, electronic, video and audio materials in simple and easy to understand language. While Inclusion Europe works primarily for persons with intellectual disabilities, the standards are designed to help authorities and general public in designing accessible information for all persons who need information in a simple language. Plain language organisations also exist in many countries, and

various governments have established guidance as well; this is illustrated by the UK government, which has detailed advice on accessible communication formats.

3.2.3. Information not accessible

Availability in multiple languages

A large proportion of victims who do not speak the national language of proceedings still face many barriers in accessing information in a language they understand.⁴⁶ Many victims are still not able to access and receive adequate linguistic assistance. In many cases this led to, a decrease in confidence to contact and/or report crime to law enforcement⁴⁷.

Whilst the use of official interpreters is not a requirement when reporting a crime, authorities should ensure that victims, who don't speak the language of proceedings, are either enabled to make a complaint in a language they understand or are provided with linguistic assistance. Moreover, for any subsequent interviews interpretation and translation should be available.

Yet even with respect to basic assistance, Member States struggle to put an effective system in place, and the availability of interpreters remains the main difficulty in exercising this right. When interpreters are available, organising their presence can create delays, varying from a few hours to days. This complicates the procedure and risks discouraging officers from engage with victims and victim from seeking help⁴⁸.

Finally, the quality of the interpretation cannot always be guaranteed, since interpreters are not always trained on communicating with victims of crime in a trauma-informed way. This creates further risks of secondary victimisation as they do not always meet and respect victims' needs and vulnerabilities.

To improve access to information in a language victims understand, first-contact authorities should be encouraged to use innovative and technological tools and devices to communicate and provide information in several languages. Moreover, Member States should take advantage of technology and platforms to produce and communicate information in several languages. In the United States for example, devices providing instant voice translation were tested as far back as 2002, when instant translation

was identified as a crucial need for frontline officers. The Voice Response Translator (VRT) was adopted and used as a prototype in different cities. The voice-activated device offers instant translation during communications and was proven efficient and helpful in many situations⁴⁹.

In addition, written materials containing basic information in multiple languages should be developed proactively by Member States to allow victims to access basic information in a language they understand. A good practical example is already in place in Belgium, where organisations working on human trafficking developed a multilingual brochure presenting basic information for trafficked victims in 28 languages⁵⁰. The brochure contains information about human trafficking and possible situations of exploitation, to help individuals self-identify as victims, and information about the reception centres available and their services, with contact information. The brochure uses simple and easy to understand language to make it more accessible.

Availability through multiple formats

A problem identified in many Member States is that information provided by first-contact authorities is not provided in different formats which limits its accessibility.

Information is mostly only provided in written form and orally. Whilst oral information can be important in re-explaining existing information, it remains in most cases lengthy and complex. Other formats such as video and online resources are used very rarely: only 41% of professionals working with victims testified that most victims often receive printed materials (leaflets, brochures or similar); 39% said that information is often provided orally; 29% that information is rarely provided through internet (websites, online platforms...) and 26% that information is never provided via video⁵¹.

3.2.4. Information not adapted to individual needs

Information for the most part is provided in a standardised form without adaptations to individual needs. Usually, information that meets individual needs is understood as being accessible to all victims, with a communication model and method that can be adapted to be adequate and appropriate for each victim, following a victim-centric approach.

The needs can refer to the impact of crime/trauma, a specific disability,

vulnerability (e.g. victims who are part of vulnerable groups, such as child victims, elderly, migrant victims) or socio-cultural background. For example, the understanding of victimisation by the victim's community can play an important role in the way a victim will react to information about rights and support available. In communities where seeking help is stigmatised, victims might be reluctant to receive information about these services⁵². Information on services in such communities may therefore need to be adapted to help overcome these stigmas.

Most of the time, the adaptation of information to a person's individual needs will depend on the individual skills and experience of the person providing information to the victim, and on that person's ability to evaluate the victim's communication needs and understand how to adapt the information provision to that end.

In practice, experts and practitioners confirmed that authorities usually do not check whether victims fully understand the information provided to them and are able to. This tends to be due to a lack of time and interest, considering it is not seen as part of their mission/job. Relying on individual skills rather than establishing service wide training, support tools, and networks from communities which work with different victims limits the likelihood that individuals at services as a whole can provided adapted information.

The lack of variety in means and formats and inability to adapt information to victims' needs, prevents services from ensuring that the victim effectively understands the information provided at the first contact. With the quality of information provision relying on individual skills of the provider, it creates inequalities between victims based on who they engage with and the complexity and specificity of their communication needs. Several research studies indicate for example that the absence of adapted communication tools and support in police services is one major reason discouraging victims with physical or mental challenges to report crime⁵³.

The reinforcement of cooperation and partnerships between authorities, in particular between law enforcement and victim support services, was considered as the best solution to address this problem⁵⁴. Adopting measures such as ensuring that information is available through sign language videos for deaf persons or persons with hearing-impairment⁵⁵, can also help fill some gaps. In this line, strategies such as the Help-Info website (Hilfe info), developed by the German Federal Ministry of Justice should be emphasized.

The website presents information to persons affected by crime about their rights, advice on what to do and available services, among others. It contains a 'Simple language' feature, that includes a reading option where the information is available in audio form as a screen-reader, as well as a 'Sign-language' feature (although available only through the German version of the website) where the website's content and navigation is explained through sign language videos⁵⁶.

In a lot of cases, the amount of the information provided is not adapted to the first contact and is provided without taking into account the victim's individual situation. For example, it may be too long, leading them to feel overwhelmed, confused and distressed or they may be provided information not relevant to the stage of proceedings they are in.

In addition, experts highlighted that authorities usually do not and are not able to check whether victims fully comprehend the information provided to them, thus they provide information regardless of the victims' capacities, often resulting in overwhelming the victim. Again, the solutions discussed related to additional and regular training on communication skills for authorities and improved cooperation with support services, who can help address these gaps based on their mission, experience and skills⁵⁷.

In France, victim support services can be found in several police stations and gendarmeries. Victim support organisations play a key role in orally providing the information to victims in a simple and adapted language. Before any hearing, victim support associations contact victims to ensure they understood the information provided to them and, if necessary, support victims with understanding the information given by the authorities⁵⁸.

Victim support workers also explained simple strategies they put in place to ensure victims understand what to do next, that could be easily reproduced by law enforcement authorities, e.g. making the victim write down the list of next steps discussed, or write it down together with them.

3.2.5. Information is not timely or repeated

Victims may face a situation where they are overloaded with information. For example, when they report the crime, the police provide a series of explanations, perhaps some leaflets or guidance. They may have instructions for them to follow, advisory information on what their rights are, as well as information about the case. In addition, a number of other

entities may contact the victim and may also provide their own information, which may be new, duplicate information or may even relate to the same issue but be different or contradictory. This can be the case where there is no co-ordination between different organisations. For frontline practitioners the approach to provided everything in one go, can help overcome their own administrative pressures. However, providing information in this way fails to effectively communicate the information such that it can be understood and acted on. Information at the first contact should be restricted to what is necessary and comprehensible by the victim, to avoid overwhelming them and negatively impact their ability to absorb it. There should be follow up and other channels to ensure additional information is provided at the right moment.

Focusing on a timely delivery of information should be a priority for authorities to avoid overwhelming victims. This is particularly important for traumatised victims who may struggle to take in and process information. It requires finding the right balance between providing all information necessary to the victim and not overwhelming them. This means taking into account the specific needs and individual circumstances of the crime and of the victim. In particular, some information could be provided at a later stage, whilst the information provided in one moment can be provided through multiple means such as oral, written and video — taking care that this approach does not also overwhelm the victim. Ultimately, it can provide victims with a choice of how and when they take on information.

In addition to timeliness, information should be repeated to victims. Repeating information can have different purposes. The impact of crime and traumatisation can lead to selective attention and memory (see 1. Introduction), creating difficulties for victims to focus, understand and remember information, especially shortly after the crime.

Repeating information at later stages helps counteract these effects by creating other opportunities for victims to access and receive information. Victims will need different information at different stages of the journey (reporting, pre-trial, proceedings...) and, even when certain information is provided early in the journey — e.g. information about access to compensation at the first contact -, it should be repeated when it is the most relevant i.e. when the right can be exercised — e.g. for compensation, at the stage of the trial when the victim can fill an application.

