

Report of Various Size – Fieldwork research (FRANET)

Rights of crime victims to have access to justice – a comparative analysis

Country Report Portugal 2017

CESIS

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Executive summary

In Portugal, the concept of victim only became complete with Law 130/2015 of the 4th of September introducing the Statute of Victim, a response to the demands of Directive 2012/29/EU on establishing minimum standards on the rights, support and protection of victims of crime. A similar definition of victim already existed under Portuguese legislation, but as victim of domestic violence.

As already noted in our previous report on 'Rights of crime victims to have access to justice' (Ferreira and Baptista, 2016), the law in books often reveals a scenario that is very different from reality. Problems in the guarantee of victims' rights remain a concern, with ongoing discussions regarding the need for a more pro-active attitude of authorities, namely by enhancing procedures which promote victims' understanding of their rights and how to exercise them. Particularly relevant in this regard is the need to provide more information in a simpler manner, in order to ensure an actual right to information which is the basis for a real and effective access to justice .

The outcomes of this second stage of the project - 'Rights of crime to have access to justice – a comparative analysis' – confirm most of the assessment made during the previous stage of the study undertaken a year ago. Overall, the interviewees positively assess the impact of the latest legislation change aiming at responding to the demands of the Victims Directive , highlighting that this legal achievement opened up room for strengthening the rights of crime victims; however, they recognise that, on the ground, much remains to be done in order to reach up to the "spirit of the law".

Against this general background, this section will provide the major outcomes arising from the analysis of the interviews conducted with a wide range of practitioners and with the two groups of victims: domestic violence victims and non-domestic violence victims.

One general comment needs to be made before entailing in the summarised presentation of results. The outcomes of the analysis shows, in different areas, relevant differences between: a) the perceptions of different groups of practitioners, evidencing closer perceptions and assessments among support workers and lawyers, possibly given their closer relationship with victims; b) a clear divide between the two territorial contexts under analysis, resulting from the existence (or absence) of consistent networking arrangements between different organisations and stakeholders; c) a divide between the experiences of domestic violence victims and other crime victims in their experience of seeking access to justice. It is important to underline that these general trends do not apply everywhere; they have been highlighted whenever the analysis clearly revealed their influence in the responses of the people interviewed.

Section one deals with the victim's role in the criminal justice system. It is important to highlight one contextual element which will facilitate the understanding of the perception of interviewees regarding the role of the victim in the criminal justice system: whether victims act (or not) as joint plaintiffs to the case. Although we do not have information on whose victims acted as joint plaintiffs to the case or not – since this question was not included – some DV victims who were being supported by specialised services might be acting as such. Victims in this position should cooperate with the Public Prosecutor and, upon taking this status, the victim has the chance to participate more actively in the proceedings. For example, she/he may oppose the provisional suspension of the proceedings or participate actively in the drafting of the orders necessary for accepting the suspension of the proceedings, request measures that he/she considers necessary, request the opening of the instruction phase if he/she does not agree with the decision of the Public Prosecution Service at the end of the inquiry stage, lodge an appeal against any decisions that affect them, among others. In order to become joint plaintiff to the case the victim needs to have a lawyer and to pay a justice tax, which involves additional costs.

Overall, practitioners tend to consider that victims have a crucial role to play in the proceedings, but they also underline their role as a party to criminal proceedings entitled to have a say. Differences in opinions are highlighted in the report. The interviewed victims' assessment of their role in the proceedings depend on their motivation to get involved but also on whether the situation involves a domestic violence crime or other type of crime. Overall, all crime victims agree to acknowledge that their role was important and that they cooperated as much as they could (or were asked to) with the justice system.

Section two focus on the **reporting stage to the police**. One main aspect arising from the interviews with professionals regards the emergence of an unanimous perception that there has been a positive evolution in reporting crimes to the police in latest years and that this is mainly linked to the existence of a wider awareness raising on victims' rights both among professionals and the wider public in general; the fact that violent crimes are considered public crimes – meaning that the victim's complaint or consent is not necessary to move forward with the legal proceedings – in Portugal also seems to have contributed to this positive development in Portugal. Professionals are also unanimous to agree that the victim's willingness to report and to cooperate throughout the proceedings is of the utmost importance to the development of the case. The interviews with the victims somehow confirm these outcomes, since most victims directly reported to the police. All the victims interviewed, clearly expressed their willingness and determination to report to the police again when (and if) a similar situation would occur. Particularly telling in this section are the differences observed between domestic violence victims and other crime victims as regards the moment when the decision to report is taken and the obstacles encountered at this initial stage.

Section three includes a large set of information regarding support, advice and information. The initial subsection deals with the **existing support services and the access to victims to this type of support**, including victim support services and legal representation. Overall, practitioners tend to value the existence and the importance of victim support services, recognising that they play a crucial role in supporting victims of crime. However, they also identify the need to strengthen the existing victim support services in specific aspects. Territorial differences become obvious through this assessment. The experience of victims and their perceptions confirm the importance of victim support services but also reveal the gap between the availability of support services for domestic violence victims and the lack of such services addressed at other crime victims. As regards **legal representation and legal advice during the proceedings**, practitioners acknowledge the existence of hindrances within the system mainly arising from practices, rather than from legal possibilities offered to victims (e.g. being accompanied by a support person of their trust during trial, being legally advised during interviewing stages, the operation of the legal aid system). Most victims confirm this gap between their rights and the actual concretisation of such rights. On the crucial domain of the **right to information** the outcomes of the analysis performed show some progress in this field, namely by the introduction of formalised procedures and (written) instruments, but less success in actually achieving that crime victims effectively and comprehensively apprehend the information available about their rights and potential role in the proceedings. Territorial differences and divides based on the crime typology also apply here. The role of support organisations and lawyers is of the utmost importance in ensuring that information is actually apprehended and that victims' rights may be respected.

Section four addresses issues related to **the rights of victims of violent crime to effective remedy**. The investigation of public crimes – such as all the crimes covered by the interviews – is mandatory and does not depend on the victim making a complaint; therefore, the police are obliged to investigate under the guidance and supervision of the Public Prosecution office which is responsible for conducting the investigation. Although these facts are consensual among all the categories of interviewees, it is possible to observe several nuances in the way different categories of practitioners approach this issue, revealing the adequacy of investigation actions and the excessive burden put on the victim's willingness (and ability) to actively participate in the investigation. The assessment made by the victims interviewed regarding the way the police investigation was carried out reveals –

once more – a clear divide between domestic violence victims and victims of other violent crimes, i.e. the former expressing a much more negative opinion than the latter. There is wide consensus among the different categories of practitioners that public prosecutors enjoy a margin of discretion as regards the decision to prosecute. Moreover, most interviewees highlight the fact that whenever the PP considers that the evidence collected is not consistent enough they will dismiss the case, which does not mean that the crime was not committed. Possibilities to challenge the effectiveness of the investigation or to challenge the public prosecutor's decision to dismiss the case are rarely used by victims. Most of the victims interviewed value their contribution to the proceedings and highlight their availability to cooperate with the investigation throughout the proceedings. However, and in spite of the fact that all the cases involving these victims ended up in the conviction of the offender, there is wide dissatisfaction regarding the lightness of the sentence imposed by the court in relation to the seriousness of the crime, and its (immediate and lasting) consequences.

Section five deals with the **victim's active participation in the criminal proceedings**. Overall, practitioners agree that victim's participation is mainly concretised through their direct involvement in three major moments during the proceedings: when reporting the complaint to the police; at the interviewing stage either by specialised police units or/and at the public prosecutor office; and in court trial. However, divergences among the different categories of practitioners are also brought into the light as regards the possibilities to participate and the actual exercise of such rights during the proceedings (e.g. being heard before important decisions are taken versus being informed after the decisions are taken). Here, as in other sections, the analysis reveals the importance of the intervention of the legal representation of victims and/or of the support of specialised victim support services. Victims' perspectives on their own participation confirm the need for such support in order to overcome obstacles in seeking access to justice (e.g. access to information) but also in being able to assess whether or not their rights to participate are being respected.

Section six addresses **the victims' need for protection against secondary victimization**. The overall assessment of practitioners reveals that the police do implement procedures to assess on an individual basis whether measures need to be adopted in order to protect a victim of violent crime against secondary victimisation. Particularly controversial is the perspective put forward by prosecutors, judges and police officers regarding the "inevitability" of secondary victimisation induced by existing legal conditions. Routine measures to avoid confrontation between the victim and the offender(s) are only ensured during the investigation stage by the police authorities, in contrast with the "by request" nature of the measures which can avoid such confrontation within the court setting. This contrast seems to be echoed in the assessment made by victims regarding the two settings: overall, victims felt comfortable, protected and respected in their privacy during the interviewing at the police, contrary to the feelings expressed regarding their "court experience" where fear and intimidation are clearly present.

Section seven is devoted to exploring **the protection against repeated victimization, with a specific focus on domestic violence cases**. The main outcomes of the analysis reveal that the overwhelming majority of practitioners agree that the implementation of risk assessment procedures in this field is limited to domestic violence cases and is lacking in other types of violent crimes. Less positive is the assessment made on the way immediate protection measures are applied and the hindrances revealed when urgent decisions are needed. Cooperation between police and support services is not present in all contexts. A clear territorial divide emerges from the views of the victims as regards the way the justice system responded to their immediate need for protection against repeat victimization, confirming the importance of the establishment of formalised and integrated interagency working.

Section eight draws on the different perspectives of practitioners and victims on **compensation and restitution**. Most practitioners acknowledge that the police routinely inform victims about their entitlement to state compensation when granting them the statute of the victim (domestic violence victims) which is accompanied by a written form containing detailed information, including that one; however, this does not mean that the victims

actually get informed on how to materialise their entitlement to compensation. Information on the possibilities to obtain restitution are, according to the practitioners, less disseminated, confirming previous perceptions that only victims who are being actively supported or legally represented will become aware of their possibilities to exercise their rights.

Section nine asks interviewees to provide a **general assessment of victims' situation in accessing justice**. An important conclusion to be drawn from the outcomes regarding the practitioners' perspectives is the rejection of the statement that criminal justice is mainly a matter between the public and offenders and that hence victims' role in criminal proceedings is necessarily peripheral, thus recognising that a stronger participation in the proceedings does not jeopardize the balance between the defense of the rights of the victims and those of the defendants. Dissent is obvious as regards the way practitioners working in the criminal justice system take (or not) the rights and concerns of victims very seriously. Most victims, on their turn, consider that their concerns and rights were taken seriously by the police during the investigation and by the court during the court trial. Particularly powerful is the outcome illustrated by the positioning of victims regarding the impact of the experience of their trajectory through the justice system as a way to come to terms with the experience of victimisation: struggling to respond to this question, most of the victims end up acknowledging that, overall, what they experienced during the investigation and the court proceedings rather added to the harm done by the offender.

The report ends with a concluding chapter which mainly draws on a comparative and summarised analysis of the results of section 10 of the templates covering the conclusions and observations made for each interview conducted.

Introduction

The implementation in Portugal of the project 'Rights of crime to have access to justice – a comparative analysis' covered 22 professionals and 11 victims from two specific geographical areas in Portugal: Cascais/Sintra and Barreiro/Moita.

The choice of the two areas where the field work was carried out was decided following individual contacts with support services and confirmed by consultation with relevant stakeholders from the justice system. Two meetings were set up: a preliminary meeting at the Lisbon General District Public Prosecution Office and a follow-up meeting with the coordinators of the Public Prosecution Office of the two selected areas. These contacts together with our previous knowledge on the two areas confirmed our option to choose two judicial areas in the Lisbon General District Public Prosecution Office. These areas were selected on the basis of their diversity regarding the existence (in the former case) of established inter-agency networks involving major stakeholders (e.g. police, judicial stakeholders, victim support services), in the field of domestic violence or, on the contrary, on their absence and even on the absence of any specialised victim support service (in the latter case). General state support services – on the contrary – are available on both territories. These are general services (e.g. social security services, housing support services, health services) which provide support to citizens in general – including victims of crime – according to their needs and according to the services respective remit of action. We also scheduled a meeting with the two coordinators of the Lisbon General District Public Prosecution Office responsible for the areas selected in order to facilitate contact with potential interviewees: professionals and, if possible, victims.

