



REFERRAL, ASSESSMENT AND INFORMATION PROVISION TO VICTIMS OF CRIMES

NATIONAL REPORT FOR PORTUGAL



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Executive Summary

This report presents the results of research carried out by the Portuguese Association for Victim Support, APAV, in the context of *Best Practices in Victim Support: Referrals, Information, Individual Assessment (VICToRIIA)*. The research focuses on the practical implementation of the right to information, the commitment to perform an individual assessment of victims' protection needs, and the establishment referral mechanisms, as envisaged in the Victims' Directive.

The Victims' Directive was transposed into Portuguese national law on September 2015, since when governmental institutions and non-governmental organisations have worked to reinforce the rights and protection of victims as well as their standing in legal proceedings. However, the failure to train professionals and the lack of established procedures in the provision of information to victims, in the assessment of their protection needs, and in the referral mechanisms between law enforcement agencies and victim support services, continue to impair victims' rights.

Research shows that while progress has been made, mostly by non-governmental organisations that provide support services to victims of crime, judicial practitioners, law enforcement agencies and other governmental institutions must make improvements in inter-agency cooperation, professional training and the establishment of procedures and mechanisms in the areas of victimology and victims' rights.

Chapter 1 – Introduction

The research project **Best Practices in Victims' Support: Referrals, Information, Individual Assessment (VICToRIIA)** aims to ensure that victims of crime in Lithuania, Italy, Romania and Portugal have access to, and are offered, victim support services appropriate to their needs.

VICToRIIA activities included the development of desk research, in each country, to determine the scope and manner in which **referral mechanisms, individual assessment** procedures and **information processes** are implemented in practice.

This report presents the **research on the practical implementation of the Victims' Directive in Portugal**, specifically: the provision of information to victims (Articles 4 and 6), the establishment of referral mechanisms (Articles 8 and 9) and tools for assessing victims' protection needs.

The research for this report was carried out in two stages. Initially, primary and secondary sources were analysed to produce a literature review, which was then augmented by information from interviews with stakeholders.

Ten interviews were held with lawyers, judges, public prosecutors, police inspectors and victim support workers. The interviews not only supported the desk research, but also gave feedback from the professionals working with victims.

The Victims' Directive was transposed into the Portuguese legal framework by the adoption of Law no. 130/2015, on September 4th, 2015.

Chapter 2 – Referral of victims

This law amended the Portuguese Code of Criminal Procedure (*Código de Processo Penal* – hereinafter CCP) by adding the Victims' Statute (*Estatuto da Vítima*), where most Articles of the Victims' Directive are to be found¹.

The adaptation of the Directive into other legal systems has already been studied in considerable depth; however, its practical implementation has been challenging and has received little attention from academics and policy makers to date. While several problems have been identified – for example, how to guarantee the Directive is correctly implemented and how to ensure victims' rights are respected – solutions rely on all Member States providing generic support to victims.

Eight countries, including Italy, Lithuania and Romania, have yet to establish victim support services and, therefore, there are no legal statutes on victim referrals, on the provision of information (on rights and support) to victims, or on the individual assessment of victims' protection needs.

This report aims at presenting existing Portuguese practices on these three above mentioned issues and is divided into 4 sections: 1 - Referral of victims; 2 – Assessment; 3 – Information; and 4 - Existing practices. Sections 1, 2 and 3 comprise an overview of the issue at hand followed by an analysis of the current situation in Portugal. Section 4 focuses on existing practices, identified during research and selected according to their connection/relevance to the three topics under analysis – referral, assessment and information. A conclusion presents the main findings.

¹ The transposition of the Victims' Directive was not made directly into the Portuguese Code of Criminal Procedure but instead into the annex to Law no. 130/2015 which, in turn, is attached to the Code of Criminal Procedure. APAV. (2018). VO-CIARE: Victims of Crime Implementation Analysis of Rights in Europe – National Report for Portugal. Available at: https://victimsupport.eu/activeapp/wp-content/files_mf/1564676822VOCIARE_National_Report_Portugal_interactive.pdf

Victims of crime have differing needs: health care, justice, compensation from damages, emotional and psychological support, etc. In addressing these needs, several organisations are involved, within the scope of their activities, with the victim and play a role in the victim's recovery.

The Directive links the need for effective referral mechanisms with two other established rights: the right to receive information from the first contact with a competent authority (article 4) and the right to access victim support services (article 8).

The obligation to provide information on the support victims can obtain and from whom (article 4, paragraph 1(a) of the Directive) is “directly linked to their [the authority's] obligation to facilitate referrals to victim support services pursuant to Article 8(2).”² According to the literature, the existence of a referral mechanism is crucial for an effective support system³.

Literature has identified three models/levels of referral that exist in the Member States.

The first model is the simple provision of information on current support services, leaving the victim to decide whether to look for support, i.e. there is no automatic referral procedure⁴.

² European Commission, Directorate-General for Justice and Consumers. (2013). DG JUSTICE GUIDANCE DOCUMENT related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. European Commission, p. 14.

³ FRA (2014), p. 52.

⁴ APAV – Associação Portuguesa de Apoio à Vítima. (2016). IVOR Report: Implementing Victim-Oriented Reform of the criminal justice system in the European Union. Lisbon: APAV, p. 128.

In the second, as well as providing information on the support available, the authority of first contact must ask the victim whether permission is given to forward his/her details to the support services.

Finally, the third model allows the competent authority to establish direct contact with a support service without the victims' consent. This should only take place when the victimisation is so severe that the victim is deemed incapable of making his/her own decision as whether to consult a support service⁵.

In **Portugal**, the literature indicates that there is a hybrid referral system in place⁶. While there is a legal obligation to inform victims about the existing support services – article 11(1)(a) of Law no. 130/2015 (the Victims' Statute) - **there is no referral system** guaranteeing that all victims, who give consent, will be contacted by a support service⁷.

In most cases, when a victim reports a crime, he/she is given a copy of the Victims' Statute⁸ as well as a list of organisations providing support to victims (information may be obtained without a crime being reported). This responds to the obligation of informing victims about existing support services without a direct referral⁹.

5 FRA (2014), p. 53.

6 APAV – Associação Portuguesa de Apoio à Vítima. (2015a) For a Statute of the Victim in Portugal - minimum rights of victims of all crimes: APAV's contribution to the transposition of the EU Directive on rights, support and protection of victims (Para um Estatuto da Vítima em Portugal - direitos mínimos das vítimas de todos os crimes: Contributo da APAV para a transposição da Diretiva da EU sobre direitos, apoio e proteção das vítimas). Lisbon: APAV, p.42.