For example, as the EU FRA pointed out⁵⁹, whilst victims in Poland

received information on offender compensation through a letter of rights at first contact, it is unlikely they will remember this when it matters during the trial phase.

Again, training and additional cooperation with victim support services, who would be able to adequately follow up and provide relevant information, was described as the best solutions to counter these challenges. In the EU FRA report⁶⁰, it was shown that of the 12 victims interviewed, the two which made compensation claims were those who were advised by lawyers. This reflects the importance of having multiple support avenues for victims not only for emotional and practical reasons, but also to ensure victims know their rights, understand them and are able to act on them.

3.3. Information provision during criminal proceedings

Once a victim enters the justice system, information provision is fundamental throughout the proceedings. VSE members and recent studies have observed that the more information victims receive about the functioning of the justice system, their role, their rights within proceedings, the more they will understand it and the more able and willing they are to be involved. Timely, complete and adequate information provision consequently impacts the outcomes of the proceedings, as it leads to increased victim participation and reduced risks of secondary victimisation. Conversely, where information provision is insufficient, this is a source of secondary victimisation.

Before and during proceedings, it is fundamental for victims to receive basic information about the trial (e.g. date, time and location of the trial) as well as updates on developments and decisions on their case, as required by the Victims' Rights Directive⁶¹.

Explanations as to their role and rights during trial and the role of other professionals or parties involved in the trial is also central to victims' experience of the justice system. Finally, receiving information about the release or escape of the perpetrator from detention, whether during or after criminal proceedings, is fundamental as it will affect victims' safety, especially in cases where the victim knows the perpetrator, e.g. in cases of domestic violence or stalking where they are at particular risk of repeat victimisation and violence from the offender⁶².

However, many gaps in information provision during criminal proceedings can be identified, in particular on the availability of information

(on rights and role of victims and about the case and its developments); the complexity of information provided, its accessibility and timeliness and repetition over time. It should also be recalled that whilst the EU Victims Directive does establish a right to this information, it is for some rights limited to victims having a role in proceedings e.g. civil parties, and may also require victims to request the information first.

3.3.1. Information is not available

Information on victims' rights and role in proceedings

The recent EU FRA study on victims' experience of the justice system highlighted that across all Member States, the majority of victims felt they did not receive sufficient information about their potential role within criminal proceedings (around three in four victims, with 48% strongly agreeing and 27% rather agreeing)⁶³ and were overall dissatisfied about the amount of legal information provided to them. As a consequence, it prevented them from playing a more important role in the proceedings and led them to feeling dissatisfied with their low level of participation.

The study identified the fact that victims were not aware of their participatory rights as the major reason why victims were not able to exercise these rights. One of the drivers identified related to the reliance on the police to provide this information, with this often being incomplete, not timely and not adapted to victims' needs (see 3.2. Information on first contact with authorities and reporting crime). As for other types of reparation processes, such as restorative justice, a majority of authorities themselves are not aware and informed about the existence of restorative justice systems and their functioning, hence failing to inform victims about them⁶⁴.

Information on victims' case and developments

Many victims still face barriers in accessing information about their case and its developments. In some cases, basic information about the date, time and location of the trial is not provided adequately to the victims. Likewise, information about the updates and decisions, including dismissal of their case, is not consistently provided to victims⁶⁵. This gap in information again leads victims to feel isolated from the justice process. One reason explaining this gap is the requirement that victims request the information themselves

Even when victims request information, they receive it only in a limited

number of cases: across Member States: less than 37% of professionals said that victims always receive information about their case when they request it and less than 35% said that they often receive it⁶⁶. This includes receiving information about the release or escape of the offender from detention, where only 30% of professionals said victims always receive it, following a request⁶⁷.

Whilst one way of accessing case information is through the casefile, other legal and administrative barriers impede this process. For example, in Portugal, victims who request to see their casefile, face a complex administrative process, with the submission of a written request subject to approval. This access is sometimes restricted to the victim's legal representative, as in Germany, which creates inequalities between victims who have a representative and those who don't⁶⁸. In addition, the language of the casefile remains complex and difficult for any victim without legal education.

Overall, the lack of proactivity from State authorities is observed when providing information, with victims having to insist and/or to go through complex bureaucracy to receive information.

Having in mind the access problems created where information is only available on request, it is recommended that an opt-out system is implemented. This ensures that victims are provided information unless they say they don't want it. The wishes of victims are thus met whilst creating a more reliable approach to providing information.

As with the request based system, the opt-out system would rely on an effective, adapted provision of information to the victim about what type of information they can receive, when, how, etc., so that victims can provide informed consent. Regular follow-up should also be ensured to account for the changing wishes and circumstances of victims.

Differentiating information about the victim's case (e.g. basic information on the trial and updates on the process of the case) from information about the offender's probation should be considered.

The latter, often provided through notification schemes by probation boards or similar authorities, can include information such as decisions and dates of release or escape from detention and the offender's parole hearings. Due to the nature of the information and the potential impact it can cause

on victims (see more in Timeliness and repetition over time below), it can be considered as more sensitive and might cause higher risks of secondary victimisation. Hence, any discussion around designing an opt-out system for information provision on the victim's case should take these risks into account and consider maintaining an opt-in system for information about the offender's detention.

Finally, all information regarding proceedings should be provided regardless of the victims' role and status. The 2012 Victims' Rights Directive distinguishes between information all victims should receive (time and place of the trial, nature of charges, decision to end the investigation or not prosecute the offender) and information only victims who have a specific role should receive (updates about the state of proceedings, final judgment)⁶⁹. However, experts consulted highlighted that all the information above should be provided to all victims, to implement a proper right to receive the information, even when victims do not use it to exercise their participatory rights.

Timeliness and repetition over time

When information is provided, it is not timely and sometimes strongly delayed. In some cases information about the release of the offender is received approximately two months after the event⁷⁰. Other difficulties have been noted for informing victims about the offender's detention through notification schemes. While victims are often informed of this right at an early stage of the journey (i.e., first contact), many victims do not remember being asked and informed.

Another risk relating to information on offender release or escape is that often, victims are informed via a letter, without prior warning and without support offered or referenced. In the UK, a number of suicide attempts were recorded after victims received the letter, due to the great shock, alarm and anxiety caused by the information. Arguably sensitive information for vulnerable victims should be accompanied by the provision of support or, at least, the provision of information about available support services they can contact.

The main reasons identified for gaps in both availability and timeliness, are the absence or mistakes in victims' contact details and/or the absence of mechanisms and procedures to provide this information at all and in time⁷¹. In 2020, the European Commission implementation report of the Victims'

Rights Directive indicated that many Member States failed to transpose this obligation, resulting in its absence in a number of national legislations⁷².

In Sweden, a lack of mechanisms, time and resources were identified as major gaps for the police to provide updates about the investigation and the case. Practice has shown that a high number of victims want to receive regular feedback and updates from the police throughout the investigation. While in specialised units — i.e. units specialised in a certain crime, such as violence against children or domestic violence -, investigators might have the time to provide such personalised updates to victims, e.g. through the phone, it has been very challenging to implement for all cases and all victims. Hence, police services are currently considering best options to improve their communication's system.

Online platforms with automated systems for victims to access information and updates about their case have been seen on one type of solution to ensure information is available and easily accessible to victims. Member states should develop accessible, user-friendly and victim sensitive platforms. Such systems have been developed in the United States for the last 30 years. This includes sending notifications about court hearings and outcomes, through different mechanisms of choice, e.g. text message, email and telephone⁷³.

3.3.2. Information is not accessible

Language is not simple

Similarly to the information provided by the police at first contact, information provided by public prosecution services and judges is, most of the time, complex and difficult to understand for victims. The legal complexity of the language used and the length and amount of information provided on materials discourage victims to read them and/or to act on their rights⁷⁴.

In Sweden, a promising practice is being implemented to support victims in understanding information provided to them by investigation services. In the case where the investigation is discontinued, every victim receives a letter — without having to request it. The letter informs them about the investigation's discontinuity and reasons why.