Given that this report is based on small-scale qualitative research, which is reflected in the small number of interviews for certain categories of respondents, the reader should bear in mind that the findings reported here are only representative of those persons who were interviewed.

The practitioners and the victims were interviewed face to face by the members of the team. No external elements were involved in the field work. The fieldwork was carried out between 20 January and 21 June 2017.

As regards the group of practitioners, the team interviewed five support workers from victim support services (three services specialised in supporting victims of domestic violence and sexual violence and one general victim support service), six Police officers – 2 from the Public Security Police (PSP), 3 from the National Republican Guard (GNR) and 1 from the Judiciary Police (PJ) –, four Lawyers and three judges and four Public Prosecutors. In total, 11 men and 11 women were interviewed.

As regards the police, the research team had an explicit concern to include both police forces operating in these territories since they are responsible for receiving and following up reported offenses of crime. In both territories, interviews were held both with professionals from the PSP and from the GNR, since both police operate within these two municipal areas, although in different sub-territories. The GNR operates on rural locations and PSP operates in urban locations. The GNR has a specific department addressed to domestic violence crimes (NIAVE) and this was taken into account in selecting the interviewees (two interviewees worked at two different NIAVE). The Judiciary Police is responsible for investigating violent crimes. For this specific project one professional from the National Unit against Terrorism of the Judiciary Police was interviewed..

The selection of lawyers, judges and prosecutors was made on the basis of their experience with both domestic violence and/or other violent crimes.

Overall, it is important to mention that all the practitioners interviewed (except the Judiciary Police inspector) clearly have much more experience in dealing with domestic violence cases than with other violent crimes, given the prevalence of the former.

As regards interviews with victims the team interviewed a total of 11 people: seven women and four men. In relation to the type of crime, six interviewees were victims of domestic violence (all women) and five were victims of another type of crime (only one woman), namely armed robbery, attempted murder and kidnapping. The cooperation of different organisations – e.g. victim support services, the Judiciary Police, and the Commission for the Protection of Crime Victims – in the identification of these victims was extremely important and enabled all interviews to be conducted.

However, it is important to highlight some difficulties faced during the field work which were regularly reported to FRA through the monthly progress reports.

The identification of victims was particularly challenging. In the first place, it was very hard to identify victims complying with all the criteria established by the project. Male victims of domestic violence were not possible to reach in spite of successive efforts and cooperation with different victim support services. In order to overcome this obstacle, the research team contacted APAV central office and asked their cooperation in trying to identify male victims within the selected territories but also it was not possible to find any. According to APAV, most men contacting APAV as crime victims declare they want to remain anonymous, meaning that they appear on their statistical records but no contact detail is associated, i.e. they are not reachable.

The four organisations supporting victims whose professionals were interviewed have tried to find eligible victims but in many cases without success. This was an unexpected outcome of the fieldwork which entailed delays and many extra efforts from the research team in diversifying and intensifying contacts.

In very few cases, victims were identified and contacted by the services but were not willing to be interviewed.

Several public prosecutors interviewed also agreed to run through their cases to try and identify potential victims but the outcome was that either no matches were found or no agreement from the victim was obtained. The same happened with the lawyers interviewed.

At a later stage of the field work, a subsequent contact with the Judiciary Police proved to be effective in the identification of several potential interviewees' who had been victims of violent crimes. We were able to conduct four interviews as a result of this cooperation. However, two of the people changed their mind and were never interviewed. Some other victims, when contacted by phone agreed to be interviewed but then, when trying to schedule the interview, they successively postponed and finally declined.

Another relevant difficulty regards the contacts with victims of attempted murder or family members to homicide victims. Both the services and the research team contacted several victims or relatives but most of them did not want to be interviewed; their experience had been so traumatic that they did not want to talk about it (in spite of our explanation that the focus of the interview would be on the justice system experience). Some of the phone contacts with relatives of victims of homicide were particularly difficult for the research team given the person's emotional reaction to our mentioning of the reason for contacting them. In these cases, information was given on available victim support services.

Overall, the scheduling of interviews with the practitioners went smoothly and without such constraints. The contacts with lawyers were the most difficult to achieve. Therefore, we used the snow-ball technique through other justice professionals already reached (e.g. public prosecutors).

The interviewing stage went generally well and the cooperation both from victims and professionals was very good. Some specific aspects deserve a particular mention given their relevance for this crucial phase of the study. These include:

- There is a tendency for practitioners to focus on domestic violence crimes rather than on other types of crimes given their greater experience with these cases;
- Some practitioners had limited knowledge on selected aspects of the interview, given either their professional background or, more frequently, the fact that their intervention was limited to a specific part of the proceedings and therefore they had no knowledge on other aspects of the proceedings (e.g. judges on police procedures; judges and prosecutors on victim support organisations);
- Defensive positioning and attitudes from practitioners (e.g. prosecutors, judges and police officers) regarding the operation of the justice system, generally avoiding to voice criticisms and a tendency to focus their answers on what the system should be and should provide, rather than on what actually happens in practice;
- Some victims – either those clearly more affected by the violent experience or/and those with a lower educational background – have obvious difficulties in understanding specific questions about the proceedings, to respond to questions involving assessments and to position themselves in some of the tables provided; this entailed impossibility to obtain their answer to specific questions/tables, additional explanations, longer interviewing times or, on the contrary, shorter interviews;
- In several occasions, the recording of the interview started significantly later than the beginning of the conversation with the victim; several victims explicitly expressed their strong willingness to share “their story” with the interviewer, not only regarding the violent incident(s), but also on aspects of their life; this was not promoted by the interviewer, but it was of course inevitable to give victims such time in order to achieve an atmosphere of trust and empathy necessary for the good outcome of the interview;
- Some interviews had to be paused for small periods of time, in order to allow the victim to emotionally recover after remembering more difficult situations encountered; in one specific interview, for example, the woman got very emotional (she was in tears in several occasions) whenever she mentioned the economic difficulties she and her children were going through and when she recalled that her children had directly been exposed to all the violent incidents and the consequences this still had on them;
- The emotional condition of some victims and the lack of access to supporting organisations (particularly among non-DV victims) led the team to actively inform the victim about existing services and in some cases and following request by the victim, referral was actually made;
- In one situation, the particular vulnerable economic situation of the victim resulted in the team’s decision to grant her a small supermarket voucher as a “gratitude token” for the time spent in giving the interview in spite of the particularly difficult living conditions she was experiencing.

1. Perceptions of the victim's role in the criminal justice system

1.1. Views of practitioners

1.1.1. How do practitioners of various professional groups view the primary role of victims in criminal proceedings and its significance (please refer to Question Pr 1.1)?

	S	P	J	L
As a witness testifying and thus providing evidence;	2	2	2	3
As a damaged party seeking restitution;	1	1	1	0
As a party to the criminal proceedings entitled to have a say in the proceedings;	2	3	3	1
Other, please specify below!	0	0	1	0
Don't know	0	0	0	0
TOTAL	5	6	7	4

As well as completing the above table, please provide an analysis and your own interpretation of the results:

Most professionals consider that the involvement of the victim in criminal procedures is not connected with seeking restitution. Professionals tend to see the victim as a witness testifying and thus providing evidence and as a party to the criminal proceedings entitled to have a say in the proceedings. The analysis by professional group shows that judges (PT/J/06, PT/J/03, PT/J/07) and the police (PT/P/02, PT/P/04, PT/P/05) tend to consider that the victim plays a more active role in criminal proceedings. In some cases, they refer to the recent strengthening of victims' rights which enables them to play a more active role in the proceedings. Lawyers (PT/L/01, PT/L/02, PT/L/04) mostly consider that, in reality, victims are most of all mere witnesses testifying and thus providing evidence. The perspectives of these two professional groups – judges and police – refer to the reality as they perceive it and not to the potential role of victims. However, there may be an issue of understanding by different professionals regarding what they understand “as a party to the criminal proceedings...”, which may not exactly be the same for all of those who agree with the sentence. The responsibility to bring evidence to the case appears to be understood by some as the role of the victim as a witness and by others as an opportunity to participate and have a say in the proceedings.

1.1.2. How significant do practitioners assess the role of victims in criminal proceedings, apart from victims testifying as witnesses? (Question Pr 1.2)?

Overall, practitioners (e.g. PT/S/02, PT/S/04, PT/J/01, PT/J/02, PT/J/03, PT/J/07, PT/L/01, PT/L/03, PT/P/02, PT/P/03/PT/P/04) consider that the victim has a crucial role to play in the proceedings. Some claim that victims are the main party in the proceedings. This fundamental role mainly derives from the fact that the victim is the best source of evidence and the one who can bring the truth to the forefront of the case. (e.g. PT/L/01, PT/J/01, PT/P/02, PT/P/04) Moreover, it also becomes evident across the different professions that whenever the victim is not willing – or not able – to participate and to provide evidence the case will almost inevitably be dismissed.

"It is even the only existing personal evidence element in the case (...) Without the victim's testimony the case cannot go forward." (PT/J/02)

In spite of this overall agreement among all professionals regarding the fact that victims are much more than mere witnesses, it is possible to observe significant differences between the various categories of professionals regarding this role/responsibility of crime victims.

Support organisations (e.g. PT/S/02, PT/S/03) highlight that this reliance on the victim to bring evidence to the case is indeed important and will contribute for her rights to be actually respected. However, at the same time many victims are not aware of this expected role; they are not aware that this active participation is crucial for the investigation and – as pointed out by the interviewees – that the case will only move forward if they actively cooperate with the justice system in bringing evidence to the proceedings. Moreover, several support workers (e.g. PT/S/03, PT/S/05) express concern regarding those victims who are not supported and therefore may never be aware of the importance of their role and participation throughout the proceedings which may have a very negative impact on the evolution of the case.

"If there is a victim who does not want to participate, who does not want to cooperate, either because she is being intimidated, or because the case is too painful for her, this is regarded as lack of cooperation in the proceedings or lack of interest or in some way she is being complicit with the defendant. And therefore, the case, falls by itself very often. Very often courts subject the continuity of the criminal case to the attitude of the victim." (PT/S/05)

There is an overall perception among these professionals that too much responsibility is being put on the "victim's shoulders" and that the system is not actively searching for alternative evidence that the crime was committed.

Judges and prosecutors (e.g. PT/J/01, PT/J/05/, PT/J/06) also highlight this crucial role of the victim and confirm this reliance of the decision to prosecute or dismiss the case on the participation of the victim in providing the necessary evidence for the investigation to produce outcomes. Judges (e.g. PT/J/02, PT/J/06) in particular provide a special emphasis on the ability that only the victim has to bring truth and the reality of the crime to the forefront of the whole process.

"It is even the only existing personal evidence element in the case (...) Without the victim's testimony the case cannot go forward." (PT/J/02)

Lawyers (e.g. PT/L/01, PT/L/02, PT/L/04) confirm the crucial role of the victim within the proceedings as the main actor in place, given the responsibility to provide evidence and bringing the truth; moreover, they recognise that this role is presently much more important and that victims are now more proactive in reporting given the support available to them (e.g. PT/L/03). However, criticisms also arise in regard to the overburden of responsibility put on victims who need to play a dual role: as witnesses who need to bring the truth to the case; and as the main providers of evidence to the investigation (e.g. PT/L03, PT/L/01).