7 APAV. (2015a), p.42.

8 See Part 2 on information.

9 APAV. (2018).

Nevertheless, some pilot initiatives referring victims to specialised services have been implemented but, they are limited and reach a small number of victims¹⁰ of certain crimes.

A memorandum of understanding was established between the Portuguese Association for Victim Support (*Associação Portuguesa de Apoio à Vítima – APAV*) and the Judiciary Police (*Polícia Judiciária – PJ*)¹¹ establishing a referral procedure under which PJ informs APAV of certain crimes, particularly homicides and sexual crimes against children and young people. APAV can then contact, and offer its services to, the relatives and friends of the victim or the victim him/herself, with their prior consent¹².

A similar memorandum of understanding and cooperation is in place between APAV and the Public Security Police (*Polícia de Segurança Pública – PSP*), which takes place only in three police stations¹³ – exemplifying the limited range of these referral agreements. The limited APAV and PSP referral protocol results from a lack of PSP national strategy to establish these protocols in all police stations.

Further information on the referral mechanisms established by APAV will be provided in chapter 4 – Existing Practices.

The concept of referral mechanisms has long been studied and implemented in many States within the context trafficking in human beings.

10 APAV. (2018).

11 PJ refers victims to other support organisations, however the referral protocols in place between PJ and APAV are the ones which are formalised and for which specific procedures were created. Interview #10.

12 APAV. (2017). Developing Directive – compatible practices for the identification, assessment and referral of victims. Portugal Practices Report. Lisboa: APAV, p. 13.

13 APAV. (2017), p. 14.

This is justified by the fact that, on one hand, victims of trafficking in human beings have specific protection needs¹⁴ and, on the other hand, they “(...) may fall under the remit of different ministries and/or support organisations.”¹⁵

In 2004, the Organization for Security and Cooperation in Europe defined the term National Referral Mechanism (NRM) as “(...) a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, coordinating their efforts in a strategic partnership with civil society.”¹⁶

In Portugal, there seems to be a NRM in place, as the 2017 GRETA report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal states that, in the first country evaluation (2012), GRETA “(...) noted the adoption of a national referral system for trafficked persons (...) in 2008”.¹⁷

This NRM, the Observatory on Trafficking in Human Beings (*Oberservatório do Tráfico de Seres Humanos - OTSH*) was created by Decree-Law 229/2008, within the implementation of the first National Action Plan for Combating Trafficking of Human Beings (2007-2010) with the aim to: produce and receive information on trafficking trends as well as other forms of gender violence; promote the development of computer applications that support

14 Recital 57 of the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

15 FRA - European Union Agency for Fundamental Rights. (2014), p. 14.

16 OSCE Office for Democratic Institutions and Human Rights (ODIHR). (2004). National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons - A Practical Handbook. Warsaw: OSCE Office for Democratic Institutions and Human Rights (ODIHR), p. 15.

17 Council of Europe, Group of Experts on Action Against Trafficking in Human Beings (GRETA). (2017). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal - Second Evaluation Round. Strasbourg: Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings, p. 5.

the collection and processing of information; and support political decisions, when requested.¹⁸

There seems to be no emphasis on the cooperative framework as put forward by OSCE/ODIHR in its definition of a NRM. Nevertheless, in practice, the OTSH does not appear to be a referral mechanism, which is, one may argue, a missed opportunity since its existing structure has been recognised by international organisations, such as the Council of Europe.

In 2013, the Network of Support and Protection to Victims of Trafficking (*Rede de Apoio e Proteção às Vítimas de Tráfico - RAPVT*) was created by a memorandum of understanding between the Commission for Citizenship and Gender Equality (*Comissão para a Cidadania e Igualdade de Género - CIG*) and 22 other¹⁹, governmental and non-governmental, entities.

The MOU establishes that one objective is to adopt common tools for the identification, data collection and referral (*encaminhamento*) of victims of trafficking in human beings.

This Network, more than the Observatory, seems closer to the definition of an NRM as adopted by OSCE. However, and with the exception of the 2014 initiative of CIG and the Observatory, the different organisations and State institutions within the Network have failed to establish procedures and guidelines on the referral of victims of trafficking in human beings.

The guidelines which have been developed by the common initiative remain unclear on the precise implementation of referrals in cases of trafficking in human beings.

18 Article 2. ° of Decree-Law no. 229/2008.

19 Such as the High Commissariat for Migrations, the Foreigners and Borders Service, the Judiciary Police, the Social Security Institute, several NGOs, including APAV, and others.

In 2014, after modifying the guidelines from “Development of common guidelines and procedures on identification of victims of human trafficking”, funded by the EU, the CIG and the Observatory published a report, which establishes that “[t]he presumed victims of trafficking must be flagged as soon as possible (...). If the identification is performed by professionals other than the [law enforcement agencies], the victim must be referred, with his/her consent, to the competent authority (...).

This action must always be coordinated with all support services, with a view to initiate his/her protection/assistance and criminal investigation. In the case of the identification being made by [law enforcement agents], these professionals must present the victim with the options of protection and shelter or choose to coordinate with the Regional Specialised Multidisciplinary Teams for the Assistance of Victims of Trafficking in Human Beings.”^{20 21}

Additionally, the report recognises that victims of trafficking in human beings can be identified by several organisations, which requires the mapping of procedures, coordination of actions and establishment of which professionals are involved in the different stages²². Although the modification of the guidelines and the adoption of already studied/tested procedures is commendable, this is still too vague to be considered an NRM.

20 Author’s translation. CIG, OTSH. (2014). National Referral System for Victims of Trafficking in Human Beings - Guidelines for the Signaling of Victims of Trafficking in Human Beings in Portugal (Sistema de Referência Nacional de Vítimas de Tráfico de Seres Humanos - Orientações para a Sinalização de Vítimas de Tráfico de Seres Humanos em Portugal). Lisboa: Comissão para a Cidadania e a Igualdade de Género, p. 14.

21 The Regional Specialised Multidisciplinary Teams for the Assistance of THB Victims were established to fulfil one of the objectives of the Fourth National Action Plan for Combating Trafficking of Human Beings (2018-2021) – under objective 3 of the plan.