In its current form, the letter was written in complex legal jargon which

can be difficult for victims to understand. Hence, in situations of serious crimes, where there is an identified risk to the victim, the victim is referred to the police Crime Victim and Personal Protection Unit, who contacts the victim on the phone to provide verbal explanation as to the investigation's closure and ensure the victim understood the information provided. However, as this practice is not an obligation yet, not all victims are contacted⁷⁵.

Similar solutions that include regular training for actors from the justice sector (judges, prosecutors, lawyers, etc.) and the development of simple and accessible information materials should be implemented in all Member States.

Limited availability in multiple languages

Accessing interpretation and translation in proceedings is fundamental both to ensure victims receive timely and adequate information in a language they understand, and to exercise their right to be heard during proceedings. Law enforcement, as first contact authorities, play a crucial role in sharing information about language needs with professionals from the justice system, to ensure assistance is available for the victim. However, the lack of procedures and tools to conduct this assessment and share this information constitutes a first barrier⁷⁶.

When they are provided, the lack of availability of translation and interpretation services during proceedings is a major issue, with their availability decreasing as the proceedings advance. According to VSE's study, only 19% of victims had access to such services during the entire trial, and 10% of victims were able to access it only during their testimony⁷⁷.

In many cases (30%), the lack of qualified and licensed interpreters was the main reason for difficulties in accessing such services, with equally provision across a country also proving problematic. The lack of sensitivity and ability of interpreters to respond to victims' needs and vulnerabilities, communicate in a trauma-informed and victim-sensitive manner, is a major challenge as well (12%).

In addition, Member States observed an important lack or absence in interpreters or translators that have in-depth knowledge and understanding of the legal system and are able to adapt to both formal and informal speech to address adequately both actors of the proceedings and victims⁷⁸.

When providing translation, the information remains incomplete due to some information not being deemed essential for translation in a number of cases (12%) and the translation not being provided in a timely manner (11%)⁷⁹.

Finally, professionals from the justice system themselves lack training and awareness on how to work with interpreters and translators who assist victims, leading to confusion and gaps in the information provided⁸⁰. Organising the presence of an interpreter can sometimes be seen as a ‘cause of delay’ more than anything else. Sometimes, the presence of interpreters can even lead to creating a negative perception of the victim or witness, as creating a barrier between the court professionals and practitioners and the victim/witness⁸¹.

There is no single ‘silver bullet’ answer to resolving this range of problems. It seems clear that a more strategic and co-ordinated approach to the organisation of interpretation services is necessary — particularly given that solutions will also be relevant for other parties in proceedings — in particular suspects. This entails a long-term plan aimed at:

- Increasing numbers of interpreters through improved funding mechanisms;
- Better co-ordination between service providers to create a more efficient network;
- Using new technologies for virtual delivery of services and access to global services;
- Upskilling of interpreters to ensure specialised knowledge of the legal system;
- improved knowledge of practitioners on how to work with interpreters;
- Use of AI and other technologies should be further explored and developed for the criminal justice system to expand interpretation possibilities where accredited interpretation isn’t required.

At the same time, the legal framework for eligibility of translation and interpretation requires review. Currently, under EU law, not all victims are entitled to the service and the service may be limited for a range of reasons. Taken from the perspective of the current funding arrangements and availability of interpreters, concerns over the feasibility of an unlimited right to interpretation is understandable.

However, designing rules on interpretation and translation based purely on funding and availability arrangements is not in line with a victim sensitive approach and ultimately limits victims access to justice, rights and services. Rather, the starting point should be to recognise all those who need the service and design solutions based on that need and the extent or nature of the need.

This means that any victims who doesn't speak the language of the proceedings should have the right to interpretation and translation, but the nature of the service — accredited or informal, and its extent can be adjusted based on need. Founded on the existing approach of the EU Victims Directive this could mean:

- For information that is essential to victims' participation, formal/ official interpretation and translation services should remain, in line with the current Victims' Rights Directive. Such services should however be offered to victims who do not speak or understand the language, without them having to request it;

- For non-essential information, unofficial translation and interpretation should be used. For example, it can be provided by a native speaker who will translate information to the victim, or using technological tools and platforms for simple information including use of AI.

Official translation and interpretation of essential information should only be provided by accredited interpreters/translators. The EU, together with Member States, should define quality standards for interpreters and translators working in criminal proceedings and providing these services, and organise and establish related training programmes. These trainings should include, at minimum, communication with victims and empathetic approaches to victims, to prevent and minimise risks of secondary victimisation. Concrete advancements of this, are present In Finland, where University of Helsinki offers programmes to specialise in legal translation and interpretation, in Master's degree and separate trainings. Graduates and trainees are able to register to the Register of Legal Interpreters, founded in 2016. The latter gathers certified interpreters to help individuals find a professional able to provide interpretation for legal matters. As of 2017, the Register had a total of 42 interpreters for 12 languages⁸².

Training and awareness-raising activities directed towards court professionals and practitioners should be regularly organised as well, to

develop the understand of victims' needs in accessing information in a language they understand, the importance of and protocols to work with interpreters.

Information is not adapted individual needs

During criminal proceedings, information is not provided or adapted to individual needs and groups of victims with specific needs, such as persons with disabilities, child victims or persons who do not speak the national language.

Across EU Member States the following percentages of different victim groups always access information that is adapted to their communication needs⁸³:

- 31% of children
- 33% of people with hearing impairments
- 26% of people with intellectual disabilities
- 30% of persons who do not speak the language in which the proceedings are conducted
- 26% of illiterate people
- 30% of blind and partially blind people

This means the vast majority of these groups only receive information intermittently.

When information is provided, it can be too much overwhelming victims in a lot of cases (see 3.2. Information on first contact with authorities and reporting crime).

By way of example on explaining the justice system in simple and accessible language, in France, the victim support organisation France Victimes 37 developed a booklet named 'Gépalomojust' (a play of words in French, displaying 'I don't have the right word' in phonetics). The booklet explains in simple words and language the functioning of the justice system for victims, from making a complaint to trial and includes information for specific situations and crimes such as domestic violence. Initially developed for victims who do not speak the national language, the Gépalomojust booklet is also used to communicate with any person needing simple language and information. The booklet is available in 6 languages (French, English, Portuguese, Arabic, Turkish and Russian).

3.4. Support services role in information provision

Victim support services and organisations have a fundamental role in providing information to victims, recognised by the Victims' Rights Directive. They have a role in informing victims about their rights, their role in criminal proceedings, and about access to compensation and protection schemes⁸⁴. When they provide such services, they can help prepare victims for trial and accompany victims during criminal proceedings, providing information and basic emotional support throughout the process.

Services are composed of trained volunteers and professionals, who are well prepared to provide information in a victim-centric, trauma-informed and simple manner. For victims to successfully reach and access these services, the communication of information about them is fundamental — mostly through awareness-raising and spreading information through multiple contact points including agencies of first contact. For instance, in Portugal, APAV conducts regular and varied online and offline campaigns to promote its support services, using posters, social media, videos, ads, etc. APAV campaigns target specific crimes and communities in order to reach as many victims as possible. Campaigns are run at the national level and target, e.g. child victims of sexual abuse, women and men victims of domestic violence, elderly victims of abuse, etc⁸⁵.

3.4.1. Information is not available

The availability of information about victim support services remains inconsistent and, when shared through campaigns is based on ad hoc initiatives, limited in time.

Most of the time, we see law enforcement authorities fail to inform victims about existing services and therefore fail to redirect victims to them through a referral mechanism. Reasons for this are firstly the lack of training and knowledge of authorities about such services, and secondly the lack of consistent policies and referral procedures from police to support services, which consequently remain ineffective⁸⁶.

The failure to inform victims about services also reduces access to information that those services would provide. Conversely, co-ordination of information provision between those services reduces burdens on all providers and minimises gaps.

Within this context, referral mechanisms are an effective tool that is linked in practice with the coordination of information provision. Having strong automatic opt-out referral mechanisms, accompanied by adequate procedures and policies, will ensure that victims are able to access services who in turn provide a range of information. For this reason, referral mechanisms from services other than law enforcement, such as healthcare institutions and social services, should be developed in Member States.