"Today DV crimes are well known and often on the headlines and that is mainly due to the role of the victim in reporting the crime; they start having the courage to report and they are also feeling that justice is starting to correspond to the way the law is implemented (...) and I think this is due to the role of the victim. Now, they also feel that

they have more support available and this is absolutely necessary in order to fight this type of crime. (PT/L/03)

“One thing is the victim who is the offended party in the crime and the only role she should have was to report her truth, within her ability to actually do so. Another thing is what is asked from her and the criminal proceedings are in fact extremely demanding for a crime victim. Why? Because she is not merely a victim. She is someone who provides the evidence to the case and she is someone who has the burden of proof. It is not merely a right, but it is rather a burden, it becomes a burden. She has to tell the truth, she is called by the PP to be interviewed as many times as it is deemed necessary, and then there is all this obligation to bring to the case all the necessary evidence to ensure that justice is made (...) The victim perceives all these requests as an obligation (...) During criminal proceedings the victim’s feeling is that apart from being a victim of crime, she is also a victim of the system itself and that she has a double role to play, which is going there and tell her truth, but also to inform the whole process.” (PT/L/01)

Finally, the police (e.g. PT/P/01, PT/P/02) confirm this dependency of the investigation on the participation of the victim and on her ability/availability/capacity to bring evidence to the proceedings. Once again, it becomes clear that whenever the victim is not able to cooperate, the investigation will not move forward and the case will be dismissed.

“They have the main role. Without their testimony and without the victim’s participation it is very hard. If she does not participate in the proceedings whatever form it may take it is very difficult for the investigation to proceed and to arrive to an outcome, right? Therefore she is the crucial party. In my opinion, in the proceedings, the victim is very important. She is the crucial party. (...) we’ve had cases where the victim reported the crime and then she arrives here and decides to keep silent. And we cannot proceed with the investigation. The case dies here.” (PT/P/02)

1.2. Views of victims

1.2.1. How did the interviewed victims assess their role in the proceedings (Question V 1.1 – V 1.3)?

The interviewed victims’ assessment of their role in the proceedings depends on their motivation to get involved but also on whether the situation involves a domestic violence crime or other type of crime. Given the importance of this distinction the analysis will be made taking into consideration this divide.

The first differences emerge when identifying the motivations to get involved. DV victims mainly express that their decision to report and to move forward with the complaint was the result of fear, insecurity and long years of suffering which had to be put to an end (e.g. PT/V/01, PT/V/04, PT/V/10, PT/V/11). Non DV victims highlight the awareness that their rights had been violated, a feeling of injustice which needed repair, the violent nature of the crime and the inevitability of reporting a crime which was committed and witnessed by third parties in the public space (e.g. PT/V/05, PT/V/08, PT/V/09).

Drawing on different perceptions of these key motivation drivers, all crime victims agree to acknowledge that their role was important and that they cooperated as much as they could (or were asked to) with the justice system.

However, once again there are key differences between the two types of victims interviewed. DV victims (e.g. PT/V/01, PT/V/03, PT/V/11) report the importance of the support received which was crucial for their ability to cooperate, they express their willingness to have had more opportunities to cooperate but also recognise different previous experiences where they were not able to provide such cooperation with a direct impact on the proceedings.

“I did everything I could. I never had the chance to talk before the court. (...) I never gave up on any complaint. (...) I never got justice, from court. I was never given such opportunity.” (PT/V/11)

Other crime victims merely point out their important role and how they always cooperated in all the required stages of the proceedings (e.g. PT/V/05, PT/V/06, PT/V/08).

Expectations regarding a stronger or weaker involvement in the criminal proceedings also show a clear divide between DV and non-DV victims. Among the former, there are diverse perceptions and feelings being expressed: doubt and mistrust in her involvement arising from negative former experiences with the system (PT/V/01); expectations that she should have been more involved (PT/V/03); total surprise from the strong level of involvement demanded from her (PT/V/04); no expectations whatsoever (PT/V/02). In the case of non-DV victims there is an overall satisfaction with the level of involvement and the level of information and support received from the Judiciary Police (e.g. PT/V/05, PT/V/06, PT/V/07, PT/V/09). There is evidence of good communication between the victims and this specialised police unit who was responsible for accompanying all these non-DV cases.

“His whole team (the inspector’s) was extraordinary, I cannot find another adjective. I couldn’t ask for more. And this regards all aspects (...) I have to praise the support given and say that I did not expect it to be so good and so extraordinary. Extraordinary, extraordinary. They were of a degree of professionalism... I’m not sure if the other police forces work like this.” (PT/V/07)

2. Victims reporting their victimization to the police

2.1. Views of practitioners

2.1.1. How do practitioners assess the impact of victims' reporting (or underreporting) on the criminal justice system's effectiveness (question Pr 2.1)?

One main aspect arising from the interviews with professionals is the emergence of an unanimous perception that there has been a positive evolution in reporting crimes to the police in latest years (e.g. PT/S/03, PT/J/04, PT/L/01, PT/P/03, PT/P/05). This positive evolution appears to be mainly linked to wider awareness raising on victims' rights both among professionals and the wider public in general, and also from the fact that in Portugal domestic violence is a "public" crime, since 2000, meaning that the victim's complaint or consent is not necessary to move forward with the legal proceedings. Moreover, there is also generalised agreement that the decision to report (or not to report) is directly linked to the type of crime committed. Crimes involving intimate relationships continue to be much more difficult to report and tend to be reported only after many violent incidents have occurred (e.g. PT/P/01, PT/L/01, PT/L/02, PT/S/01, PT/S/04), contrary to other types of crimes which do not involve family relationships and which victims tend to report immediately after the incident (e.g. PT/S/04, PT/J/05, PT/L/01, PT/L/02).

Professionals are also unanimous to agree that the victim's willingness to report and to cooperate throughout the proceedings is of the utmost importance to the development of the case. However, different perspectives are put forward:

- **Support organisations** highlight the fact that victims whose attitude is cooperative since the beginning and who manage to provide a consistent and clear reporting of the incidents – usually victims from higher social and economic strata – are more likely to have a positive feedback from the justice system (e.g. PT/S/03, PT/S/01, PT/S/04);
- **Public prosecutors** highlight the existence of different profiles of victims, namely younger and older victims, who tend to have different attitudes (e.g. more proactive and informed and less proactive, respectively) and whose attitude directly impacts on the proceedings (e.g. PT/J/01, PT/J/05);
- **Judges** also refer to the differences between crimes involving relatives and other crimes which tend to produce diverse attitudes from the victims (e.g. more reluctant to cooperate in the former case) which impact on their ability to provide evidence and to cooperate with the system. The interviewees emphasize the persisting reluctance of victims of crime involving relatives both to report and to cooperate throughout the whole proceedings (e.g. PT/J/06, PT/J/07);
- **Lawyers** tend to highlight the increasing awareness among victims that a crime has been committed and that they have the right to report (e.g. PT/L/01, PT/L/02, PT/L/04), but also the constraints they face in their interaction with the justice system (e.g. lack of information, inadequate approaches at the moment of reporting, lack of trust on the system) (e.g. PT/L/01, PT/L/02, PT/L/03) ;
- **Police officers** confirm the importance of the victim's attitude given her role as the main source of evidence and the fact that currently victims report more frequently (PT/P/05) although there are differences related to the type of crime (as described above) (PT/P/01); nevertheless they identify several factors leading to reluctance to report and to cooperate (e.g. age of the victim (PT/P/02); feelings of shame (PT/P/01, PT/P/02, PT/P/03, PT/P/04); naturalisation of violent behaviour

(PT/P/02) with an obvious impact on the development of the case, namely regarding the decision to prosecute or to dismiss the case (PT/P/01).

“They are no longer ashamed. Before there was this taboo – I report to the police and everyone will know I’m a victim – and for her this was a reason to feel ashamed. At the present moment, there is not so much this fear.” (PT/P/05)

“At certain ages we notice more difficulty (to report), older people above 60 years old, because from what I perceive these are violent situations which have lasted for many years and women end up by not seeing them as violence, but rather as their fate.” (PT/P/02)

“Sometimes, out of shame, they do no report. Particularly in domestic violence situations; only after many years do they get the courage to do it, either on their own initiative or with the help of a friend or someone who knows what is going on.” (PT/P/01)

2.1.2. How do practitioners assess the potential of the following measures in terms of improving the situation of underreporting? Would the following measures make it significantly easier for victims to report (question Pr 2.2)?

Professional groups	S – Agree or strongly agree	P - Agree or strongly agree	J - Agree or strongly agree	L - Agree or strongly agree
2.1.2.1 More victim support services available to victims of violent crime	5/5	4/6	5/7	4/4
2.1.2.2 Raising victims’ awareness of their rights and of support services available to them	5/5	5/6	6/7	4/4
2.1.2.3 Better protection of victims against repeat victimisation and retaliation	5/5	5/6	7/7	4/4
2.1.2.4 Setting up specialised police units or contact officers for victims of certain types of crime	5/5	5/6	6/7	4/4
2.1.2.5 Measures aimed to enhance the trust of the public in the police	5/5	5/6	5/7	4/4
2.1.2.6 Measures strengthening professional, respectful and non-discriminatory attitudes and conduct in the police	5/5	4/6	5/7	4/4

As well as completing the above table, please provide an analysis and your own interpretation of the results:

Overall, the different groups of professionals widely agree with the list of measures. In all groups the measure receiving higher agreement is the need to promote measures aiming at a better protection of victims against repeat victimisation and retaliation. On the contrary, agreement is less expressive regarding the establishment of more victim support services available to victims of violent crime. **Only victim support services and lawyers consider this a crucial measure, a positioning which may be directly related to a better awareness of victims' needs.** For some interviewees investing in setting up specialised services and in providing the existing ones with adequate human and financial resources allowing for a better support to the victims' needs is much more crucial than merely increasing the quantity of support services

The comment from a support worker from a specialised domestic violence victim support service is particularly illustrative in this respect: *"although the decision to report a crime does not depend on the existence of more victim support services, the existence of more support services may strengthen the reporting by victims, since people may feel more supported and more protected to take the decision"* (PT/S/05).

2.2. Views of victims

2.2.1. Did the interviewees report their victimisation to the police (Question V 2.1)?

Most interviewees directly reported the crime to the police (e.g. PT/V/02, PT/V/03, PT/V/10). Among DV victims there is one situation (PT/V/03) where the crime was reported by the hospital directly to the PP office, although the victim later on also reported the crime. Among non-DV victims, half of the situations were not reported by the interviewee who were seriously injured during the incident and therefore the situation was reported by third persons witnessing the incidents (PT/V/07, PT/V/08). One of the interviewees (PT/V/07) – victim of a kidnapping – contacted his family who then reported to the police. In this case, the hospital where he was assisted also reported to the police.

Overall, there is evidence of a proactive attitude of all the victims – the ones who were severely injured could not report – in **directly** reporting the crime to the police, which may be relevant if we consider that one of the criteria for selecting the victims was the fact that their cases had either been convicted or had at least reached the stage of accusation.

2.2.2. What are the factors identified by victims, who reported to the police, facilitating this reporting (Question V 2.2)?

The factors facilitating the reporting are closely linked to the motivations of the victims which were described under 1.1. In fact, the answers given by the victims to this question are extremely interesting from the perspective that rather than identifying more objective aspects which might trigger or facilitate the reporting, they tend to identify subjective (powerful) drivers which are deeply rooted in the victimisation experiences of these interviewees. Such outcome is in line with previous research, namely on the experience of victims of intimate partner violence through the justice system¹.

Overall, DV victims felt they had to report given their need to end the fear, insecurity and long years of suffering that needed to be put to an end (e.g. PT/V/02, PT/V/03, PT/V/11). These are not exactly facilitating factors but they explain why they reported at this point. Non DV victims' awareness of their rights, of the need to repair an injustice

¹ Baptista, Isabel (coord.) (2015) *The protection of IPV victims – legal protection and criminal proceedings* (internal report produced within INASC project, funded by DG Justice).

made and the need to ensure that offenders had to be brought to justice were the main key drivers for facilitating the reporting (e.g. PT/V/05, PT/V/07).