22 CIG, OTSH. (2014), p. 14-15.

The Victim’s Directive requires **coordination** between the different organisations/entities providing victim support as well as between them and the State institutions, that is within the criminal justice system, and the creation of effective **referral mechanisms**.

Considering the above, it is possible to conclude, that there are no automatic referral mechanisms in Portugal²³ and that existing referral structures/models lack detailed guidelines on how to act, with whom to coordinate and what practice to apply.²⁴ Combined, these two issues make it clear that Portugal still has much to do in the creation of an effective referral mechanism.

23 Interview #1 & 7.

24 Interview #2.

Chapter 3 – Assessment

The Victim's Directive establishes that individual assessments must be carried out in order to determine whether victims are at **risk of secondary and repeat victimisation, intimidation and retaliation** and, if so, what special protection measures they require. This is, as the Directorate-General for Justice and Consumers explains in its Guidance Document, a two-step procedure, the application of which is to be defined by each Member State²⁵.

This section reviews the way the individual assessment has been applied in Portugal as well as if and how it is carried out in practice.

3. 1. The individual assessment of victims needs in Portugal

The sub-section of Article 22(1) of the Directive, which foresees the first step of the assessment, was transposed into Article 20 of the Victims' Statute. Article 20(1) of the Statute establishes that, once a victim comes into contact with the competent authorities, the competent authorities can, after making an **individual assessment of the victim**, assign the **status of especially vulnerable victim** as defined in Article 67-A(1)(b) of the CCP²⁶.

²⁵ European Commission, Directorate-General for Justice and Consumers. (2013), p. 44.

²⁶ Article 67-A(1)(b) of Law no. 130/2015 defines a "especially vulnerable victims" (vítima especialmente vulnerável) as those victims whose vulnerability results from age, health status, disability, and from the fact that the type, degree, and duration of victimisation resulted in serious psychological or social damages with severe consequences.

The second step of the individual assessment prescribed by the Directive was embedded into Article 21(1) of the Victims' Statute.

This provides that, if a victim is assigned the status of especially vulnerable victim, another individual assessment must be carried out to establish whether he/she should benefit from special protection measures listed under Article 21(2)²⁷.

However, in applying Article 22 of the Victims' Directive, it is possible to note several shortcomings²⁸. Firstly, the term "especially vulnerable victims" was already defined in Law no. 93/1999 on Witnesses' Protection and Law no. 112/2009, applicable to the prevention of domestic violence and the protection and assistance of its victims. Instead of amending the existing laws²⁹, legislators chose to create new statutes regarding the protection and evaluation of victims' needs. This has created difficulties for professionals since the measures specified under these laws overlap, creating ambiguity when determining which law to apply.

Secondly, the terminology adopted seems to differ from the Directive's rationale. The Victims' Directive uses the term "victims with specific protection needs" while the Portuguese legislator chose to use the term "especially vulnerable victims".

²⁷ These measures are: all interviews with the victim being conducted by the same persons unless this is contrary to the good administration of justice; all interviews with victims of sexual violence, gender-based violence or violence in close relationships, unless conducted by a prosecutor or a judge, being conducted by a person of the same sex as the victim, if the victim so wishes, provided that the course of the criminal proceedings will not be prejudiced; measures to prevent visual contact between victims defendants, and in particular during the of testimony, through the use of technological means; statements for future use; exclusion audience in trial hearings.

²⁸ Interview #1.

²⁹ APAV. APAV. (2018).

The protection measures prescribed by the Directive aim at addressing *specific needs* that victims may require for their protection³⁰. The word “vulnerable”, used in Portuguese legislation, is a much more subjective and vague term³¹ and when applied to victims, vulnerability may be the result of other victimisation factors³² unrelated to protection per se. In practice, some victims are considered “especially vulnerable” because of characteristics they present, which may not be related to their victimisation.

For example, an elderly victim of a crime may be considered an “especially vulnerable victim”, purely based on age rather than actual circumstances; while an adult male victim of physical assault will probably be considered less vulnerable even though, for example, he is continuously being threatened and is at risk of being assaulted again³³.

Finally, the aim of the Directive is to determine the specific needs of each victim and to respond to those needs by determining the protection measures appropriate to each individual case. However, the concept adopted under Portuguese law is to assign the status of especially vulnerable victim and then apply a set of protection measures, en bloc.

30 Interview #9.

31 Interview #9.

32 APAV. (2015b). APAV’s Legal Opinion related to Law Proposal n° 343/XII amending the Code of Criminal Procedure and approving the Victims’ Statute, transposing Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (Parecer da APAV relativo à Proposta de Lei n.º 343/XII que procede à 23.^a alteração ao Código de Processo Penal e aprova o Estatuto da Vítima, transpondo a Diretiva n.º 2012/29/UE, do Parlamento Europeu e do Conselho, de 25 de outubro de 2012, que estabelece normas relativas aos direitos, ao apoio e à proteção das vítimas da criminalidade e que substitui a Decisão-Quadro n.º 2001/220/JAI, do Conselho, de 15 de março de 2001). Lisbon: APAV, p. 10. Available at: https://apav.pt/apav_v3/images/pdf/parecer_APAV_prop_lei_343_XII_transposicao_Directiva.pdf (in Portuguese).

33 APAV. APAV. (2018).

It seems, therefore, that the national law is not in accordance with the rationale of Article 22 of the Victims’ Directive³⁴.

Other than the incorporation of Article 22 of the Directive into Articles 20 and 21 of the Victims’ Statute, there are no guidelines or legal provisions on how and exactly by whom should the individual assessment of victims be carried out³⁵. This highlights that the individual assessment of victims’ needs, considered one of the most innovative aspects of the Victims’ Directive, is only partially ratified under Portuguese law³⁶, while relevant issues – prompt compliance, regular updates, victims’ wishes, data protection, etc. – remain untouched³⁷.

The literature, previous studies and interviews³⁸ indicate that, in Portugal, the individual assessment of victims’ protection needs is not carried out systematically³⁹ and that there are no guidelines on how the assessment should be made⁴⁰. Additionally, the implementation of a clear, uniform, universal individual assessment procedure will add to the workload of professionals, who will be responsible for the victims’ assessments, but who feel insufficiently equipped or trained to carry them out⁴¹.

In Portugal, once a victim lodges a criminal complaint, the professional – normally a police officer – evaluates the impact of the crime on the victim’s life: based on perceptions of the victim’s personal circumstances and the existence of a support network (family and close friends etc.)⁴².