Within support services, recent research shows that information provision remains incomplete and inconsistent. The evaluation of the Victims' Rights Directive's implementation conducted by VSE revealed that only 33% of victims always receive information, advice and support relevant to the rights of victims; only 27% of victims always receive information about direct referral to existing relevant specialist support services; only 17% of victims always receive advice relating to financial and practical issues associated with the criminal offence; only 21% of victims always receive advice relating to the risk and prevention of secondary and repeat victimisation.

In Spain for example, the Victim Assistance Offices (VAO), run under the Ministry of Justice, are responsible for providing information, assistance and support to victims of crime throughout the country⁸⁷. However, in many cases, victims do not receive these services on a regular basis. According to victims consulted, they only sometimes or often receive information and advice (sometimes 40%, often 33%), information about direct referral to existing specialist support services (sometimes 48%, often 29%), advice relating to practical and financial and practical issues (sometimes 37%, often 26%), and advice relating to the risk and prevention of secondary and repeat victimisation, intimidation and of retaliation (sometimes 37%, often 26%)⁸⁸.

3.5. Information on compensation

All victims of crime, regardless of the crime and of the victim, have a right to compensation, enshrined in the Victims' Rights Directive. While some victims, usually victims of violent crimes, have access to a State compensation scheme, most victims have to apply for offender compensation first.

In order to exercise their right to compensation, victims must be informed about this right and how to apply for compensation in a timely and adequate manner. Victims should additionally be informed about how they can be assisted in the development of their claim, mainly with practical

and administrative assistance and advice. Because compensation claims can usually be submitted only at a particular time of the victim's journey, e.g. beginning of the trial for offender compensation for a limited number of days or months, the timeliness of the information is fundamental.

For this reason, the main challenges regarding information on compensation were identified around the availability and the timeliness and repetition of information over time.

3.5.1. Information is not available

Regardless of the compensation regime - State or offender compensation, victims are insufficiently informed about the existence of national compensation schemes and how to access them. In particular, a recent EU FRA study found that the lack of information given to victims about State compensation and the possibility to apply for it was the main reason for victims not submitting an application⁸⁹.

Similar results were found for offender compensation, where victims who did not apply, reported they did were not informed of their right. Likewise, in a 2019 survey conducted in Sweden, 64% of victims of crime surveyed indicated that information on compensation was excluded from the information they received when reporting crime⁹⁰.

Among victims who applied for compensation, most of them were represented by legal representatives/lawyers, allowing them a better access to information on their rights⁹¹. These observations show the importance of support and additional assistance in understanding information and acting on it.

Problems appear driven by practitioners' limited knowledge about compensation (including cross-border compensation⁹²), in particular for State compensation, which is more rarely used than offender compensation⁹³. In Poland, for example, practitioners observed that State compensation was rarely awarded and that they were discouraged to inform victims about it to avoid creating unrealistic expectations⁹⁴.

In her report to the European Commission 'Strengthening victims' rights: from compensation to reparation'⁹⁵, Special Adviser J. Milquet, underlined the confusion and lack of clarity as to which authorities (among police, support organisations, medical professionals, etc), should be involved

in providing basic information to victims on compensation.

The experience of some Member States, such as Germany, confirmed this observation⁹⁶. In the Netherlands, all practitioners interviewed agreed that the police were failing to inform victims about the possibility to claim State compensation, leaving support services and lawyers responsible for providing this information. On the other side, in Croatia, the Victim and Witness Support Service⁹⁷ — operating under the Croatian Ministry of Justice, provides expert and administrative support to the National Compensation Authority and training to police officers on victim support and compensation. Regular lectures are organised for Police Administrations in all Croatian counties and in certain administrations as part of their professional trainings⁹⁸.

3.5.2. Language is not simple

When victims receive information on compensation, it appears that they are not informed in an effective and adapted manner, similarly to other types of information described above. In Poland, for example, information on offender compensation is provided through a letter of rights provided at the first contact. This is a lengthy document using complex legal jargon⁹⁹.

3.5.3. Information is not timely or repeated

In a lot of cases, the first contact is the first and only stage during which victims receive information about compensation. However, the victim's first contact with authorities is not always the most appropriate time for receiving such information since it may only be during the trial that the victim will be have to submit an application.

At the same time, deadlines for compensation applications vary widely by country. For State compensation, for instance, it varies from 60 days after the criminal trial in Italy up to 10 years after the offence in the Netherlands¹⁰⁰. In countries where the application deadline is limited, timely information and repetition over time, in particular when the claim must be submitted, is therefore fundamental.

4. A coordinated system of communication for victims of crime

As has been seen, there are many flaws in the way that information is currently provided to victims. Mechanisms for informing victims are

considered ineffective due to barriers that impede victims from accessing or receiving adequate information and effectively understanding it (see 3. Challenges and recommendations for information provision to victims). At the same time, there is little focus on improving the way that victims themselves are able to provide information and engage with practitioners.

To address these challenges, a shift in focus is needed from information provision to communication with victims — a two-way process which maximises the ability of both sides to receive, understand and act on the information that is transferred, whilst minimising barriers and burdens on those parties.

“The two words ‘information’ and ‘communication’ are often used interchangeably, but they signify quite different things. Information is giving out; communication is getting through.” Sydney J. Harris¹⁰¹

To maximise the ability to effectively communicate with victims, we must focus not only on what information is shared and how, but also on the mechanisms, actors and relationships responsible for this information sharing. This is critical to overcoming the many intransigent communication barriers that have remained for years.

We explore in this chapter two aspects of communication. Firstly, what communication between individuals involves, what the barriers to communication are and how to strengthen skills.

Secondly, we take a top-level look at how a framework for communication is required in every country which ensures a coherent and coordinated mechanism for communicating with victims which maximises the capacities of all relevant actors and develops long term solutions.

4.1. Improving the way we directly communicate with victims

4.1.1. Factors influencing effective communication

In the previous chapter, we explored specific types of challenges or barriers for victims in receiving information. In this section, we focus on higher-level barriers associated with communication more generally and which can intervene at any stage depending on the type and method of communication. Nevertheless, you will notice overlaps with previously mentioned barriers. They are summarised in the following non-exhaustive list of categories¹⁰²:

- Individual background and characteristics: Barriers linked to individual background include the impact of individual perceptions, connected to values, experiences and history. Firstly, an individual's cultural background will shape their understanding of the world, their beliefs and values, and will impact their understanding of social interactions, their reactions to stress, emotion, etc., and the manner they communicate. Individuals might perceive more favourably information that is in line with their beliefs, values and needs¹⁰³.

For victims, cultural differences might impact, e.g., their level of trust with the justice system, their perception of what information is private and can/cannot be shared, variations in perceiving and processing emotions and grieving¹⁰⁴. Attitudinal barriers occur based on perceptions and set of views that prevent individuals from communicating effectively, e.g. lack of motivation, resistance to change.

- Language/semantic barriers: i.e. linguistic ability. This may relate to the ability of one or other person to communicate. It covers issues such as disability, learning difficulties, educational level as well as knowledge of the language itself, for example when communicating with a foreigner. This can impede communication depending on the terminology used. For instance, the use of national/local expressions or technical terms will make it more difficult for the receiver to understand the message. Similarly, when the message is communicated in an abstract, non-realistic manner, when it is disorganised and/or too long/contains too much information, it might not be perceived correctly by the receiver.

- Psychological barriers: the psychological state of communicators can impact both on how information is communicated and the ability to send information, as well as on the ability to receive and understand that information. In particular, a person under intense stress or anger will be less receptive and/or is more likely to misinterpret the message. Similarly a traumatised person may not understand or recall information which under normal circumstances they would.

- Physiological/physical barriers include barriers due to hearing, sight, voice impairment, inability to write/type due to physical limitations etc. that can impede effective communication and the understanding of the message. Physical barriers can also include geographic distance between the

communicators, leading to the use of distance communication means, e.g. helplines, video calls, chat services, that can complicate the transmission and understanding of the message in the way intended due for example to internet limitations, lack of technical knowledge etc.