“I was so tired. I couldn’t sleep. (...) There was a time when I was really down. I felt more and more miserable. I wasn’t feeling well.” (PT/V/02)

“It was a personal thing. I wanted to end all that suffering, both to myself and to my children. For me it was never an issue of seeking compensation, or convicting him, I simply want to break free from him, nothing else and I knew that alone I could never do it. (...) The only way to get free from that nightmare was to be brave and to move ahead. To get out of there, to ask for help, since I couldn’t do it alone. I had no support. I needed someone to reach out a hand at me.” (PT/V/03)

“It was immediate (his reaction). As I was being assaulted by men to whom I was offering work after all and who above all I even ... I even socialized with them in the kitchen, I offered them a beer... and when they had been promised work, I never imagined that a robbery would come (...). (PT/V/05)

2.2.3. What are the factors identified by victims, who reported to the police, hindering this reporting (Question V 2.2)?

No obstacles were identified by non-DV victims and there is an overall high level of satisfaction regarding the reporting stage to the police (see comments on question 1.2.1. regarding the Judiciary Police intervention). As for DV victims the perceptions are different. One victim (PT/V/03) expresses her difficulty in making herself and her statement “trustworthy” to the police, another (PT/V/11) refers to the reporting being made directly at the PP office where she was “not heard”, but rather given a paper where she had to describe the incident and report the complaint and another reported no difficulty at all (PT/V/06). There is also evidence of problems of communication between one victim (PT/V/02) and the police at this reporting stage, which are also linked to the low level of education of the victim and her difficulty in engaging in a coherent discourse. Such difficulty also affected the way she responded to the questionnaire and the possibility to bring out coherent quotes for transcription. However, it became clear that the biggest obstacle hindering her reporting was to provide a coherent description of the events and understanding feedback from the police.

“I made the complaint by writing, because being heard, I was never heard. They gave me the paper to make the request. The lady there told me immediately that it would take time (...) It took some time because I went from court to court because some people said that it had gone to Barreiro and then from Barreiro to Moita and then it never got to Barreiro. After all it is still at Moita. The only thing I have from the court is this letter telling me to go to court.” (PT/V/11)

“They already knew about it [the police] about the history, they had been there so many times, poor guys. They were also tired of all that. And in a way, they ended up by not really believing what I was telling them. Because until then, I reported and then drew back. Then I called them again. The last time I told me that I wanted to go to the police

quarter and that I wanted them to call someone from APAV or someone else because I would not go back home again.” (PT/V/03)

2.2.4. What are the factors identified by victims, who did not report to the police, impeding this reporting (Question V 2.3)?

In fact, there were no impeding factors. Those victims who did not report to the police did not do so because of the situation itself and not because they were reluctant to or prevented from reporting. Those situations were the ones where the victim had to receive medical assistance and therefore it was the hospital who reported (PT/V/07, PT/V/08) or the police who went to the crime scene who took notice of the crime directly (PT/V/09).

2.2.5. Would the victims, if they were victimised again, report to the police? What are the reasons given by interviewed victims for their responses (Question V 2.4)?

All the victims interviewed clearly expressed their willingness and determination to report to the police again when and if a similar situation would occur. The main reasons for such unanimous view among victims lies mostly on the support received. Some DV victims meaningfully state that they would report to the police at a much earlier stage than they did this time.

“I would not hesitate because... how shall I put it... This time I felt support, and I felt that people really wanted to help me. And this is something I had never felt during the other cases. And in fact, I knew there were a lot of people fighting for me too. I was not alone. And I owed it to others (not giving up this time). Because every time I went there, they helped me filling in the papers, which I could not do (...) and in the other cases no one ever helped me”. (PT/V/01)

Only one victim (PT/V/09) refused to position himself in such a situation given his psychological frailty condition arising from the impact of victimisation.

3. Empowerment of victims (support, advice and information)

a) Support and advice

3.1. Views of practitioners

3.1.1. How do practitioners assess the availability of victim support services to victims of crime (Question Pr 3.1)?

The assessment made by professionals of the availability of victim support services is strongly biased by the fact that there is only one organisation providing generic victim support services in Portugal – APAV – which is not present in all territories. Additionally, several NGOs and other local based organisations provide support to domestic violence victims in most of the municipalities. The overwhelming majority of victims supported by APAV are also domestic violence victims. Thus, the views of practitioners regarding Pr 3.1, Pr 3.3 and Pr 3.4 are strongly influenced by the way they assess the available and dominant domestic violence support services. Our analysis of these questions reflect this context.

The assessment made by practitioners on the availability of support services to crime victims is directly influenced by the geographical location of the interviewees. In the Cascais/Sintra territory the interviewees highlight the existing specialised services available, their importance, but also the constraints they face and the need for additional resources (e.g. PT/L/02, PT/P/02, PT/P/04). On the contrary, the interviewees from the Moita/Barreiro area point out the fact that there are no victim support services in their geographical area – the existing ones were closed down – and they tend to focus on the responses provided by the general state support services (e.g. PT/S/05, PT/J/01, PT/J/06, PT/P/03).

In spite of the geographical differences, there are common aspects in the assessment made by the practitioners coming from the two territories under analysis. These relate, namely to:

- The lack of specialised support for victims of sexual violence (e.g. PT/S/02, PT/J/04, PT/L/01, PT/J/05);
- The need for more human and financial resources in the existing organisations which would help them to better support the victims (e.g. PT/P/01, PT/P/05, PT/L/03, PT/J/02, PT/S/05);
- The concentration of support organisations in the area of domestic violence and the lack of victim support services which are able to support victims of other types of crime (e.g. PT/J/04, PT/L/01, PT/P/03, PT/J/06);
- An unbalanced territorial coverage of the existing services among different municipal territories (some municipalities have more than one victim support service (e.g. Cascais) whereas others have none (e.g. Moita and Barreiro)), but also difficulties to access such specialised services within the same municipality due to time or economic constraints since the services are concentrated in one area and not dispersed throughout the territory (e.g. PT/S/02, PT/S/04, PT/S/05);
- The lack of professionalised psychological support and mental health support for victims of crime (e.g. PT/S/01, PT/S/05, PT/J/01, PT/P/02);
- Serious constraints in addressing victim's needs which are not directly related to the criminal proceedings but rather to the impact of violence in other spheres of their life (e.g. housing,

employment, emergency accommodation, financial difficulties) (e.g. PT/S/05, PT/S/03, PT/P/02, PT/J/06).

Overall, interviewees value the existence and the importance of victim support services, recognising that they play a crucial role in supporting victims of crime (e.g. PT/J/05, PT/L/03, PT/J/03). However, they also identify the need to strengthen the existing victim support services, by strengthening professionalization of the services (training), and their human and financial resources, which will be crucial to provide a continued and diversified support to victims.

Finally, there are several criticisms made regarding the operation of state support services which are crucial to address the needs of victims and with which victim support services need to cooperate. The complexity of victims' needs, particularly in cases of domestic violence, demands the intervention of different services (e.g. health, social security, housing) in order to adequately address such needs. According to some interviewees (e.g. PT/P05, PT/J/01, PT/J/04, PT/S/04, PT/S/05) the operation of these services seems to be inadequate and lacking timely responses to victims' needs.

“When you do not have sufficient money you are swimming against the tide and even if there is good will both from the organisations and from those working there, if the resources are lacking they cannot provide adequate support.” (PT/P/05)

“There are victims who come here to court and who go to the police station and one can see that they are psychologically weakened and they are not able to report the situations in a coherent way, in an organized way even in terms of reasoning; there are details which would probably be relevant and that they do not understand that they are relevant. That type of victim support would be crucial and there is no other way to get it. Because the local health centre has countless requests for the psychology unit and it cannot respond to everything. There are no perspectives to have another psychologist and referring people to the Barreiro Hospital is equally complicated because appointments are made with a huge delay and the need we have is for immediate support.” (PT/J/01)

“I think there should be more and resources and better adequate. And talking about more resources, it is important to think about financial resources, in order to be able to support victims also in this aspect.” (PT/J/04)

“Anyone who has the bad luck to be raped and who wants to move forward has got to be prepared to break new ground alone at many different levels.” (PT/S/04)

“We are witnessing more and more what we call double diagnosis situations, that is a crime victim who has also a mental health issue. Victim support services do not have resources in the mental health area, they do not have the ability to contain for example a situation of psychiatric unbalance. (...) It is very hard to support a victim who presents such a diagnosis without being able to stabilise her first, because – in hypothetical terms – she may have a serious psychiatric imbalance which totally endangers any kind of intervention we may be able to do with her as a crime victim. And that kind of support is not available in any victim support organisation operating in Portugal.” (PT/S/05)

3.1.2. In the view of the interviewed practitioners, are victims provided with information about the general support services available to them in an effective and timely way (Question Pr 3.2)?

Providing information to the victim about the support services available is part of the role of the police and for this purpose a specific form is used where this information is provided. This is the information which is referred to by all the practitioners interviewed for the study (e.g. PT/S/04, PT/J/04, PT/J/05, PT/L/01, PT/P/01). However, there are several issues raised in respect to the effectiveness in which such information is provided. In those territories where there is a well-established inter-agency network and a close relationship between support services and the police (e.g. PT/P/04, PT/S/01, PT/S/03, PT/P/04) it becomes clear that apart from handing in the form to victims where they can find the contacts of the organisations there is already a concern to train and sensitise professionals for a more proactive approach and the impact this may have.

“Interviewing a victim takes me no less than two hours. Besides being a very reasoned interview, because I need to ask several questions, I really have to make such questions, I also have to think about the emotional well-being of that victim and make sure that I inform her about everything she needs to know about her rights so that she leaves from here well informed and knowing that apart from the police that she can resort to, there are other resources. And she leaves from here with all the paths open, all the doors open so that she can resort to that support.” (PT/P/04)

Nevertheless and in spite of recognising improvements in the way victims are informed when they first contact the police there are still problems related to the lack of training of many front line officers (e.g. PT/S/05) – and often the lack of personal sensitivity (e.g. PT/P/03) – to adequately approach and inform a victim of crime. This gap between those police who have received specialised training and those who have not is one aspect which comes out clearly during the interviews (e.g. PT/L/02, PT/J/01, PT/S/02, PT/S/05). Moreover, there are also aspects related to the personal characteristics and perceptions of the police officers who attend victims during this first stage which may also be problematic in ensuring an adequate approach to crime victims.

“This is where (the way they give information) it becomes obvious that there is a difference between those police officers who have specialised training in domestic violence, for example, when they refer women to this service and those who have no specialised training.” (PT/S/05)

“I have seen people being given wrong information regarding reporting a semi-public crime, saying that the person had to pay to report the crime. Now, it is true that as regards the means, the places, the institutions and so forth I can see the posters out there (...) but I don't think that the first approach by the police gives the victim the necessary support and accompaniment.” (PT/L/04)

“If I want to be very crude and tough, I have to tell you that everything depends on luck, on the police officer the victim is lucky to get in touch with. The information is available at the webpage of GNR, but everything else depends on the professional who is dealing with the victim. The information is all there. Does the victim get out of there with all the information? Often she doesn't. And many times when she leaves, she is more confused than when she arrived.(...)” (PT/P/03)

In those territories, where no networks exist, there are more issues being raised as to the timing and effectiveness of this information since only when the victim goes to the specialized units during the investigation stage will she get access to adequate information on available support services (e.g. PT/J/01, PT/P/02,PT/P/03). Nevertheless, improvements in this area are also recognized by several interviewees.

3.1.3. How do practitioners assess the availability of specialist victim support services to victims of sexual or gender-based (including domestic) violence (Question Pr 3.3)?

Overall, the answers to this question are much more limited. This is due to less experience of interviewees in these areas, but mainly to the fact that there are no specialised victim support services to victims of sexual violence. As regards domestic violence the views of the practitioners were presented above under 3.1.1, since the existing support services to victims focus mostly on domestic violence victims. Nevertheless, the answers provided by the interviewees reinforce once again the lack of specialised support for victims of sexual violence and one interviewee even gives the example of a trans-sexual victim who could not find emergency accommodation since no refuge would accept him because his sex change process was not yet concluded.