34 APAV (2015b), p. 11.

35 Interview # 2. APAV. (2018).

36 APAV. (2015b), p. 11.

37 APAV (2015b), p. 11.

38 Interviews # 1, 2 & 8.

39 Ministère de la Justice. (2015). EVVI (Evaluation of Victims), p. 10. Available at: http://www.justice.gouv.fr/publication/evvi_guide_en.pdf. APAV. (2017), pp. 21, 23, 25, 26, 27.

40 APAV. (2017), p. 21.

41 APAV. (2017), p. 12.

42 APAV. (2018).

If the police officer considers the victim to be especially vulnerable, this is communicated verbally to the victim. In the absence of defined procedures on how to perform a formal needs assessment, this represents a discretionary evaluation of a victim's protection needs, but has two key problems. In the first place, there is no guarantee that the assessment is carried out in exactly the same way for each victim. Secondly, there is considerable leeway for inaccuracies and bias⁴³.

However, and as also suggested by literature, a problem common to different Member States is that the level of protection varies depending, not on the individual victim's needs, but on the type of crime committed⁴⁴ and, thus, based on the perception of the law enforcement agent first in contact with the victim rather than on duly established indicators⁴⁵.

3. 2. Risk assessment and how it differs from individual assessment of victims' needs

A victim group that has been receiving more attention and, consequently, more protection is that of victims of domestic violence. When confronted with these cases, judicial and law enforcement authorities, as well as victim support services, implement a risk assessment.

There are different risk assessment tools available: APAV has adopted the Danger Assessment tool while the Portuguese law enforcement agencies adopted the SARA (*Spousal Assault Risk Assessment*) tool. Both instruments are used in **cases of domestic violence between heterosexual partners** by all law enforcement agencies and victim support organisations⁴⁶.

While the instruments are used to assess the risk of danger to life and the risk of repeat victimisation, in domestic violence situations, they can be adapted and used for the creation of an individual assessment procedure⁴⁷; however, risk assessment and the individual assessment of victim protection needs should not be confused⁴⁸.

The risk assessment identifies risk and protection factors relative to a violent situation, in this case domestic violence, by evaluating: the victim's personal and pre-crime history; the victim's report of the facts, and the post-crime circumstances.

The process aims to identify the factors and circumstances which makes the victim vulnerable to repeat victimisation and the risk to life⁴⁹.

The risk assessment is carried out by police officers and victim support services, using an interview script and checklist based on literature and studies, to establish protection strategies by creating a tailored Risk Management Plan covering four areas: monitoring, treatment, supervision and safety plan⁵⁰.

Some professionals argue that an individual assessment of victims' needs can be carried out in a similar manner to the risk assessment, i.e. using interview scripts, checklists and evaluation tools. However, the individual assessment differs from the risk assessment by definition, issues evaluated and purpose⁵¹.

43 Interview #1.

44 EPRS – European Parliamentary Research Service. (2017), p. 82.

45 APAV. (2018).

46 APAV. (2017), pp. 21, 23, 25, 26, 27.

47 APAV. (2017), p. 12.

48 APAV. (2015a), p. 104.

49 Interview #8.

50 Interview #8. Regulatory Decree no. 2/2018, 24th January 2018, Article 14.

51 Interview #8.

Chapter 4 – Information

The individual assessment of specific protection needs is a customised evaluation of the victim's personal circumstances as well as the type, nature and circumstances of the crime while the risk assessment evaluates the victim's personal and pre-crime history, the victim's report of the facts and the post-crime circumstances. In terms of purpose, the individual assessment aims at identifying the specific protection needs a victim has and what protection measures appropriately address such needs, while the risk assessment identifies the factors and circumstances that make the victim vulnerable to repeat victimisation and risk to life⁵².

A major obstacle to the implementation of individual assessment procedures is that many professionals consider it to be another procedure to be carried out along with the risk assessment (in cases of domestic violence between heterosexual couples) and other administrative tasks, thus consuming time and effort. However, this was also the reaction when the risk assessment tools were introduced, yet today professionals recognise that this is an important mechanism and no longer see it as a burden⁵³. As explained by an interviewee, once professionals recognise the advantages of using the assessment, they will find it aids their performance and provides improved victim protection⁵⁴.

Only the lack of established practical procedures and guidelines prevents the individual needs assessment being used widely and systematically in Portugal. Effort is, therefore, required to create procedures – helped by studies and tools from other countries (see Part 4 of this report) – and to provide training for professionals responsible for implementing them.

52 Interview #8.

53 Interview #8.

54 Interview #8.

Article 4 of the Victims' Directive establishes victims' right to receive information from the first contact with a competent authority. This Article places an obligation on "(...) criminal justice authorities to provide extensive information proactively ex officio, rather than the onus being on victims to seek out such information (...)"⁵⁵.

Read together with Article 3 of the Directive (right to understand and to be understood), Article 4's central requirement is that the information provided to victims is effectively understood⁵⁶. The need to adapt the amount and detail of information provided, considering the specific conditions and personal circumstances of the victim, is foreseen in subparagraph 2.

While Article 4 establishes the right to receive information to enable victims of crime to effectively exercise their rights⁵⁷, Article 6 of the Victims' Directive provides the right to receive information about their case. Therefore, victims must be informed about their right to receive, if they wish so, information on all matters concerning their case⁵⁸.

In **Portugal**, until recently, there was no legal obligation for specific State authorities to provide information to victims⁵⁹.

55 European Commission, Directorate-General for Justice and Consumers. (2013), p. 13.

56 Ibid.

57 EPRS. (2017), p.69.

58 European Commission, Directorate-General for Justice and Consumers. (2013), p. 18.

59 APAV. (2015a), p. 25.

This situation changed only after the European Commission noted in a report on the Framework Decision of 15 March 2001, on the standing of victims in criminal proceedings (2001/220/JHA)⁶⁰, that there was no legislation for this requirement.

Currently the provision of information to victims is covered by two legislative documents. The first, Article 247 of the CCP, amended in 2010, concerns the communication, registration and proof of the complaint, including the requirement for the Public Prosecutor to inform victims: on the rules governing complaints and legal aid; of the option to request State-funded compensation; on the support services available, and, in cases of recognised danger from the offender, on all judicial decisions concerning the offender's status, e.g. if he/she is released, or escapes, from prison.