- Systemic barriers refer to barriers in organisations and structures where communication and information systems and channels are insufficient or inappropriate and/or where there is a lack of understanding of roles and responsibilities for communication.

In many cases, common barriers combine together such as the use of complex language/jargon, cultural differences influencing the norms of social interaction, physical barriers and disabilities, emotional barriers and differences in viewpoints.

4.1.2. Importance of communication

The ability to conduct good and appropriate communication is fundamental in every area of life, in any interpersonal interactions as well as in communications by state and other actors about rights and services. All individuals have to communicate with each other, and we are constantly conveying and receiving messages to and from others. This also means that individual communication will impact organisational communication and, consequently, effectiveness¹⁰⁵.

For persons having experienced stressful and traumatic events, communication is more complex but also key to assistance and recovery. Proper communications channels will enable victims to explain what happened to them, ask for advice and/or assistance, and get their needs met.

For service providers supporting them, effective communication will have several objectives, starting with information provision on their rights and on services, in a manner they understand and helping victims understand and exercise these rights. Effective communication will also help identify victims' needs, respond to them and obtain information from victims to support the above objectives¹⁰⁶ and to help practitioners to achieve their own objectives.

Not only does effective communication about the crime, rights, needs, the justice system etc. help with recovery, it also helps victims regain some control and understanding of what they are going through, while establishing

mutual trust with the professionals they are in contact with.

This is essential as victims often report a feeling of helplessness and loss of control after a crime as well as experiencing emotional reactions of guilt, anger and fear, which leads to mistrust towards others and themselves. Research has demonstrated how poor communication with a victim may negatively affect the victim's recovery and cause further traumatisation and secondary victimisation¹⁰⁷.

In order to provide effective assistance and support to victims, simply providing information without considering how to communicate it is unproductive¹⁰⁸. Information provision has to be part of a wider system of communication that focuses on how and if information is understood, ensures information can be acted upon and recognises that information flows require a system or framework to function effectively. To summarize, "The provision of information cannot be examined in a vacuum. Rather, exactly how that information is communicated and understood is essential, as information that is not understood, or inaccessible, fails entirely its objective to inform." ¹⁰⁹

The idea of communication systems also expands the objectives beyond information exchanges solely with individual victims to encompass active communication with communities through e.g. community policing. To be successful, community policing must rely on information management, creating informal communication channels that facilitate police action and receive demands from the citizens¹¹⁰.

4.1.3. Basic principles of communicating with victims of crime

According to the Human Rights Monitoring Institute's Handbook on Communicating with victims¹¹¹, the following elements are key in ensuring effective communication and responding to the needs of victims:

- Show respect
- Ensure safety
- Allow to express emotions
- Provide information

Showing respect should always be a priority when responding and communicating with victims. Not only is it fundamental to respond to victims' needs, but victims will also gain confidence and be better able make

informed choices.

Showing respect involves a range of approaches including:

- treating victims equally;
- making sure you speak intelligibly and that the victim understands you;
- practicing active listening skills;
- taking into account the wishes and needs of the victim as far as possible, including by involving them in decisions related to them.

Respect can be particularly important for vulnerable victims, e.g. victims of trafficking, who are intimidated by both traffickers and state authorities. Therefore, a respectful approach can support their feeling of safety, and enhance their willingness to cooperate. Cultural differences which influence what is considered respectful or disrespectful should also be taken into account.

Safety issues may relate to the perpetrator, to future crime, to fears over contacts with professionals and could relate to health issues. They may act as distractions or destabilise a victim or victims may be frightened to provided information. Cultural background, social environment or previous experience may simply mean that victims are frightened of authorities in general.

Addressing safety concerns not only reduces the risk itself but also helps build trust whilst reducing inhibitions. Simple steps can be implemented to provide victims with a sense of safety, such as:

- introduce yourself, your role and responsibilities;
- ensure confidentiality;
- respect the victim's personal space;
- carry out a risk assessment and adopt protection measures;
- organise how the victim's safety will be ensured during your absence;
- leave contact details to the victim for further communication;
- identify medical needs and refers victims to appropriate medical services

Allowing the victim to express emotions throughout any exchanges is crucial as communication can be a challenge for victims who are traumatised and highly impacted by the crime. Common emotional responses of victims

might present as emotional flooding (crying, trembling) or as emotional suppression (numbness, detachment, lack of expression).

Knowing these responses beforehand will help professionals to understand and deal with these different reactions. This is important as those reactions can be part of the healing process, may be a coping mechanism and the way we respond to them can be validating, reassuring, and supportive or it can be the opposite. Where victims feel the opposite, the bond of trust necessary for effective communication may be damaged or broken. This interrelates with the need for victims to feel safe about communicating their experience, thoughts, concerns, needs and emotions.

Ultimately, professionals should always try to maintain an attentive and respectful relationship with the victim, while encouraging them to speak out and showing empathy and understanding for what they express.

New and unfamiliar situations and environments elevate the stress associated with the crime so the provision of information can help to alleviate stress by making the future more predictable and understandable. Providing adequate information and explaining what will happen next, the victim's rights, the services available and the impact of crime and trauma will be reassuring and help victims regain a feeling of control.

Information provision should be understood as a continuous process and be part of all interactions. For example, even when asking questions or interviewing a victim, it is helpful to inform the victim of the reasons for the questions or how the information will be used. This provides context but can also be reassuring. Other studies looking at communication with victims of crime have also developed evidence-based strategies and solutions. R. Davies and L. Bartels have applied research and findings from communication between professionals and victims in the healthcare sector, to the criminal justice sector¹¹². To ensure that verbal information is effectively communicated, they recommend that professionals:

- Assess the victim's starting point, i.e. understanding what information/knowledge they have in their possession already;
- Provide information in small amounts, enabling the victim to hear and understand each piece of information before further is provided;
- Check if the victim has understood the information, and use their response to guide the conversation;
- Repeat information if not understood;

- Limit or eliminate the use of complex and technical language;
- Ask the victim what other information might be helpful.

Similar strategies can also be adopted based on the methods developed by Dr David Burns who is pioneer of cognitive behavioural therapy. He sets forth the following 'five secrets of effective communication' following the EAR acronym (For Empathy, Assertiveness and Respect):

E = Empathy

1) The Disarming Technique: Try to find truth in what the other person is saying, even if it seems illogical, self-serving, distorted, or just plain "wrong". You may not agree but it is about understanding their truth.

2) Thought and Feeling Empathy: Summarise what the other person just said (Thought Empathy) and acknowledge how they are probably feeling, given what they just said (Feeling Empathy)

3) Inquiry: Ask gentle, probing questions to learn more about what the other person is thinking and feeling.

A = Assertiveness

4) "I Feel" Statements: Express your own feelings and ideas openly according to the formula, "I'm feeling X, Y, and Z right now," where X, Y and Z refer to any of a wide variety of feeling words, such as anxious, attacked, hurt, or sad.

R = Respect

5) Affirmation (formerly called Stroking): You convey warmth, caring and respect even where angry, or in disagreement^{t13}

Professionals should explore these strategies and strengthen their own communication skills accordingly.

4.2. Developing a systemic and coordinated approach to communicating with victims

There is today a well-established focus on information provision and even on the accessibility of that information. Extensive information rights exist in EU Victims' laws and much action has been taken to implement these

rights. Yet, there remain multiple difficulties in ensuring that victims can effectively communicate with practitioners and that they actually receive, understand and can act on any information that is provided.

In the following chapter, we explore how the notion of information provision must evolve to focus on developing communication frameworks. This is based on the understanding that barriers and challenges to communicating with victims can only be effectively overcome through long term planning and co-ordination across multiple actors.

4.2.1. Why do we need a coordinated system of communication?

To answer this question, it is worth recapping the major factors influencing communication in the victims field — in particular — who, what, why, when and how.

WHO: Firstly, we are not referring to a simple or single homogenous group of senders and receivers of information. Victims come from all parts of our society, are all ages, genders, and races. They have wide-ranging experiences, knowledge and education and abilities to communicate.

Equally, those communicating with victims as individuals and organisations are highly diverse covering police, prosecution, judiciary, health and social sectors, education sector, the private and civil society sectors to name some but not all of those who may need to provide victim relevant information.