3.1.4. In the view of the interviewed practitioners, how effectively and timely are victims of sexual or gender-based violence provided information about the specialist support services available to them (Question Pr 3.4)?

Once again, the lack of specialist support services for victims of sexual violence makes it impossible for interviewees to respond to this question. They always refer to the existing mechanisms described for domestic violence victims, highlighting that there is a lack of adequate response to those victims (e.g. PT/S/01, PT/L/03, PT/P/04). There is mentioning to the involvement of health services in sexual violence situations and on the procedure to inform victims on the existence of such resource (e.g. PT/P/04).

As regards domestic violence, most interviewees responded to the issue when addressing question 3.1.2., namely when mentioning the specific written form that the police provides these victims containing the existing resources; they also referred to the hindrances identified, and to the importance of inter-agency work and to the presence of networks (again exclusively regarding domestic violence and not other types of violent crimes) in ensuring that victims are provided with effective and timely information about existing specialised support services.

3.1.5. How do practitioners assess victims' possibilities of being accompanied by a support person of their trust when they are interviewed by the police (Question Pr 3.5)?

The overwhelming majority of practitioners states that victims usually go alone when they are interviewed by the police (e.g. PT/P/03, PT/J/01, PT/L/01, PT/L/04, PT/P/04, PT/S/03), although they have the possibility to be accompanied by a support person. The reasons why this happens, however, tend to be quite different. **Lawyers** (PT/L/01, PT/L/02, PT/L/03) highlight the fact that victims know that they have such right but that they choose to go alone; they tend to point out that it would be important for victims to have some support at this very important moment (e.g. PT/L/03, PT/L/01). **Police officers** also agree that coming alone is an option taken by the victim who is aware of such right but they highlight that some victims do not want to share details of their intimacy with others – even trusted persons – particularly when the crime involves intimate relationships (e.g. PT/P/02, PT/P/04).

Support workers refer that victims tend to go alone and that it is expected from them to go alone, namely by the police (PT/S/03, PT/S/05) who tend to value the fact that they are able to listen to the victim in a confidential atmosphere and without external interferences; some interviewees add that victims who are being supported by a specialised service are prepared for this stage by the support worker and that police forces already have specifically trained professionals who are responsible for the interviewing stage (PT/S/03).

3.1.6. How do practitioners assess victims' possibilities of being accompanied by a support person of their trust during court trial (Question Pr 3.6)

Since September 2015, the Portuguese legislation transposing the Victim's Directive enables the victim to be accompanied by a support worker during court trial. While not all the practitioners were aware of this change, there is generalised consensus that this change is largely unknown both by practitioners within the justice system and mostly by victims who are unaware that they have such right.

"I doubt that any court allows me to be present there. I have been there, I have been present, but I had to stay outside the court room, and therefore I was there more as a back up. The person knew I was there (...) The person had a moment where she felt more disorganised and she asked, and granted, for a couple of minutes to get outside the room and there I was able to be with her, but I was not allowed to be inside the court room with her at any moment, least of all with any kind of proactive role." (PT/S/05)

"I never saw it. (...) If lawyers are not aware of this, imagine the victims; I did not know about that." (PT/L/02)

"They are not aware of it and I'm not sure if they do it. In general, they go with their lawyer. I have no knowledge on that. (...) I honestly had no idea that it was possible." (PT/P/02)

In practice, thus, most victims tend to go alone to court, although some interviewees consider that it would be very important for some victims to be accompanied during court trial (e.g. PT/L/03, . There are also references by some practitioners (Services and Police) that victims who are being supported by victim support organisations are usually aware that they have such right (e.g. PT/P/04, PT/S/04) and there are examples given of actual situations in court – after September 2015 – when victims were accompanied by the support worker (PT/P/04, PT/S/01). Finally, there are explicit references to particularly vulnerable victims who more frequently get this accompaniment in court (e.g. PT/J/05, PT/J/06).

3.1.7. How do practitioners assess victims' possibilities of being legally advised when they are interviewed by the police (Question Pr 3.7)?

Interviewees in general argue that victims have the right to benefit from legal advice when interviewed by the police (e.g. PT/S/01, PT/J/02, PT/J/06, PT/L/02, PT/P/02). However, in practice this rarely happens and victims tend to go without any legal counsellor (e.g. PT/S/04, PT/J/04, PT/J/02, PT/L/04, PT/P/05) . Some interviewees refer that some victims are not aware that they are entitled to legal advice at this stage (e.g. PT/L/03, PT/P/02) and several others (lawyers and support organisations) mention the fact that those victims who are entitled to legal aid

will rarely have such support already granted at the interviewing stage (e.g. PT/L/02, PT/L/03, PT/S/05). Police officers also confirm that most victims go alone, although they highlight that being accompanied by a lawyer at this stage is more common among victims from a higher social economic background (e.g. PT/P/02).

3.1.8. How do practitioners assess victims' possibilities of being legally advised during court trial (Question Pr 3.8)?

In contrast to the assessment made regarding the previous question, most practitioners claim that victims do have an actual possibility of having the legal advice and representation by a lawyer when they go to trial (e.g. PT/S/03, PT/S/05, PT/J/05, PT/J/03, PT/L/04). However, some practitioners identify constraints regarding this legal representation at trial stage, namely as regards the support provided by public defenders (within the legal aid mechanism) (e.g. PT/J/07, PT/S/04) or exclusion from eligibility to legal aid (PT/S/03). In the former case, the main problem resides in the fact that public defenders are often nominated at a very late stage in the proceedings and therefore their contact with the victim – and with the case – occurs only very close to the actual court trial moment (PT/S/04). In the latter case, there are many victims who are aware of this possibility and who do not resort to any legal advice (PT/S/05) and there are others who do not meet the criteria for eligibility – which are very strict – and who do not also have the financial resources to hire a lawyer (PT/J/07). These victims – according to one lawyer – arrive in court very unprotected.

“Usually the victim goes alone. And here I think that it makes a huge difference, really a huge difference (...) Because a victim who does not become joint plaintiff to the case, a victim who does not have a lawyer goes totally unprotected and in fact, there at the court trial she is reduced to the condition of witness. Very often she hears things she does not want, she is confronted with questions she does not want, she hears comments on her which are deeply negative, and that moment is traumatic, it turns into a really traumatic moment. It is not that bad, although it is always painful... it is not that bad, when there is a lawyer who is actually supporting the victim.” (PT/L/01)

3.1.9. How do practitioners assess victims' possibilities of being legally advised free of charge (Question Pr 3.9)?

Almost all the interviewees provide a negative assessment of the operation of the current system of legal aid which allows victims to be legally advised free of charge (e.g. PT/S/01, PT/S/03, PT/J/01, PT/J/02, PT/L/01, PT/P/02, PT/P/04). The most common criticism which cross cuts all categories of interviewed professionals is slowness: it may take from 3 months to one year before the officially appointed lawyer is actually nominated and before the victim gets legal advice and representation (e.g. PT/S/05, PT/J/02, PT/L/02). This delay – which varies a lot from judicial district to judicial district – is mainly attributed to the operation of the social security services in determining the eligibility conditions of the applicant (e.g. PT/L/03, PT/P/05, PT/S/03) and to the inaccuracies in filling in the application forms, namely as regards important details on the type of crime which would speed up the nomination procedure but which are not explained to victims (e.g. PT/J/07, PT/L/03). Other hindrances in the operation of the system include: the huge variation in the quality of the support provided by legally appointed lawyers (e.g. PT/J/01, PT/J/03, PT/S/02) and the very restricted criteria for having access to the legal aid mechanism (see previous response) (e.g. PT/L/04, PT/P/02, PT/P/04).

Due to these constraints and to the specificities of the operation of the legal aid system, several interviewees (support workers, lawyers, judges) refer that there is a big difference between two categories of victims: those who

apart from having requested legal aid also have the legal advice provided by the victim support organisations (e.g. PT/J/07, PT/L/01) and those victims who are not in touch with these support services. The former – even when the appointment of the public defender takes too long – have the information and the support they need regarding the proceedings, contrary to the other victims who have no information or support.

3.2. Views of victims

3.2.1. Were the interviewees in contact with an organisation providing victim support services (Question V 3.1)?

There is a clear gap between the two groups of victims interviewed: all domestic violence victims had the support of a victim support organisation². On the contrary, victims of other types of crime were contacted through the police or by other justice professionals and none of them had been in contact with any organisation providing victim support services. One of the victims (PT/V/08) had received psychological support from the internal service of the police (he was a police officer).

3.2.2. Those who were, how did they know about the service (Question V 3.2)?

There is some variation regarding the sources of information through which victims were aware of the existence of the support service: two victims were informed by the police (PT/V/03, PT/V/02), one was informed by the public prosecutor (PT/V/11), one by the social security services (PT/V/01) and two of them autonomously looked for existing support by searching on the web (PT/V/03, PT/V/10).

3.2.3. Those interviewees who were in contact with an organisation providing support services, how did they assess the services provided (Question V 3.3)?

Most interviewees (4 out of 6) make a very positive assessment of the organisations who supported them (PT/V/01, PT/V/02, PT/V/04, PT/V/03). They mostly valued the psychological support received, the empowerment they got which allowed them to move forward with the proceedings, the preparation they had to face particularly difficult stages of the case (namely going to court) and also issues related to support in understanding the information provided by other services (e.g. the police, the court).

“I don’t know how to describe it. They are like family to me. They made me feel like I had a family. With them I felt something I had not felt in my own family for a long time. The support, the caring, the comfort. They were the ones who gave me the courage.”
(PT/V/03)

Two interviewees (PT/V/10, PT/V/11), located in the same territorial context and resorting to the same support organisation, are less positive about the support received mainly due to a lesser proximity, to a type of support almost exclusively provided by phone and to a less availability from support workers to provide answers adequate to her concrete situation.

² This is explained by the fact that they were all contacted through specialised support services.

3.2.4. Those interviewees who were in contact with an organisation providing support services, did they feel that the services provided encouraged and helped them to participate in the proceedings (V 3.4)?

As referred to above, one of the positive aspects arising from victims' assessment on the support provided relates to the encouragement received in order to participate and proceed with their case till the end (e.g. PT/V/01, PT/V/03, PT/V/05). The interviewees underline the crucial importance of the motivation received by the support workers which strengthened them emotionally (PT/V/01, PT/V/03, PT/V/08) but also the role of the services in helping them to understand and deal with the justice system (and other support services) complexities (PT/V/02) which were crucial to addressing their needs throughout the proceedings (e.g. social security). One interviewee (PT/V/03) underlines the role of the support organisation in liaising with her lawyer throughout the proceedings in order to ensure that there was consistency in the support provided.

"Very good [the support organisation]. It was very important. For me it was halfway through." (PT/V/04)

"I ended up going there, yes, when I felt I needed some juridical support before the trial. And I was pleasantly surprised with the service (...) It was important [the support received].). It helped demystify several of my fears. I had never been inside a court room. And that is all very scaring. And then it is the confrontation with him. And it was at APAV that they said we could ask for him to leave the room during my testimony. And that's what happened. Because this was something very upsetting to me." (PT/V/04)

"She [support worker] went to the Barreiro police and she immediately saw it was not domestic violence because they had not recorded (...) She talked to Mr. [name of the lawyer] who was my lawyer. [She explains that the support worker who contacted the victim's lawyer who was representing her in the divorce case]." (PT/V/03)

3.2.5. In cases of domestic violence ('D'), were the interviewees supported in overcoming the risk of repeat victimisation (Question V 3.5)?

All the interviewees recognise that they felt they were at risk of repeat victimisation when they contacted the support organisation; the most frequent support received from the support workers was help in building up security strategies to protect themselves (e.g. PT/V/02, PT/V/10, PT/V/11) and advice and referral to move away from their home into a secure place/location (e.g. PT/V/10, PT/V/11).

3.2.6. When being interviewed by the police, were the interviewed victims accompanied by a support person of their trust? Were the interviewees informed beforehand that they would be entitled to such assistance (Question V 3.6)?