The second comes from the entry into force, in 2015, of the Victims' Statute, establishing and reinforcing the State's obligation to provide information to victims. Article 11 of the Victims' Statute is the legal transposition of Article 4 of the Directive, with exception of subparagraphs i) - information on the contact details for communications about the case – and j) - information on available restorative justice services. Additionally, Article 11 of the Victims' Statute also transposes the rights foreseen in Article 6 of the Directive⁶¹.

⁶⁰ European Commission. COM(2009) 166 final, Report from The Commission pursuant to Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA), p. 5.

⁶¹ According to Article 11(6) of the Victims' Statute, without prejudice to legal confidentiality, victims shall receive, at their request, information regarding: a decision not to charge the defendant; a decision to temporarily suspend the legal procedure; a decision to charge the defendant; place and date of the trial, and the procedural situation of the defendant; and the court's final judgement. Article 11(7) of the Victims' Statute which determines that victims may declare that they wish to be notified of all decisions rendered during the criminal proceedings.

Even though written into law, as in other Member States, the obligation to provide information to victims is not always fulfilled⁶². Before the Victims' Directive was assimilated into Portuguese law, there was no defined strategy nor clear-cut universal mechanisms for the provision of information to victims⁶³ by prosecutors and/or law enforcement agents, except in cases of domestic violence⁶⁴. In the absence of a policy strategy or guidelines, the provision of information to victims was highly dependent on the good will of a few professionals⁶⁵. At that time, the information materials – produced by police forces themselves or non-governmental organisations - were scarce, gave only limited details or were not disseminated⁶⁶.

After the entry into force of the Victims' Statute, there was an attempt to standardise the way victims were informed of their rights in accordance with the Victims' Statute⁶⁷. Currently, when someone reports a crime he/she is informed of his/her rights orally and is given a copy of the Victims' Statute⁶⁸. This is, however, no guarantee that victims are effectively informed on their rights. First of all, the copies of the Victims' Statute available in police stations are written only in Portuguese. Secondly, the Victims' Statute is a legislative instrument, written in legal terms, and thus, not in a simple and accessible victim-friendly language⁶⁹.

⁶² APAV. (2016), p. 206.

⁶³ APAV. (2015a), p. 25.

⁶⁴ The Law on the prevention of domestic violence and the protection and assistance of its victims (Law n. ° 112/2009) prescribes victims' right to information in terms similar to those of the Victims' Directive but this regime is restricted to victims of domestic violence.

⁶⁵ Interview #3. APAV. (2015a), p. 25.

⁶⁶ APAV. (2015a), p. 25.

⁶⁷ Interview #3.

⁶⁸ Interview #3.

⁶⁹ APAV. (2018).

As it is necessary that information is accessible to victims, for them to adequately exercise their rights within criminal proceedings, efforts have been made to create services, namely websites and helplines, which are able to distribute this information more widely. It is worth mentioning the following:

- Commission for Citizenship and Gender Equality's, support service and information for male victims of domestic violence – free helpline operating 24h, 365 days a year⁷⁰;

- APAV, System of Integrated Support at a Distance (*Sistema Integrado de Apoio à Distância, SIAD*) – free helpline available during weekdays, from 9am to 9pm, since May 2015 and recently extended to allow victims to search for support services through other platforms, such as Skype and Facebook⁷¹;

- APAV, INFOVICTIMS – website, leaflets, posters and brochures with broad information on victims' rights and on criminal proceedings⁷²;

- APAV, ABC Justice – website with information on victim's rights and criminal proceedings designed for children and young people⁷³;

- ILGA Portugal, LGBTIQ+ phone line – operating Wednesdays to Sundays, from 8am and 11pm, the phone line provides information on health, legal aid, leisure, among others⁷⁴.

To enable victims to exercise their rights, it is not enough that information is only available in leaflet-format or that victims are told where they can find it online. Having different means of information available is important, but there is a substantial difference between having the information widely available and ensuring that victims comprehend the details⁷⁵. This, as mentioned above, requires a proactive attitude on the part of state authorities.

A major **difficulty** in guaranteeing the right to receive information is the lack of information available for victims who do not speak nor understand Portuguese⁷⁶. The few details (contained in leaflets, posters, etc.) available in other (limited) European languages at police stations is neither sufficient nor adequately circulated, and are mostly dedicated to victims of domestic violence⁷⁷. The authorities have a common – though incorrect – perception that if the victims have a superficial knowledge of Portuguese, then more detailed information can be relayed in Portuguese⁷⁸. However, this is not the case, especially given the complexity of criminal proceedings and of the information to be provided⁷⁹.

In conclusion, there have been commendable efforts in improving the provision of information to victims of crime. Nevertheless, much can still be done and there is an acute need for a more proactive attitude from state authorities.

70 800 202 148

71 116 006

72 <http://www.infovictims.com/com/>

73 http://abcjustica.pt/en/01_home/home.html

74 00351 21 887 39 22

75 APAV. (2015a), p. 26.

76 Interviews #1 & 3.

77 APAV. (2015a), p. 88.

78 Interview #3.

79 Ibid.

Chapter 5 – Existing practices

REFERRAL

APAV's referral systems

As understood by APAV, a referral system is a mechanism by which a partner organisation informs APAV of a crime involving direct or indirect victims, who are offered access to APAV's services after giving their consent for their personal data to be shared with APAV.

In the absence of an automatic, national referral mechanism between law enforcement/judicial authorities and victim support services, APAV has implemented seven pilot referral initiatives with different partner entities.

APAV and the Lisbon Psychiatric Hospital (*Centro Hospitalar Psiquiátrico de Lisboa – CHPL*) have a referral protocol: health professionals, who identify that a patient is being victimised, complete a form with the patient/victim's name and contact details, a brief description of the facts, including the type of crime, the patient/victim's relationship with the perpetrator, the place of the crime, steps already taken and the consequences of the victimisation. The form is then signed by the patient/victim who, by signing, gives consent to be contacted by APAV, which then offers its services and/or information.

Another referral mechanism established by APAV is the CARE Network of specialised support to children and young victims of sexual violence (*Rede de Apoio Especializado a Crianças e Jovens Vítimas de Violência Sexual*).

The CARE Network was established during the implementation of a project with the same name, co-financed by the Calouste Gulbenkian Foundation, and comprising of several national partner organisations, including the Judiciary Police.