It is important to remember when exploring who should provide information, that the nature of an organisation's engagement with victims may not always match their primary function. For example, hospital staff will be responsible for victim health but they may also be a first contact point for victims and may need to provide information about reporting a crime. Equally, a victim may seek the help of a police officer without formally reporting a crime. The officer may need to consider support needs of a victim before they can even consider a criminal investigation.

A victim's social support network also plays an important role in a victim's recovery and access to information, rights and services (see 1. Introduction). Any strategy for harmonising information for victims should include actions to empower these networks to support victims.

The framework should therefore clarify each stakeholder's role and responsibilities in communicating information to victims, taking into account prevention activities such as awareness raising.

Without a coherent structure, it is extremely difficult to have basic information provision in place for all victims, let alone to ensure it is adapted according to different needs and circumstances. Some groups may have more focus than others. Policies in the victims field tends to focus on three or four crime groups such as domestic violence, human trafficking or child abuse. Having narrowly defined groups makes design of communications easier but this creates inequalities and gaps across the system. Equally, where organisations don't co-ordinate their activities, duplication and gaps emerge whilst opportunities for efficiencies such as the development of information platforms together, are missed.

WHAT: The information that needs to be communicated and reasons for it are highly diverse. Even where limited to justice processes, the purposes can range from interesting to know through to essential elements which can change a person's life.

The information may be critical to a victim's recovery, seeing justice done, receiving compensation and more. It may help them continue with their education, remain in work or find new work, prevent depression and other harmful behaviours and it can save lives by reducing suicides or ensuring adequate protection measures are in place. The information may be essential in making decisions, changing behaviours, accessing services and enjoying rights. Or, it may simply be nice to know.

The difficulty is that the information requirements change during the victims journey, change according to the victim's needs and circumstances but can also change based on the role of the organisation providing the information.

At the same time, there are many commonalities across these areas — the same information could be provided by multiple organisations or could be further developed and built on. This requires co-ordination between actors, a knowledge of what each provides, what a victim has provided and requested and an agreement as to which organisation should subsequently respond. Without a clear framework for co-operation, it is extremely difficult to deliver such a system.

WHEN: Some information may be time sensitive and highly urgent. Some may need to be repeated multiple times by different actors. Other information may be provided but not needed until months or years later. Or information may be provided with too short a time frame to be of use.

As with the previous point, the timeliness of information provision can only be truly resolved where organisations work in conjunction with each other. Having clear responsibilities and co-ordination pathways, enables organisations to know what information was provided when. This ensures that subsequent engagement can be complimentary and early information can serve a purpose of general awareness raising, whilst updates can be used to help victims take action at the right moment.

HOW: there are many methods of providing information starting with those we have used for thousands of years such as body language and speech and more recently writing. Today, however, we have many more mechanisms and approaches to communication using modern technologies and platforms such as social media, websites, communication hubs as well as techniques such as infographics, videos, 3D and virtual reality.

We are increasingly applying new knowledge on neuroscience, neurolinguistic programming and much more to enhance communication methods and make the most of the full range of senses through e.g. haptics, kinesis and olfactory communication e.g. using lavender in a room to calm people, or playing certain music to evoke different emotions or mental states.

If we look at this through a victims' perspective as well as an organisational perspective, this can be overwhelming. How can you possibly know what you need to know, from whom and in a way that you can comprehend it all, and act on it at the right time — all whilst dealing with the mental and physical trauma of crime?

If we look at it from an organisation's perspective, it can be equally overwhelming. How can we know what information victims need and when. How can we be sure that the way we provide information maximises their understanding and how do we know if others are already providing this information and if we are all providing the same information or even contradicting each other.

Unfortunately, as we have seen through the victim's journey (see 3. Challenges and recommendations for provision of information to victims),

provision of information today, largely relies on ad hoc, individual/separated behaviours and engagement processes. It is therefore not consistent and quality and content vary depending on the individual or organisation providing the information.

Confusion remains over which authority is or should be responsible to provide certain types of information, as observed for example with respect to compensation (see 3.5. Information on compensation). In some countries like France, gaps in cooperation and coordination have been identified in relation to specific crimes, such as cybercrime¹¹⁴. This leads to a fragmented information system, with professionals recognising that mechanisms are not effective¹¹⁵.

This observation is in line with the identification of a broader fragmented victim support system, that has focused on the creation of individual victim support services rather than a national system of support integrated with other services such as the police. These ad hoc initiatives consequently result in a lack of coordination, confusion and gaps in the provision of support services¹¹⁶, which means they can't address the range of needs of victims in an effective, efficient, comprehensive and consistent manner. This fragmentation creates inequalities and gaps between States and within State territories.

To avoid the problems described above a harmonised and coordinated approach to communications with victims is necessary — enabling both information from organisations to victims but also from victims to organisations.

4.2.2. What is a coordinated system of communication to victims of crime?

A coordinated system of victim communication is a framework through which all stakeholders working with victims (victim support services, law enforcement, judges and prosecutors, health services, social services, etc.), operate in a coordinated and strategic manner to send and receive consistent and high quality information to and from victims in accordance with agreed standards and objectives.

The framework formalises and organises strategic cooperation to ensure communications with victims are harmonised and consistent. It defines what information should be communicated by who, when, and how, based on a strategic vision and needs assessments. It also provides

the framework for the long-term planning, development, implementation and review or evaluation of communications. A communication framework should operate at multiple levels including at the national, regional, local and individual level.

Based on standard policy cycle processes a Communication framework should include the following structures and actions:

- 1) Planning and Strategy
- 2) Research, development and decision making
- 3) Activity setting and implementation — National, Regional, Local, individual levels
- 4) Monitoring and Evaluation

The ‘steps’ which are set out in a policy cycle are not necessarily sequential. No state will develop a communications framework without pre-existing mechanism. Equally, research and analysis will be necessary to develop a strategic framework, even if afterwards the Strategy will determine additional future research objectives.

Planning and Strategy

According to the policy cycle, a first step is to determine the main goals, objectives and vision for the policy. However, these will need to be researched and agreed which requires a strategic and decision making framework.

The institutional arrangements needed to oversee the planning and implementation of the Framework should therefore be determined and established. It may be that existing institutional arrangements can adequately support the process. However, they may need to be augmented, adjusted or new ones established.

Whilst different approaches to institutional structures can be taken, certain key functions are generally essential in any strategic framework. A good approach has been set out by the UN¹¹⁷ which refers to the following functions for implementing strategic frameworks:

- A Secretariat. This body, normally provided by the ministry responsible for victims’ policy, provides individuals skilled in logistics, planning, consensus building, document preparation, organising meetings and convening consultations of various types.

- Multi-stakeholder oversight is vital to provide overall direction and transparency in the preparation of a national strategic victims' rights framework. It requires institutional arrangements that represent the diverse range of interests in victims' policy within the country and should be used to strengthen partnerships for the implementation phase.

- Networking is essential with the diverse field of victims' policy and is particularly important for communications. Networking goes beyond the institutional structures such as a national committee, and should link into the wide variety of actors across a country which are affected by but also critical to the implementation of victims' policies and communications. This could include local organisations or individuals having specialist subject or geographic knowledge. Building or deepening the network should be an early planning consideration.

- Mobilisation and engagement of experts is the final key function. At all stages sound technical and scientific advice will be required to address key issues and to overcome gaps in knowledge and information. The institutional arrangements must be able to identify national and, if required, international experts and communicate with them early in the planning process to engage them in the planning and implementation of communications objectives

Institutional oversight, planning and implementation structures

Victim Support Europe has recommended several institutional structures under its proposed National Victim Support Framework¹¹⁸. Similar structures may also have been set up under other victim related policies such as the National Referral Mechanism for victims of human trafficking¹¹⁹.

Some of the key institutional structures that are generally recommended for the development and implementation of national strategies, and as reflected by the VSE Support Framework include:

A National Co-ordinator for Victims rights should be appointed to be in charge of the development of the victim support and communications frameworks. The co-ordinator, supported by an appropriate ministry, should help guide the planning and implementation process, ensuring that all those concerned work together towards the defined goal.