None of the victims had been informed beforehand of this possibility which confirms the perceptions of the professionals referred to before. Four victims (PT/V/01, PT/V/02, PT/V/03, PT/V/11) say that they went alone to be

interviewed by the police, whereas two victims refer that they had the company of a neighbour or a relative at this stage (PT/V/04, PT/V/10).

3.2.7. At the court trial, were the interviewees accompanied by a support person of their trust? Were the interviewees informed beforehand that they would be entitled to such assistance (Question V 3.7)?

Two domestic violence victims were informed by their support worker that they had such right (PT/V/01, PT/V/10). One of the victims of other types of crime is a lawyer (PT/V/07) and therefore claims that he knew about such right and did not need to be informed about it. All the remaining interviewees claim that they were not aware of such right. Only two DV victims (PT/V/01, PT/V/11) refer that they were accompanied by a support worker during trial.

3.2.8. When being interviewed by the police, were the victims accompanied or advised beforehand by a lawyer? Were the interviewees informed beforehand that they would be entitled to such assistance or advice (Question V 3.8)?

None of the interviewees were accompanied by a lawyer when being interviewed by the police. There is no information in the interviews whether the victim was advised beforehand by a lawyer, since the question asked was whether they had been assisted by lawyer when being interviewed. Nevertheless, one of the DV victims (PT/V/10) spontaneously referred that when she told her (officially appointed) lawyer that she was going to be interviewed by the police, the only thing the lawyer did was corroborating her decision to go. He gave her no advice whatsoever or proposed to accompany her.

“Yes, he knew about it and told me to go, but did not go with me. (...) I told him «I have to go to the police» and he replied «Go, then.» (PT/V/10)

Only one victim (PT/V/03) was informed beforehand that she would be entitled to such assistance or advice. However, the same interviewee argues that the police informed her that since domestic violence was a public crime there was no need for her to get a lawyer. This positioning by the police is confirmed by another victim of domestic violence (PT/V/04) who got the same information.

3.2.9. During the court trial, were the interviewees accompanied or advised by a lawyer? Were the interviewees informed beforehand that they would be entitled to such assistance or advice (Question V 3.9)?

Only three victims – two DV victims and one non DV victim – were accompanied by a lawyer during the court trial (PT/V/01, PT/V/10, PT/V/08). One victim (PT/V/07) – who is a lawyer – explicitly argues that he decided not to be assisted by a lawyer since it is the public prosecutor’s responsibility to represent him within a public crime. Three victims were aware beforehand that they would be entitled to such assistance: one was informed by her support worker (PT/V/01), the other (PT/V/08) was informed by the police force lawyer assigned to him (the victim was a police officer) and the other one (PT/V/07) was aware of such right given his professional background (a lawyer).

b) Information

3.3. Views of practitioners

3.3.1. In the view of the interviewed practitioners, how reliably, comprehensively and effectively are victims provided information about their potential role and their rights in proceedings, when they are first in contact with an authority, such as, in particular, the police (Question Pr 3.10)?

Overall, practitioners recognise that there have been improvements in this area (e.g. PT/S/01, PT/S/04, PT/J/06, PT/L/01, PT/L/02) but that it is still not possible to say that victims get reliable, comprehensive and effective information about their potential role and their rights in proceedings (e.g. PT/S/02, PT/S/03, PT/J/01, PT/J/03, PT/L/01, PT/L/03, PT/P/03). The main reason – according to the interviewees – is that this kind of information is contained in formal documents – the statute of the victim and in some territorial contexts in additional leaflets – which are in general handed out to victims by the police but the contents are usually not explained to the victims (e.g. PT/P/03, PT/P/01, PT/P/02, PT/L/03, PT/S/03). This means that most victims get the information but are not actually informed.

“Security forces give them a little piece of paper with some very tiny letters which people rarely read or never read. Then, they come up here asking us what that actually means.”
(PT/S/03)

“She signs the victim’s statute, but she doesn’t read it, she doesn’t even know what the victim’s statute is. And when she gets here at the second stage, when she comes to the criminal investigation, the proceedings are already running and you realize that she has no knowledge at all, because... I don’t know.. there was no time or...you are not supposed to hand it over to her and if she wants to read it Ok, if not... No explanation is given, I think, because when she comes here this is what I see. Thus, they should give it more importance, to explain victims their rights, their duties, because they don’t have such knowledge. And in the police stations they should give more importance to this. I think victims need to have this information, to know how the case will evolve, what will happen, what will not, the deadlines. They get here completely blank.” (PT/P/02)

“I have to be straightforward and I must say no. The victim tells what she has to tell, that is, she reports the crime and she is given “her documents”, the victim’s file, whatever that might be, and she ends up in a black hole. From there on she does not know what will happen to her, then she is afraid of the offender, she is afraid of the proceedings.”
(PT/P/03)

Moreover, support workers and police officers underline the fact that most victims’ emotional condition when first reporting to the police is not compatible with a full understanding of all the written information which is given to them (e.g. PT/S/02, PT/P/02). Moreover, they argue, there are significant differences related to the professionals who provide that information: front line officers are usually not trained to ensure more than the formal procedure of handing out the form, whereas professionalised police units are trained to ensure that the victim is actually informed about her/his rights (e.g. PT/P/01, PT/S/02, PT/P/02). Two interviewees from different police units (PT/P/03, PT/P/06) claim that providing information to victims in such a comprehensive way should not be a sole responsibility of the police, but that it should involve other professionals at the beginning of the proceedings, namely by ensuring that victims are provided with legal assistance from the very beginning of the proceedings by giving the police the possibility to use the lists of legally appointed lawyers which they use for specific types of victims or defendants.

“(...) I’m not very much in favour that the person has to go through all those steps to obtain the legal aid if she is entitled to it, that is, to fill in a form, to go to the social security services or the court’s secretary or even to the police, and then send it, and only after that does it get assessed. You lose the immediate timing and this could maybe be solved differently, similarly for example to what happens within the criminal procedural code where we have the legitimacy to name public defenders when some requirements are met, for example, people who do not speak Portuguese, deaf-mute people, young people under 21 years old... in these cases, we have an online list and we proceed with the nomination. Maybe this could be used for some victims, for some types of crime, and that was much more... the defender was contacted after half an hour and we have the victim in front of us, the public defender comes and from that moment on the services could check whether the person has or not the financial capacity to proceed to the payment.(...) This is how it works and I think that if there was some change, namely for some situations, I believe that the victim would get much better advice and we would gain opportunity and promptness in the proceedings. (PT/P/06)

3.3.2. Are victims later informed about any significant progress of the proceedings and their potential role in various phases of the proceedings? If yes, on which occasions (Question Pr 3.11)?

The perceptions of the interviewees vary greatly in regard to this aspect. In fact, there are contradictory positionings namely between support organisations and public prosecutors. The former (e.g. PT/S/01, PT/S/02, PT/S/04) clearly state that victims are not adequately informed about the proceedings and that this represents a major constraint . Information is only given after decisions are taken and under the form of notifications. Only those victims who are being supported either by a support organisation or by a lawyer will be informed about the progress of the proceedings and their potential role (e.g. PT/S/03, PT/S/02). Public prosecutors, on the contrary, consider that the victims are updated whenever they are notified by court (PT/J/02, PT/J/04, PT/J/05). Such notifications may relate to requests for the victim to go to the PP office to be heard or , to be informed/heard about eventual changes to coercion orders (e.g. replacement or revocation of an existing coercion order). In brief, public prosecutors consider it natural to contact the victim on the basis of notifications which are compulsory from a procedural perspective.

One interviewee (PT/J/01) has a somewhat different position regarding how she informs the victims; she explains that she directly contacts the victim to explain what was done, who was heard, and what are the main outcomes of the investigation. **Judges** position themselves in an intermediary situation by recognising that there is not a concern to regularly update victims on the progress of the proceedings (e.g. PT/J/03), by underlining that only legal obligations to inform the victim are followed in a systematic way (e.g. PT/J/03, PT/J/06) and by arguing that only if the victim directly asks for information about progress will that information be provided (PT/J/07). **Lawyers’ positioning** is closer to that of support workers, in the sense that they identify several gaps in this area and that only victims being actively supported either by victim support organisations or by a lawyer will get updated on the progress of the proceedings and on their potential role (e.g. PT/L/01, PT/L/03). Nevertheless, some refer that there are significant differences between judicial districts in the way public prosecutors interact with the victims in this specific area (e.g. PT/L/02). **Police** officers highlight different stages as regards the access of the victim to the information on the progress of the proceedings: the victim is regularly informed by the police on what is happening until the investigation is concluded and handed over to the Public Prosecution Office (in Portugal, the PP office is responsible for conducting the investigation) (e.g. PT/P/01); from here on, they argue, the more or less personalised contact between the victim and the police which allows the victim to have some feedback on the progress of the investigation is replaced by a much more distant relationship which is based on the “notification

channel” and which does not provide a chance for the victim to be regularly informed on the progress of the case. This change of procedures when the case moves from the police to the Public prosecution office means that the victim is no longer aware of the progress of the case since her/his access to the information is much more difficult. One of the lawyers (PT/L/01) interviewed confirms this information when answering question 3.12. As with judges, some police interviewees (PT/P/02, PT/P/04) also refer that the victim may get information if she asks for it directly.

3.3.3. How do the interviewed practitioners assess victims’ possibilities of having access to the case file either personally or through a legal repres

3.3.4. tentative (Question Pr 3.12)?

The generalised perception that most victims do not actually access their case files personally cross-cuts the five categories of practitioners interviewed. However, different arguments are given by different professionals. **Judges and prosecutors** confirm that although victims have the possibility to access their case file they rarely do it (e.g. PT/J/01, PT/J/02, PT/J/04). Those who are represented by lawyers will have access through them (e.g. PT/J/05, PT/J/07). **Lawyers** on their hand highlight their intermediation role in providing the victim with the information on the case file (e.g. PT/L/01, PT/L/03) and some refer that some more proactive victims, apart from being informed by their lawyer, also want to have direct access to the case which they do (e.g. PT/L/03, PT/L/02). **Police** officers confirm that victims do not directly access the case file, adding that some are aware of that possibility but that they opt not to do it (e.g. PT/P/01, PT/P/02) ; this may be linked either to the fact that they get updates by the police during the investigation stage (e.g. PT/P/01, PT/P/03), or by the fact that there is a distant relationship (e.g. PT/P/02, PT/P/05) between the public (victims included) and the court as an entity, which does not promote a proactive attitude from citizens regarding the services provided by court. Rather than a geographical or spatial distance, it is the image of the court that hinders citizens in general – and victims of crime in particular – from a closer contact with court services, i.e. people usually only go to court if absolutely necessary. Finally, **support organisations** have a different perspective on this issue. Their general perception is that victims are entitled to see their case file, meaning that they may have access to the file: some are interested to do it, others are not (e.g. PT/S/01, PT/S/05); however, having access is not a straightforward procedure and victims will only succeed or even take that decision if they are being supported or represented by a lawyer given the difficulties they will encounter (e.g. PT/S/02, PT/S/04): both internal difficulties arising from fear and lack of knowledge regarding courts and how they operate and objective difficulties in navigating through the procedures providing access to the case file within courts.

3.4. Views of victims

3.4.1. When the interviewees first came into contact with the police, were they informed about
a. their potential role and their rights in proceedings and

All the interviewees report that no information was given to them in relation to their potential role and rights in the proceedings when they first came in contact with the police. Domestic violence victims confirm the overall perception by practitioners that they received some written information at that stage but no explanation on its contents (e.g. PT/V/01, PT/V/03). Some victims refer that they had the initiative to look for further information at a later stage (e.g. on the web) in order to better understand their role and rights (e.g. PT/V/03).

“Things were moving, things were moving and that’s all. Only that. At UMAR [name of the specialised support organisation] what we could know about the proceedings was

through officer (name of the police officer) They kept telling me that I would be informed by a written letter. This was all I was told.” (PT/V/03)

Although victims of non-DV crimes also acknowledge that they did not receive such information at the initial stage of the proceedings, their perception on this “lack of information” does not appear to be negatively perceived (e.g. PT/V/05, PT/V/09), since they tend to prioritise the immediate intervention by the police after the crime in order to collect evidence; this seems to be relatively more important than getting information.

b. how they can access an appropriate support service (Question V 3.10)?