The Judiciary Police (*Polícia Judiciária – PJ*) has jurisdiction in relation to the investigation of sexual crimes committed against minors, i.e. the PJ is the only law enforcement agency mandated to investigate these crimes. The PJ's inspectors are responsible for providing child victims of sexual crimes and/or his/her legal representatives' information on support services⁸⁰. As a result of a memorandum of understanding between APAV and the PJ setting up this referral mechanism, the PJ is required to provide information on APAV's general, confidential and free of charge, services as well as its specialised resource of support to child victims of sexual crimes.

When receiving a complaint, or when taking a victim's/witness's testimony, the police inspector in charge of the case must ask the child victim and/or his/her legal representatives⁸¹ whether they agree that the child's details are forwarded to APAV. Once consent⁸² has been formally given – and as soon as the complaint has been filed – the victim's personal and case details are sent to APAV⁸³.

⁸⁰ Article 11(1)(a) of the Victims' Statute.

⁸¹ The information on available support services and the subsequent request for consent of sharing contact details with APAV is provided to the victim directly if he/she is between 16 and 18 years old or to his/her legal representatives if the victim is under 16 years old. Interview #10.

⁸² See Annex I.

⁸³ Interview #10. The contact details of the victims are passed on to APAV via e-mail together with the duly signed consent form. Sometimes, when the police inspector in charge of the case has a heavy workload, the contact details are passed on by phone and later on the consent form is sent via e-mail. This only happens when the police inspector knows he/she will take more than one day to send the consent. This way, it is guaranteed that referral is done in the normal timeframe even though it is only formalised soon afterwards.

Within two days, APAV then contacts the victim or his/her legal representatives by phone to offer assistance from a specialised support worker from the CARE Network⁸⁴.

If the victim and/or his/her legal representatives agree to the offer of support, a first appointment is made. As the victims are minors, initial contact and often the first appointment are made with the legal representatives.

However, it should be noted that the victim's wishes are taken into account and if the victim does not want to receive support from APAV, then the support is offered instead to his/her parents⁸⁵. If there are suspicions that the child or young person has been victimised by his/her parents or legal representatives, and if the PJ considers there is a risk of repeat victimisation, the child or young person is removed from the alleged perpetrator's custody. This action is, normally, taken immediately so when the case is referred to APAV, the victim is already in a place of safety⁸⁶: in this case, the child is entrusted to a family member or an institution, who must then give consent for referral to APAV.

In a similar way, APAV established a referral system with the PJ for friends and family members of homicide victims. As a result of the CARONTE project, implemented by APAV between December 2009 and December 2011 and co-financed by the European Commission's Criminal Justice Programme, the RAFAVH Network for support of family and friends of homicide victims (*Rede de Apoio a Familiares e Amigos de Vítimas de Homicídio*) was created.

84 Interview #7.

85 Interview #7.

86 Interview #7.

As above, whenever PJ investigates a homicide, inspectors must inform the family members and friends of the victim about the specialised support services of the RAFVH Network and, ask them to consent to their contact details and information on the circumstances in which the crime took place being shared with APAV.

To ensure the above referral mechanisms are effective, regular training of professionals at both ends of the referral spectrum is required. The referral procedures form part of the training for victim support workers in the CARE and RAFAVH Networks. On the PJ's side, training on APAV referral protocols is provided⁸⁷ during initial and career progression training for inspectors (inspectors receive mandatory training whenever they are promoted⁸⁸). Those police departments, which investigate crimes covered by a referral protocol, meet regularly: APAV protocols and referral procedures are always discussed to ensure the continuity of the referral system⁸⁹.

A major difficulty in guaranteeing faultless referral systems is staff turnover within the PJ. This requires APAV's victim support workers, when they are aware of staff changes, to contact the new case inspector to establish a good working relationship, based on mutual trust, as the basis of continued referrals.

Referral mechanisms between APAV and the PJ are still at an early developmental stage, but they do seem to benefit the PJ. When an inspector is given a case, the victim or the victim's relatives are in constant contact – especially when the victim lacks other support – and this can become overwhelming because of the inspector's overall caseload.

87 Not rarely, APAV itself is invited to deliver the training modules related to referral of victims to support services. Interview # 7.

88 Interview #7.

89 Interview #10.

The referral to APAV and the initiation of assistance, reduces the inspector's workload as the victim, now having access to support and information, participates more effectively in the proceedings, even if he/she is a minor⁹⁰.

Crimes, particularly sexual crimes against minors, are often brought to the PJ's attention by APAV. Victims may be reluctant to report a crime – if committed by a family member, and that might impact family stability – but may not be so reluctant to contact support services, who will explain the process and aid the victim in filing a complaint. Such cases would not reach law enforcement agencies without the intervention of victim support workers⁹¹. Alternatively, the PJ referral mechanisms are important to APAV because support services can be offered to victims, who would otherwise not be reached.

Finally, the referral mechanisms are significant to the victims: positive communication channels between law enforcement agencies and victim support organisations benefit the victim and prevent revictimisation⁹².

Both parties to the protocol consider that the referral system works well and that it brings advantages to them and to the victim⁹³. The PJ considers that these mechanisms should be extended to other types of crime such as abduction and kidnapping, terrorism and robbery⁹⁴.

A further referral mechanism, between the National Republican Guard (Guarda Nacional Republicana – GNR) and APAV was established in Albufeira and Loulé, in September 2012 and August 2013, two districts located in south Portugal.

90 Interview #7.

91 Interview #10.

92 Interview #7.

93 Interview #7.

94 Interview #10.

When a victim goes to a GNR station in these areas, the guards are requested to present oral and/or written information regarding where and when support services are available, as well as to ask whether the victim wishes to be contacted by APAV support services. As in the scope of the referral protocols mentioned above, members of the GNR receive training on how to enact the protocol and refer victims to APAV.

Another referral mechanism, of May 2012, is that of victims, with their consent, from ILGA-Portugal (Lesbian, Gay, Bisexual, Trans and Intersex Intervention) to APAV. ILGA-Portugal's purpose is to assist in the full integration of LGBTIQ+ people in Portugal and, whenever ILGA's volunteers or staff signal that a member is a victim of crime, they ask the victim if he/she wishes to be contacted by APAV and, if so, collect their contact details and consent⁹⁵.

Since May 2011 and May 2012, a referral agreement has been in place between APAV and the Public Security Police (*Polícia de Segurança Pública* – PSP) stations in Ponta Delgada and Lagoa, in the Azores. As with the other pilot referral mechanisms, when a victim reports a crime at one of these police stations or when the police intervenes at the scene, the police officer informs the victim of APAV's services and asks the victim to sign a consent form in case he/she wishes to be subsequently contacted by APAV.