A formal multi-sectoral national committee working on victims' policy should be set up with a specific remit covering communications. If necessary,

the communications activities could be carried out by a separate sub-committee of communications specialists, whose work would be overseen by the main committee.

The Committee should be co-ordinated by the State, possibly chaired by the National Co-ordinator and supported by a permanent Secretariat. Beyond its wider work on victims' policy it should have a specific remit to:

- identify general and specific objectives for communications;
- identify barriers to such communications;
- develop a strategy to implement solutions; and
- co-ordinate the implementation of those solutions.

The members of the committee should include key stakeholders identified through a stakeholder analysis. Internal and external stakeholders can be selected on the basis of their levels of interest and capacity to influence change at a national and local level.

Participants should come from at least relevant ministries, state authorities, civil society — service providers and advocacy organisations, independent experts and academics, and private sector actors working in the field. The success of the Communications framework will rely on consensus of all actors which requires an inclusive process to give stakeholders a sense of ownership over the process.

The committee could be supported by ad hoc task forces or permanently established sub-committees/ working groups. These groups may focus on specific aspects of planning and implementation such as:

- a technical group to develop guidance for specific aspects of the framework e.g. objective setting, problem analysis, development of communication tools;
- a finance and budget group: to oversee the development of budgets,
- a supply group focused on logistics;
- a training and human resource development group: to develop and implement training schemes

The committee should have clear terms of reference and well-defined working procedures. As part of the committee's work, it should also explore whether regional or local communications committees are necessary to support any implementation and co-ordination. The committee should meet

regularly i.e. several times per year

To meet networking and expertise functions, structures and experts groups should be set up to facilitate e.g. ongoing engagement, knowledge exchanges, joint activities, research and consultation. To be successful, such groups will normally require a communications platform such as an online hub, agreed terms of references, objectives, activities and periodic meetings, as a minimum. Such networks are not only essential for any knowledge development, analysis and decision making but also promote trust building which supports the implementation of collaborative working methods.

A Communications Strategy, Vision and Objectives

Strategies are particularly important in the victims' field due to the diversity and complexity of objectives and problems, stakeholders and end beneficiaries. Short term political objectives result in short term planning and funding which in turn lead to start-stop policies and project based solutions which are insufficient in duration to achieve any meaningful change.

As a starting point, any Strategy should therefore set out a vision for the policy area as well as high level objectives. The vision identifies the ultimate goal of the strategy, using simple, aspirational terms which are not time-bound.

Implementing plans should develop operational objectives which provide a road map to achieve the aim. They should be based on specific targets expected to be achieved within a particular time, through implementation of a strategy. In line with earlier chapters, the vision and high level objectives can be summarised as follows:

Detailed, actionable and time bound objectives should be subsequently developed as part of an implementation plan and based on a situational analysis and priority setting.

As mentioned in section 4.2.1, a Communications strategy should determine:

Vision for a Communication Framework for Victims of Crime”

A co-ordinated system for communications with victims that ensures all victims get information when and how they need it, and they can provide

information as easily as possible.

Objectives for communications with victims (See Chapter 2)

- 1) Information exists and is available through diverse means;
- 2) Information is accurate, credible and trusted;
- 3) Information is simple and easy to understand;
- 4) Information is accessible to all victims;
- 5) Information is timely and repeated;
- 6) Information is adapted to individual needs and relevant;
- 7) Information is actionable.

- WHO is responsible for providing and receiving information to and from victims

- WHAT information should be communicated between victims and actors, as well as between the stakeholders themselves

- WHY information is being communicated — it is important to understand the goals of any communication to ensure the communication is effective

- WHEN information is communicated is critical to its usefulness as well as to ensuring it doesn't overwhelm or unnecessarily burden victims

- HOW information is provided should be purposefully developed through multiple, diverse and appropriate channels

- Importantly, across all these objectives, the strategy should ensure implementation is well co-ordinated and is implemented in a consistent way with continuous development based on evaluation of results.

Within the Strategy and implementation plans, factors which either facilitate or inhibit the achievement of objectives should be identified. These will be core components of any action plan which need to be either put in place or resolved in order to achieve full implementation:

- Legal — laws that prevent or laws that enable communications. For example, do data protection rule prevent appropriate sharing of information. Are new laws required which facilitate the legal sharing of data;

- Structural — physical, technological and other structures used to improve communications or which may limit them. This might mean for example online communication platforms or helplines, or it may mean information sharing and co-ordination systems between organisations. These will tend to be larger scale, longer term solutions which can greatly benefit from multi-agency co-operation;

- Funding — understanding budgetary requirements and developing funding mechanisms, particularly for large-scale interventions will be critical to success. Will a permanent operational budget be needed, can some activities be project funded? Are some actions large scale and need to be implemented over several years?;

- Knowledge, Behaviour, skills and attitudes — any factors which enhance or limit the ability of individuals to communicate well with victims or victims to communicate with individuals. Training will be a key element in developing skills;

- Tools and Materials — such as leaflets, videos, guidance documents which may be directly provided to victims or which may be used to support professionals in their communications with victims;

- Standards — these set a consistent approach to communication which all actors should follow. They improve the quality of communications but could become unhelpful administrative burdens if badly developed. Establishing communications standards is essential but should therefore be done an efficient manner.

Numerous studies have elucidated the critical success factors in fostering effective inter-agency cooperation and coordination. Drawing upon experiences gleaned from the evaluation of National Referral Mechanisms within the human trafficking sector, it was observed that frameworks founded on formal cooperation agreements among participants substantially contribute to their success, “for example, a memorandum of understanding — that sets out the specific role and duties of each participants”¹²⁰.

Parallel findings emerge from the IMPRODOVA project, a comprehensive initiative concentrating on combatting domestic violence. A comprehensive examination of national best practices in Austria, Germany, France, Finland, Hungary, Portugal, Scotland, and Slovenia revealed key success factors in cultivating impactful partnerships against domestic violence¹²¹. These encompass the following:

Firstly, the establishment of a steering body, universally recognized by all participants, assumes the role of a coordinating authority to oversee the partnership. The efficacy of this body is fortified by factors such as openness, clearly defined protocols governing the partnership’s implementation, and precise agreements elucidating the rights and duties of each participant within the partnership.

Secondly, the implementation of an organized framework and system

for information sharing and utilization becomes paramount. This involves the definition of procedures encompassing the collection, sharing, management, analysis, and decision-making based on information pertaining to cases.

Lastly, the introduction of specialized relays within each partner organization proves instrumental. These relays, often constituted by specialized units or designated staff, are entrusted with the responsibility of managing tasks related to the partnership and serving as a dedicated point of contact for external organizations and actors.

Alongside these core elements of Planning, Strategy, and decision making bodies, research and analysis should take place.

Research and policy analysis

This should be carried out to identify initial goals, vision and problems or barriers. Subsequently, a situational analysis and gap analysis should be carried out.

Based on previous Chapters, the following problems and barriers have been identified with respect to communications with victims:

Problems and Barriers in communications with victims

As set out in section 4.2.1, overarching barriers for victims and stakeholders include:

- 1) Language /Semantic
- 2) Psychological
- 3) Physiological/physical
- 4) Systemic
- 5) Individual background and characteristics including culture

Equally specific problems have been identified in implementing information rights for victims (see Section 3), in particular:

- 1) Information to victims is not always available and provided
 - 2) Information is incomplete and inconsistent
 - 3) Information is not provided in a timely manner
 - 4) Information is not accessible - simple language not used, limited multiple languages, not adapted to individual needs
 - 5) Information is not provided proactively
- Responsibilities for communications not clear

6) Practitioners do not have the time and resources for effective communications

7) Practitioners do not receive sufficient and appropriate communications training

8) There is a lack of tools and mechanisms to support communications

9) The situational and gap analysis helps determines the current situation and provides analysis of what issues need to be addressed:

- Mapping of existing resources — what infrastructure, human resources, services, activities are already in place;

- Needs assessment — what are the needs of the target population i.e. victims, but also needs of practitioners and organisations who must implement the objectives;

- SWOT/Gap Analysis — what are the strengths and weaknesses (problems/drivers of problems), what are the opportunities to improve the system or good practices in communications, what are the threats or risks if solutions are not developed

Research is generally best achieved through multiple methods including desk research, mapping of services and resources, consultation and primary data collection e.g. interviews and questionnaires of stakeholders and victims.