There is a divide between domestic violence victims – many of whom acknowledge that the police informed them on the support services available (e.g. PT/V/03, PT/V/04, PT/V/11) – and victims of other violent crimes among whom only one was informed of such services (PT/V/07). In the former case, it is also important to underline that some victims explicitly refer that the information on the services was provided by the police, but not on their first contact (PT/V/02). This points out to the distinction made by the practitioners between two different approaches: by first line officers (often not adequately trained in this regard) and by professionalised units who interview victims at a later stage. Apart from getting information on the existing services, three victims refer that the police also made the referral to the necessary victim support services (PT/V/02, PT/V/04).

3.4.2. Were interviewees continuously updated on how the case developed and on their potential role and relevant rights over the course of the proceedings (Question V 3.11)?

The interviewees’ perceptions on this issue reveal once again a significant divide between DV victims and other victims.

The responses by DV victims confirm some of the perceptions by some groups of practitioners, namely: there is a lack of updating on the progress of the case (e.g. PT/V/01, PT/V/02, PT/V/03, PT/V/10); the only information they got was formal notifications from court (PT/V/02, PT/V/11); and that other information would only be given following their direct request (PT/V/03, PT/V/04). Two of the interviewees (PT/V/04 and PT/V/11) actually show strong proactivity in trying to get information on the progress of the case and report concrete difficulties in approaching court services and in getting information from them regarding the development of their case file. It is the case of the following woman (PT/V/11) who was trying to get information on the progress of her case and was constantly being sent from one court to the other without being given any information on the proceedings. Finally, she was notified (the only information she got throughout the whole proceedings) of the date of the trial. This illustrates once again the issue raised under 3.3.2. regarding the change which occurs once the case evolves from the early investigation stage conducted by the police to the final stage of the investigation carried out by the PP office and towards the following steps within the criminal proceedings.

“At the time they told me it [the case file] was not yet arrived from Barreiro, and at Barreiro they told me that Moita would send it to them [Barreiro court] and it was like a ping-pong ball. Since I cannot go to that place [she is referring to Moita where the offender lives], I had to give up until I got that letter [notification letter informing about the date of the hearing].” (PT/V/11)

Victims of other crimes generally report a close relationship with the accompanying police inspector (Judiciary Police) from whom they were regularly informed about the progress of the investigation (e.g. PT/V/05, PT/V/08). Two of the interviewees report that they were not informed about the development of the proceedings (PT/V/07, PT/V/09), although one of them positively refers to contacts made by the Judiciary Police inspector asking about

his condition (PT/V/07) and the other interviewee (PT/V/09) expresses relief for not getting any information about the progress of the case, as an obvious strategy to forget the violent incident.

3.4.3. Did interviewees, either personally or through a legal representative, have access to the case file? If yes, at which stages of the proceedings (Question V 3.12)?

Out of the eleven interviewees only two – victims of other crimes – had direct access to the case file (PT/V/07, PT/V/08), but it must be said that these two victims were the police officer and the lawyer. Contrary to the other victims, some of the women victims of domestic violence (e.g. PT/V/04, PT/V/11) clearly expressed their willingness to access the case files without success. Either because they were not aware of such possibility or because they tried to have access but the difficulties raised by the court service (e.g. bureaucratic and lengthy procedures involving several journeys to the court building, unfriendly court’s working schedules, contradictory information on the right service to resort to) in order for them to have direct access discouraged them to proceed.

“I once questioned in court whether I could have access to the case file and they raised a thousand obstacles. They said I had to make a written request, which then had to go for approval and only after that would I be able to have access. The thing is, I am working, I have a tight schedule, a young child and my days are completely fulfilled (...) I let it go because it meant wasting a lot of time. And the court’s schedule is not friendly either. But I did ask.” (PT/V/04)

“At the time they told me it (the case file) was not yet arrived from Barreiro, and at Barreiro they told me that Moita would send it to them (Barreiro court) and it was like a ping-pong ball. Since I cannot go to that place (she is referring to Moita where the offender lives), I had to give up until I got that letter.” (PT/V/11)

c) General assessment

3.5. Views of practitioners

3.5.1. To what extent have the interviewed practitioners, divided by professional groups, agreed with the following statements (Question Pr 3.13)?

3.3.4.1. More needs to be done to ensure that all victims have access to appropriate support services.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	1	4	0	0	0	5
P	2	4	0	0	0	6
J	1	6	0	0	0	7
L	2	2	0	0	0	4

3.3.4.2. Considering that victims, in criminal proceedings, mainly perform the role of witnesses, already too much is done to strengthen their position in criminal proceedings.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	0	3	2	0	5
P	0	3	3	0	0	6
J	0	4	3	0	0	7
L	0	0	3	1	0	4
3.3.4.3. More needs to be done to ensure that victims are informed in an effective manner about the proceedings and their potential role in them.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	2	3	0	0	0	5
P	3	3	0	0	0	6
J	1	5	1	0	0	7
L	4	0	0	0	0	4
3.3.4.4. Not much further action needs to be taken to improve the standing of victims in criminal justice proceedings as a lot has already been done in recent years.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	1	2	2	0	5
P	0	1	3	2	0	6
J	0	2	5	0	0	7
L	0	0	1	3	0	4

Please provide an analysis and your own interpretation of the results:

The professionals' general assessment is revealing in the sense that efforts made are still not enough to ensure that all victims have access to appropriate support services and that they are informed in an effective manner about the proceedings and their potential role in them. The level of disagreement regarding sentences 2 and 4 reinforces the idea that further steps should be taken in order to strengthen the role of the victim in the justice system. However, within groups P and J there is a stronger position regarding the need to take further action to improve the standing of victims in criminal justice proceedings (8 out of 10 disagree or strongly disagree with sentence 3.3.4.4.), compared to a much more balanced divide between those agreeing/disagreeing with the idea that "already too much is done to strengthen their position in criminal proceedings". The fact that there have been recent legislative changes aiming at changing the standing of victims which are often not accompanied by a correct implementation of victims' rights on the ground may explain this apparent paradox of the position taken by the police and

judges/prosecutors. Additional comments unveil the perception that a full implementation of legal mechanisms regarding the protection and support to victims of crime is still to be achieved.

“Some measures exist (e.g. withdrawing own belongings, state compensation, social housing prioritisation) but in practice there are many constraints to implement such measures. In some cases, if the defendant does not cooperate it becomes difficult to make decisions on how to proceed and achieve a successful outcome and others simply exist in theory and no concrete solutions are given”. (PT/J/01)

“Not much is done. The minimum is ensured. The victim’s statute represents an important effort, [the interviewee acknowledges that not much existed before that]. And there are still a set of measures which could be applied in other types of crime”. (PT/J/06)

“We vomit legislation, we have brilliant legislation, beautiful legislation. The best in the world in almost everything! We are really good, but then it needs to have practical effectiveness in people’s everyday lives.” (PT/L/04)

3.6. Views of victims

3.6.1. To what extent did the interviewed victims agree with the following statements (Question V 3.13)?

	Strongly agree	Rather agree	Rather disagree	Strongly disagree	Don't know	TOTAL
3.6.1.1 Throughout the proceedings I had the support I needed.	3	3	3	1	1	11
3.6.1.2 Overall, I wish I had more legal advice .	4	5	0	2	0	11
3.6.1.3 Throughout the proceedings I received sufficient information about the progress of the case .	1	2	2	5	1	11
3.6.1.4 At times, I would have wished for more information about my potential role in the proceedings.	5	2	2	1	1	11

Please provide an analysis and your own interpretation of the results:

Overall, the respondents express the wish to have had more legal counseling and more information regarding the case’s development and the way they could have participated more actively. It is important to state that DV victims (e.g. PT/V/01, PT/V/04, PT/V11) are those who are actually claiming - through their positioning on the scale – for more support, more legal advice, more information about the progress of the case and more information about their potential role in the proceedings. Additionally, it is possible to identify that those respondents (mainly DV victims) who are more proactive (PT/V/03, PT/V04) are the ones with a much stronger capacity to assess and criticise the support they had and the one they could have had.

Victims of other type of violent crime tend to have a more positive assessment about the different statements (e.g. PT/V/05, PT/V/06).

4. Effective remedy

4.1. Views of practitioners

- 4.1.1. According to the interviewed practitioners, do the police view themselves as obliged to investigate whenever there is substantive suspicion that a crime has been committed or do they see themselves as enjoying a margin of discretion whether to investigate or not (Question Pr 4.1)?

According to the interviewed practitioners, investigation is always initiated whenever there is substantive suspicion that a crime has been committed (e.g. PT/J/04, PT/S/04, PT/L/04, PT/P/01). The investigation of public crimes is mandatory as soon as the notice of the crime comes to the knowledge of the police. Therefore the police is obliged to investigate under the guidance and supervision of the Public Prosecution office who is responsible for conducting the investigation.

These facts are consensual among all the categories of interviewees. However, the answer to the question is not by any means consensual. Only **prosecutors and the police** (e.g. PT/J/01, PT/J/04, PT/P/01, PT/P/04) respond that there is no margin of discretion whether to investigate or not (one police officer is more detailed and highlights the issue of the outcomes of the investigation and the dependency of the investigation on the cooperation of the victim (PT/P/03). Judges recognise that the police have a duty to investigate, but there is a perception that the way the investigation is conducted – including the moment when the crime is reported – may not be totally adequate (PT/J/06). **Support services and lawyers** are significantly more critical as regards the existence of this margin of discretion. Although recognising that the investigation is always initiated, the way it is conducted and the collection of evidence, namely testimonies from third parties and other evidence that does not depend on the victim's statement and active participation shows the existence of a lot of discretion (e.g. PT/S/01, PT/S/04, PT/S/05, PT/L/01, PT/L/03). There are also criticisms regarding the moment when the complaint is reported, particularly in cases of continued violence (and previous complaints) where the police does not record the incident and therefore no investigation on that incident will take place (e.g. PT/S/03, PT/L/04). This margin of discretion in conducting the investigation is – according to some of the interviewees – responsible for a non-exhaustive collection of evidence and thus to the dismissal of many cases (e.g. PT/L/01, PT/S/05).

- 4.1.2. According to the interviewed practitioners, do public prosecutors view themselves as obliged to prosecute in any case where there are significant indications that a crime has been committed or do they see themselves as enjoying a margin of discretion in this regard (Question 4.2)?

There is wide consensus among the different categories of practitioners that public prosecutors enjoy a margin of discretion as regards the decision to prosecute. This derives mainly from one contingency: whether the evidence collected is consistent enough to “ensure” that there will be strong probability for the defendant to be convicted in court trial (e.g. PT/S/01, PT/J/04, PT/J/03, PT/P/01, PT/P/04). Most interviewees highlight the fact that whenever the PP considers that the evidence collected is not consistent enough they will dismiss the case, which does not mean that the crime was not committed (e.g. PT/P/01, PT/J/04, PT/J/05). Moreover, the cooperation of the victim appears once again to be a crucial element in the decision to prosecute or to dismiss the case, which reinforced the idea that the investigation relies almost entirely on the evidence provided by the victim (e.g. PT/J/01, PT/P/03, PT/S/02). Some interviewees (support organisations) underline that this type of procedure may put the victim in further danger, since the lack of cooperation does not mean that the crime was not committed and that the victim is not at risk or even in danger (PT/S/02, PT/S/05). One interviewee (PT/S/05) considers that this represents a wickedness of the justice system since the dismissal of the case may represent a lost opportunity to protect the victim and subject her/him to further revictimisation until the necessary consistence evidence is collected. Finally,

several interviewees (e.g. PT/J/02, PT/J/05, PT/P/02) refer to the Provisional Suspension of the Case (*Suspensão Provisória do Processo*, SPP) which is often used whenever the evidence collected is not consistent enough to proceed with accusation, and which is almost only used in domestic violence cases in contrast to other types of violent crimes where apparently there is a greater trend to prosecute.