95 See footnote no. 39.

INDIVIDUAL ASSESSMENT

Project EVVI

In the field of the individual assessment of victims' special protection needs, a promising practice may be identified in project EVVI (Evaluation of Victims)⁹⁶. This project, co-financed by the Criminal Justice Programme of the European Union, was implemented by the French Ministry of Justice in cooperation with the French Victim Support and Mediation Institute (INAVEM), the French National School for the Judiciary (ENM), the Crown Prosecution Service - United Kingdom, the Polish Ministry of Justice - Poland, the General Secretary for the Administration of Justice (Secretaria General de la Administracion de Justicia) - Spain, the Portuguese Association of Victim Support (APAV) - Portugal, and 'GIP-JCI - Justice Coopération Internationale' - France.

This project was designed and implemented after the recognition that, first, there is a need for appropriate services that shall "(...) offer all victims of crime the necessary support, advice, assistance and protection from repeat victimisation" and, second, that Article 22 of the Victims' Directive has focused attention on the different legal and procedural frameworks among Member States, which tend to result in different perspectives on the implementation of the individual assessment of victims.

The goal of project EVVI was to assist Member States in the practical execution of Article 22 of the Victims' Directive, in particular by creating a questionnaire for the individual assessment of victims and developing a best practice guide on this matter.

EVVI proposes an individual assessment which comprises two parts. First, a general evaluation to assess victims' personal characteristics, personal vulnerability, risks and fear of harm. Secondly, a more detailed evaluation is proposed to determine the level of risk faced by the victim and whether, and to what extent, the victim should benefit from special protection measures during criminal proceedings⁹⁷.

In its appendixes, the EVVI guide presents the questionnaire template, which includes a section for the victim's personal details (e.g. name, gender, date of birth, contact details, socio-professional status, nationality, etc.). The victim's personal vulnerability is further assessed by checking boxes to establish if the victim, for example, is a child, has a mental or physical disability, or has communication difficulties or impairments.

The questionnaire also focuses on the risk and fear of harm by noting, for example, the type or nature of the crime and the circumstances in which it took place. Finally, a set of victim-orientated questions are suggested to assess whether, and to what extent, the victim needs special protection measures.

The EVVI guide, particularly the questionnaire, is a practical tool which can, and should be, distributed to police forces and judicial practitioners and can, possibly, be adapted to establish the individual assessment of victims' needs, as mandated by the Victims' Directive, particularly in Member States where no efforts have been developed in this regard or where authorities are looking for clear guidance on how to do this⁹⁸.

⁹⁶ Interview #6.

⁹⁷ Interview #6.

⁹⁸ Interview #6.

Project Infovictims

In the face of extensive research, showing a general lack of information available to victims, APAV developed project Infovictims, co-financed by the European Commission's Criminal Justice Programme. The project's core objective was, given such a lack of accessible information, to increase information on criminal proceedings, on victims' rights and ways to effectively exercise them.

Infovictims was implemented between 2011-2013 in partnership with Victim Support organizations from Austria and the Czech Republic – Weisser Ring and Bílý Kruh Bezpečí - and the Swedish Crime Victim Compensation and Support Authority. The project's original idea was, in part, inspired by a website called "Court Introduction" developed by the Swedish partner. The main outcomes of Infovictims were an informative website, leaflets and a brochure.

The project stemmed from two central ideas/concerns. On one hand, the fact that information for the public has to be simple and easy to understand, often unrealistic due to the legal features and language involved in criminal proceedings⁹⁹.

Therefore, when developing the Infovictims' materials, the team decided to simplify the jargon used, avoiding legal terms and opting for contents that accurately explain criminal proceedings and victims' rights in a format that is perfectly clear to people with absolutely no training in law. On the other hand, there was concern as to how contents should be presented to be 'user-friendly'¹⁰⁰.

⁹⁹ Interview #4.

¹⁰⁰ Interview #4.

Concepts, like a timeline for explaining the different phases of the criminal proceedings, and icons, to illustrate victims' rights, were used. The website includes a "who's who?" section where all participants in the criminal proceedings (police officer, public prosecutor, judge, lawyers, witnesses, interpreters, etc.) are described along with their roles and tasks.

Additionally, the website presents a "virtual city" section which portrays all institutions/organisations the victim may be in contact with during the proceedings (police station, healthcare services, social security services, forensic medicine offices, victim support organisations, court and others). This can be a useful tool for victims who, in addition to the stress they are under due to victimisation, are often afraid and/or uncomfortable when dealing with such entities, especially the judicial authorities.

Following the success of Infovictims, in 2014-2016, APAV implemented, in partnership with Victim Support Scotland, Subvenia Victima (Poland), Weisser Ring Austria and Weisser Ring Germany, the project Infovictims II, also co-financed by the European's Commission Criminal Justice programme. With the similar objective of increasing the information available to victims of crime, Infovictims II allowed for the adaptation of Infovictims materials into the Scottish, Polish and German realities/languages and for the development of a mobile app, which allows a person/victim to easily access Infovictims' website contents via a mobile phone. This was also launched in Portugal.

These projects were innovative not only in the means used to provide information – easily accessible and dynamic – but also in the way such information was displayed¹⁰¹.

¹⁰¹ Interview #4.

Breaking away from excessively legal jargon and adopting clear layman's language guarantees the information is, as it should, effectively understood by victims. This effort was recognised by the former Vice-President of the European Commission, Viviane Reding, who defined Project Infovictims as a best practice to be followed in other States¹⁰².

Project ABC Justice

With a goal similar to project Infovictims, APAV developed project ABC Justice between September 2013 and August 2014 with the co-financing of United States Embassy's Alumni Engagement Innovation Fund (AEIF).

ABC Justice aimed at providing children and young people with information on their rights and on the working of criminal proceedings¹⁰³. Like Infovictims, this project resulted in the creation of an interactive website providing information in a user-friendly and attractive manner¹⁰⁴. As a result of the project, guidelines on information sessions for children and young adults were developed.

Itinerant support services

As the only organisation providing support to all victims of crime in Portugal, APAV currently has 18 victim support offices throughout the country and is constantly making efforts to increase the territorial coverage of its services¹⁰⁵. However, there are regions of the country where victim support services are scarce.