Community needs assessments are increasingly recognised as an effective tool to determine needs and goals and evaluate existing resources and services as well as barriers to achieving goals. The assessment should combine both national and regional/local approaches¹²², to ensure consistency and coordination and avoid fragmentation, while reflecting and integrating specific needs of local communities.

Setting Priorities

Have carried out the evidence collection and determined what actions need to be carried out, these will next have to be prioritised. There are many methods to setting priorities but it can be helpful to focus on four key aspects of problems or objectives. A scoring scale can be used for each issue with an overall score determining which are to be prioritised.

Prioritisation with a scoring scale - Score issues based on:

- Prevalence: this relates to the frequency of the problem - how often it occurs. e.g. victims don't receive information from police on first contact in 70% of cases. This would be scored as a high prevalence. On scale of 1-10 this might be scored 7;

- Magnitude: what is the impact of the issue — how does it affect victims, or impede the objectives. A range of impact factors such as limit on access to rights and services, reduction in recovery, additional harm, can be considered. It should also include a cost analysis of the harm. This data can then be compiled to give a single score to compare across different issues;

- Feasibility of solution: how easy is it to resolve the issue or implement a specific solution;

- Cost: what is the likely cost of any solution.

- Consultations with experts highlighted the need to strengthen co-operation at the regional/local level. In some cases, informal cooperation mechanisms exist but practitioners expressed the need to establish and formalise permanent partnerships.

A notable example is found in France, where local committees for victim support have been operational since 2016. Initially conceived to respond to terrorist attacks, their mandate has evolved to encompass victims of all crimes. The strategic vision involves the establishment of departmental schemes under local victim assistance committees (Comité Locaux d'Aide aux Victimes, CLAV), entrusted with the implementation and coordination of local mechanisms for victim assistance. This developmental process is actively facilitated by the Inter-ministerial delegation for victim support (DIAV), which assumes a steering role in guiding these committees¹²³.

The actions of these local committees serve to enhance the overall approach to victim support, providing crucial information to victims and facilitating discussions on specific challenges. Moreover, they play a pivotal role in implementing local policies tailored to specific categories of victims and crimes, such as those related to human trafficking.

Setting Activities for the Communications Framework

The Communications Strategy provides an overarching vision, objectives, and priorities whilst also setting out the key issues, actors and structures that should be in place. These objectives now have to be implemented through a detailed action plan that should contain operational

objectives.

These should be SMART (Specific, Measurable, Achievable, Relevant, and time-bound) understanding that some objectives may take many years to implement. Nevertheless, multiple milestones and actions can be set to continually progress long-term goals.

With operational objectives determined, activities will need to be set to achieve each objective. Given the inter-relationship between multiple objectives, it is likely that activities will be cross cutting with several implemented at the same time.

Activities will need to be decided on the basis of joint discussions taking into account key steps to implement the activity and who will be responsible for which actions. The plan of activities may form a separate implementation plan, which is a practical, time-bound, budgeted working document.

In a large country, with different provinces, states or regions operating different systems, the national committee may decide that each area should develop its own implementation plan.

Monitoring and success indicators

At the planning stage, it is essential to identify key indicators and develop suitable monitoring tools. An indicator is a parameter that measures the extent to which planned activities have been conducted (input, process and output indicators) or programme objectives achieved (outcome and impact indicators).

Indicators can be used both for monitoring and for evaluation of the strategy, in particular to review whether the activities are achieving their intended consequences and supporting the achievement of the objectives.

Relevant committees either at the national or local level should define indicators and develop monitoring tools, and determine how, by whom and how frequently data will be collected. The sources of the information should also be determined.

Some indicators will require national monitoring and can be expensive and time consuming to collect. This should be borne in mind when deciding on indicators and the frequency of data collection exercises e.g. victim

surveys. However, it should also be taken into account that such data collection can save money by helping to refine activities to ensure they are effective and efficient.

Given that cost-benefit analyses of the implementation of victims' rights consistently show that benefits significantly outweigh the costs of action (and inaction), and that the victims field tends to have poor data availability, it is recommended that such data collection is considered a priority.

As has been seen, the diversity and complexity of the victims arena requires an extensive and strategic communications framework to ensure that information to and from victims achieves its fundamental objectives. Despite extensive barriers existing for decades, a framework approach as described above can help transform victims' experiences of communications and significantly increase their access to rights and services.

5. CONCLUSION

In 2012, the EU Victims' Rights Directive introduced strong information rights enabling victims to access and receive information necessary to their recovery. Despite the progress made at the national level, through the implementation of the Directive, many challenges remain at different steps of the victims' journey.

Notably, information provision remains incomplete and inconsistent across and within all Member States and services (police, justice system, victim support), with the quality relying on the provider's individual skills. This creates a fragmented system that leads to gaps, confusion and inconsistency in which information is provided to victims and how. In addition, a lack of mechanisms/tools and procedures for providing information is observed in all Member States, as well as a confusion about which authorities should be involved, e.g. for informing victims on compensation. Challenges identified impede victims to effectively understand the information they receive, when they access it at all.

Looking at how to maximise the access to information to victims, two objectives arise: (1) ensuring victims effectively understand information provided and are able to act on it — hence relying on effective communication and (2) achieve more consistency and coordination in the way it is provided, to avoid gaps and confusion.

Communication is key to ensuring recovery for victims of crime, as it enables them to not only effectively understand the information provided to them — and consequently exercise their rights, but also regain a sense of control and build trust. While both terms are often used interchangeably, communication differs from information provision in integrating it in a broader system of exchanging meaning and successfully transmitting an idea, information and/or emotion. Such a system hence requires the skill and ability to transmit the communication's 'message' in a manner adapted to the listener and situation, analyse the feedback provided by the listener and reformulate or clarify if necessary. Fundamentally, it goes beyond only providing information to victims but also helping them provide information to practitioners, and in both cases ensuring the information is understood and can be acted on.

With barriers and gaps in information remaining the norm for decades, a systemic and strategic approach to communication with victims, through the establishment of a coordinated framework, is necessary.

Such a framework, integrated in a broader national victim support framework¹²⁴, organises a strategic cooperation to ensure communications with victims are harmonised and consistent. In particular, it defines what information should be provided by who, when, and how, and ensures that information communicated responds to quality standards, e.g. in terms of availability, accessibility, timeliness and adaptation to individual needs.

Defining and implementing such framework at the EU and national levels is consequently fundamental to enhance and fully implement victims' rights to information, as it will enable victims to effectively understand information communicated to them, exercise their rights and address their needs.

Such framework should:

- Establish institutional structures for planning and implementation
- Establish a communications strategy that sets out a vision, objectives and an implementation plan;
- Determine the current situation of communications, identify barriers and gaps as well as carry out a needs analysis;
- Define what information needs to be provided to victims, when, how and by who;
- Establish standards for information, in terms of: availability,

accessibility, timeliness and repetition over time, accuracy, adaptation to individual needs, actionability;

- Establish mechanisms and procedures for implementing the effective communication of information, e.g. online platforms for victims to access information about their case, protocols for regional/local cooperation and coordination;

The framework should in addition organise cooperation between State and civil society actors for developing and delivering information to victims, to ensure a victim-centric, trauma-informed and respectful approach.

In addition, the EU should strengthen existing victims' rights to information within the Victims' Rights Directive, in particular by:

- Extending rights to cover full communications and at least encouraging States to set up communications frameworks;

- Remove references to victims' request and role for, e.g. receiving updates about their case or access interpretation/translation services;

- Requiring Member States to establish online platform for providing (1) general information for victims' recovery, e.g. about victims' rights and services, impact of trauma and the justice system and (2) information and updates about victims' case;

- Improve victims' access to translation and interpretation services by implementing a two-tier system and using innovative practices;

- Accompany provision of information by support or at least the provision of information about available support;

- Provide information through multiple contact points in different sectors.

Notas

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