102 Victim Support Europe. (2015). The Voice of Victims in Europe – Annual Report 2015. Victim Support Europe: Brussels, p. 12. Available at: https://victimsupport.eu/activeapp/wp-content/files_mf/1486376891vse_annual_report2015_small.pdf [last visited on 16 November 2018].

103 Interview #4.

104 <http://apav.pt/proj/pages/abcjustice.html> [Last visited on 7 December 2018].

105 APAV. (2015a), p. 40.

To fill this gap in the upper west region of Alentejo, Alto Alentejo Oeste – an area where the population is more isolated, where transportation is sparse and where there are difficulties in accessing both public and private services - APAV created one of its two mobile offices¹⁰⁶.

The victim support office is based in the city of Ponte de Sor, where a staff member is always present¹⁰⁷. Other victims' support workers visit eight different municipalities on a weekly basis, spending one morning or one afternoon in each of the cities. The itinerant character of this office was made possible due to memorandum of understanding established between APAV and 29 formal partners¹⁰⁸ in January 2017¹⁰⁹. In the context of these memoranda of understanding, APAV's partners provide the facilities (for example, a room in the city hall or in the local library) where the APAV support worker can meet with the victims, who come either spontaneously or following a previous appointment¹¹⁰.

Besides the obvious advantage of reaching victims, who would otherwise not receive support, this mobility allows victims save on the cost of transportation they would incur to travel to support services outside their municipalities¹¹¹. Importantly, as APAV has a presence in all eight municipalities, this facilitates cooperation with the local municipal partners¹¹².

106 APAV. (2018).

107 Interview #5.

108 These partners are: eight municipalities, the Secretary of State for Citizenship and Equality, the Commission for Citizenship and Gender Equality, the State's decentralised departments for Social Security, Education, Health and Professional Training, the Ministry of Justice (departments for Forensic Medicine, Prison Services and Social Reintegration, local Commissions for the Protection of Children and Young People, the National Republican Guard, the Public Security Police, the local Firefighters and Portalegre Polytechnic Institute.

109 APAV. (2018).

110 Interview #5.

111 Interview #5.

112 Interview #5.

Since the provision of information to victims of crime is fundamental to victim support, the mobility of APAV staff is significant in ensuring that more victims receive information related to their rights and on criminal proceedings, combating the inequalities which persist between the services/information available in the coastal and city areas in comparison to the interior and rural areas of the country¹¹³.

Conclusion

Overall, this report shows that, while effort has been made to guarantee victims' rights, and while good practices have been initiated, there are still limitations **in the practical implementation of the Victims' Directive in Portugal** (the provision of information to victims (Articles 4 and 6), the establishment of referral mechanisms (Articles 8 and 9) and tools for assessing victims' protection needs) that must be addressed.

There is little current literature on the topic and what is available contains insufficient data and detail. Some legal authors have shown an interest in analysing the victim's position in criminal proceedings since the adoption of Law no. 130/2015; however, the enactment of the Directive, its practical implementation and the access of victims to their rights within the criminal proceedings are topics that have received less attention and are now the purview of victim support organisations.

While these organisations are knowledgeable, as a result of their field work and direct relationship with victims, it is deemed necessary to carry out more empirical and academic studies on these issues to not only further develop a common body of information/sources, but also to support the work performed by the various actors and entities that contact, inform, protect and support victims of crime in Portugal and Europe on a daily basis.

As research has revealed, while referrals of victims – between law enforcement agencies/judicial authorities and victim support services – take place, as result of memoranda of cooperation and protocols, there is still much work to be done.

113 Interview #5.

Significant efforts have been made by the law enforcement agencies and some non-governmental organisations in establishing pilot referral agreements and mechanisms, such as between APAV and the Judiciary Police, the National Republican Guard, the Public Security Police and others, but there is not yet a statutory nationwide referral mechanism in place.

It would be recommended that these efforts should be replicated in other areas of the country, either between government authorities and APAV, or other relevant organisations used by victims of crime. However, further efforts in this regard and, ultimately, the creation of an automatic nation-wide referral mechanism, will only be possible with additional material and human resources. And only then will authorities and victim support services be able to comply with their referral obligations under the Directive and, thus, be able to provide the necessary support.

The Directive's obligation of an individual assessment of victims' protection needs is, as the report shows, neither properly adapted into law nor well implemented. Practice shows that risk assessments are performed almost exclusively in cases of domestic violence in heterosexual relationships, but this must not be confused with the individual assessment proposed in the Directive.

Risk assessments currently in place target only a limited number of victims of crime, where evaluation is made in relation to the risk of repeat victimisation or the real threat to the victim's life. Furthermore, there are no guidelines nor is training available on the individual assessment of victims, demonstrating that this requirement is not being implemented in Portugal.

Finally, the right to information, Article 4 and 6 of the Directive was ratified in Portuguese Law by Article 11 of the Victims' Statute which, nonetheless, omits subparagraphs i) and j) of Article 4. After the adoption of the Victims' Statute, there was an effort to standardise the provision of information to victims and currently, when reporting a crime, victims are given a copy of the Victims' Statute and a list of organisation they can contact for support.

The Victims' Statute is a legal instrument and written in an intricate juridical manner. Needless to say, that makes it incomprehensible to most people. The recommendation would be to use other forms to present the information in a clear simple manner, to ensure that victims understand their rights, roles and functioning of criminal proceedings.

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http://abcjustica.pt/en/01_home/home.html

<http://apav.pt/proj/pages/abcjustice.html>

Annex I

Referral Consent Form

(used in the Network for Support of Family and Friends of Homicide Victims)

Referral system of family and friends of homicide victims

Consent form

I agree that the Criminal Police forwards to the Portuguese Association of Victim Support my identity and contacts, namely full name, address, phone number and e-mail address, in order for that person to be able to contact me and inform me on the types of support he/she can provide me as a family or friend of a homicide victim.

Name:

Contacts:

Address:

Phone/Mobile Number:

E-mail address:

Basic description of the case:

Date:

Signature:

Annex II

Interviews with stakeholders

INTERVIEW #	STAKEHOLDER
1	Lawyer
2	Public Prosecutor
3	Law Enforcement Agent (Public Security Police)
4	Victim Support Worker
5	Victim Support Worker
6	Victim Support Worker
7	Victim Support Worker
8	Victim Support Worker
9	Judge
10	Law Enforcement Agent (Criminal Police)