4.1.3. As assessed by the interviewed practitioners, divided by professional groups, how often does it happen in cases concerning violent crimes that prosecution becomes time-barred because of a statute of limitation?

This occurs	S	P	J	L
Often or very often	0	0	0	1
Occasionally	1	0	0	1
Only in exceptional cases or not at all	4	4	6	2
Don't know	0	2	1	0
TOTAL	5	6	7	4

Please provide an analysis and your own interpretation of the results:

Results are revealing of a high level of consensus regarding the fact that only in exceptional cases or never will prosecution become time-barred because of a statute of limitation.. Three professionals (two police officers and one judge) have no knowledge about this topic. One lawyer (PT/L/03) states that prosecution becomes time-barred because of a statute of limitation often or very often.

4.1.4. According to the interviewed practitioners, if the police fail to carry out a thorough and effective investigation, does the victim have an effective means of challenging this failure (Question Pr 4.4)?

Overall, interviewed practitioners agree on two main aspects: the victim has the right to challenge the investigation; they rarely engage in such proceedings. (e.g. PT/S/01, PT/J/04, PT/J/03, PT/L/02, PT/P/02) Apart from these two consensual perceptions, further opinions voiced by different practitioners reveal additional relevant aspects which help understand why such possibility is not used more often. The main reasons why victims do not challenge the investigation are:

- Most crime victims are not aware of the development of the investigation and therefore cannot assess whether it is being carried out in an effective and thorough way (support organisations, lawyers and police officers) (e.g. PT/S/02, PT/L/03, PT/P/04);
- Victims are not aware that they have such right (support organisations, judges and police officers) (e.g. PT/P/02, PT/J/03, PT/S/02);
- Victims tend to opt for alternative – non-challenging – solutions in order to speed up the procedures either by themselves or through their lawyers by asking questions directly to the police or adding

more information to the case file (police, lawyers, prosecutors and judges) (e.g. PT/P/03, PT/P/04, PT/L/01, PT/J/05, PT/J/03);

- Victims may fear that directly challenging the way the investigation is being conducted may have negative consequences on the development of the case (support organisations) (PT/S/05).

Finally, it is important to point out that the interviewees argue that in the very few cases where victims use the available mechanisms to challenge the investigation, the request ends up by being considered non justifiable by the hierarchical responsible of the public prosecutor in charge of the investigation (e.g. PT/S/03, PT/J/07, PT/L/01).

4.1.5. According to the interviewed practitioners, if the public prosecutor decides to discontinue prosecution, does the victim have an effective means of challenging this decision (Question Pr 4 5)?

According to the general perception of all groups of interviewed practitioners, whenever this happens the victim has two means to challenge the dismissal decision: asking for an “hierarchical intervention” from the immediate hierarchical superior to the PP responsible for conducting the investigation; bringing new evidence to the case and asking for the reopening of the proceedings (e.g. PT/S/01, PT/J/04, PT/J/07, PT/L/02, PT/L/04, PT/P/04). The overwhelming majority of the interviewees argue that these mechanisms are rarely used by victims. They also point out that only victims who are represented by a lawyer or those who became joint plaintiffs to the case have this possibility (e.g. PT/J/06, PT/J/07, PT/L/02) .

Victims who are represented by a lawyer or who become joint plaintiffs to the case have different possibilities to intervene during the proceedings. Parties assisting the public prosecutor cooperate with the public prosecution that leads the investigation, subordinating their intervention to that of the public prosecutor, but with extended powers of participation and the possibility of diverging from the accusation of the public prosecutor. Victims in this position may, for example, oppose the provisional suspension of the proceedings or participate actively in the drafting of the orders necessary for accepting the suspension of the proceedings, request measures that he/she considers necessary, request the opening of the instruction phase if he/she does not agree with the decision of the Public Prosecution Service at the end of the inquiry stage, lodge an appeal against any decisions that affect them, among others. In order to become joint plaintiff to the case the victim needs to have a lawyer and to pay a justice tax, which involves additional costs for victims. The request by the victim whenever she/he challenges the decision to discontinue prosecution is rigorously assessed and a thorough analysis of the reasons why the victim is challenging the decision to prosecute is undertaken (e.g. PT/J/01, PT/J/07, PT/J/05). The success cases mentioned by some of the interviewees relate to the existence of crude mistakes from the public prosecutor’s decision, or obvious evidence that there were many missing actions in the way the investigation was conducted leading to a dismissal (PT/J/07, PT/L/03, PT/L/04).

4.1.6. To what extent did the interviewed practitioners, divided by professional groups, agree to the following statement (Question Pr 4.6)?

When people fall victim to violent crime they can legitimately expect that the police conduct a thorough investigation with a view to identifying offenders.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	1	2	2	0	0	5
P	3	3	0	0	0	6
J	4	3	0	0	0	7
L	0	2	1	1	0	4

Please provide an analysis and your own interpretation of the results:

Most interviewees agree with the statement, especially police officers and judges. Four people disagree/strongly disagree (PT/S/02, PT/S/05, PT/L/02, PT/L/03), especially because they consider that investigation is not always thorough (e.g. PT/L/03) enough e.g. regarding neighbourhood enquiries. According to one interviewee the police often uses the argument that victims do not provide a consistent testimony and that, as a result, investigation could not draw any significant conclusions; the dependence upon the victim's testimony is particularly worrying in cases involving particularly vulnerable victims (PT/S/02). Another interviewee although recognising that the victim has the right to demand an exhaustive investigation to be carried out, declares that this does not always happen. She recalls that, in some cases, the police even try to discourage the victim from reporting the crime (PT/S/05).

4.2. Views of victims

4.2.1. According to the interviewed victims, what was the outcome of criminal proceedings in terms of offenders being convicted, of sanctions imposed and of compensation being awarded (Question V 4.1)?

All the cases involving the victims interviewed – except for two victims (PT/V/04 and PT/V/11) whose cases have not yet gone to the trial stage – ended up in a conviction. In the cases involving non DV crimes, the convictions given were the actual imprisonment of the offenders (around 4 years of imprisonment). In the cases involving DV crimes, one ended up in the actual imprisonment of the offender (PT/V/01) and the other one in a suspended sentence (PT/V/10).

All the victims interviewed – except for one victim of non-DV crimes (PT/V/06) – expressed their dissatisfaction regarding the outcome of the proceedings. The main reasons for dissatisfaction are:

- Sanctions were too light (four years actual imprisonment) taking into consideration the psychological consequences of the abuse suffered which will never be compensated for (DV victim); (PT/V/03)

"I think that sentence did not make sense. 4 years and 8 months of what? Of what? Because he beat me? What about the psychological and the physical damages? Have you seen how I my mouth is? It was him, it was all him." (PT/V/03)

- Sanctions were not as harsh as they should have been (the interviewee did not mention the actual sanction) and this relates to prejudices from the court in relation to the obvious contrasting social background of the victim and the offenders (non-DV victim); (PT/V/07)

“[the interviewee refers two objects of very high value which were stolen from him and which are mentioned in the case file] *When I said my watch brand, my supposedly defender, the PP delegate: [Watch brand]! But that’s worth a lot of money! This is not what is being trialed. He has no idea if I bought it. Maybe it was a gift . [...] This on my side. On the other side: ‘Ah, you know, they, poor guys – they did not say poor guys – ‘they work at night, they have to live at night.’ This philosophy was behind the entire trial, and in my opinion it ended up in a conviction of someone who decides to beat up another person, out of nowhere to make justice by their own hands, who does not get the sentence he should have. This is my reading of the whole thing.*” (PT/V/07)

- Sanctions were only imposed on some of the offenders and they were too light (four and three years of actual imprisonment respectively for two of the offenders caught) in relation to the seriousness of the offences and its consequences (non-DV victim). (PT/V/08)

“I wanted the sentences to be exemplary because, you know this is not just a citizen who is there. It is a citizen who is in uniform and doing his job to ensure that people can be there and interact with each other, in security. We are there to ensure that.” (PT/V/08)

Overall, the findings suggest that for these interviewees convictions are very important but so is the level of punishment attached to the sentence.

Other reasons for dissatisfaction mentioned by victims relate to the protection measures imposed during the proceedings and which are considered to be inadequate either because they did not protect them from further revictimisation (e.g. threats) (PT/V/01), because they were applied at a stage when they were already not serving the purpose initially expected since the situation changed (PT/V/11) or because they were discontinued without the knowledge of the victim (PT/V/10). All cases regard domestic violence cases.

Finally, the information collected on compensations – not all victims report on this – clearly reveal that victims do not actively search for compensation although most of them were awarded compensation. Some are satisfied with the amount granted (e.g. PT/V/06), some complain about the time lag between being awarded the compensation and actually receiving it (PT/V/05, PT/V/06), and others are totally unsatisfied (e.g. PT/V/03).

“Do you think that three thousand euro pays for what he did to me during 14 years? (...) And what about the psychological damage done to my children? Will it pay off? It doesn’t. My son is already in psychiatry and he is 10 years old, now I’m going to psychiatry and I’m 43 years old and all the others are being accompanied by a psychologist. Do you think that the money will pay for the happiness and the physical well-being of my children? Things will never be the same.” (PT/V/03)

4.2.2. Do interviewees assess the outcome of the proceedings as appropriate and satisfactory? What were their observations and the reasons they gave to support their assessments (Question V 4.2)?

The answer to these question was extremely limited since interviewees tend to repeat the assessment made previously. The discourse centred around the fact that sentences were not harsher enough taking into consideration the harm done (PT/V/8, PT/V/10), the consequences suffered (PT/V/03), and the fact the crime was committed for a long period of time (PT/V/01).

“(…) I would have liked to see him getting a harder sentence because if I think carefully and remember the bad moments I had with this man (...) even the court itself does not

know because I did report everything I went through, because I hid things, I was ashamed . I think he deserved more. [5 years is unfair?] for everything I went through.
"(PT/V/01)

4.2.3. As concerns interviewees who found the outcome of proceedings at the court of first instance not satisfactory, were they informed of any means to challenge the decision taken by the court of first instance (Question V 4.3)?

There are mixed reactions from interviewees to this question ranging from: a total lack of knowledge regarding this possibility (one DV victim and two non- DV victims) (PT/V/10, PT/V/05, PT/V/06); knowledge was provided by court (one DV victim) (PT/V/03); and two victims who were aware of this possibility (the police officer and the lawyer) and who decided in opposite sense (PT/V/07, PT/V/08).

4.2.4. How did the interviewees assess their own influence on the outcome of the proceedings (Question V 4.4)?

Most of the interviewees value their contribution to the proceedings and highlight their availability to cooperate with the investigation throughout the proceedings (e.g. PT/V/01, PT/V/06, PT/V/08). Some interviewees state that their proactivity and determination were crucial to push the case forward and to influence the outcome of the proceeding (e.g. PT/V/05, PT/V/10). Two DV victims provide some additional explanations regarding the limits of their influence on the outcome of the proceedings (PT/V/01, PT/V/10). One interviewee recognises that if she had had a more assertive attitude and had made less ambiguous statements regarding the behaviour of the offender (e.g. sometimes excusing him), the outcome might have been more positive; another interviewee argues that more important than her attitude throughout the proceedings, was the explicitly aggressive behaviour of the offender which included attacking the police officers directly. This attitude led to the offender being remanded in custody (PT/V/03).

4.2.5. How did the interviewees assess the manner in which the police investigation was carried out; was it

- a) thorough and effective?
- b) timely and efficient?
- c) Any other observations (Question V 4.5)?

The assessment made by the interviewees regarding the way the police investigation was carried out reveals – once more – a clear divide between domestic violence victims and victims of other violent crimes.

Among the latter there is an overall feeling of satisfaction regarding the way the Judiciary Police (all these cases belong to the sphere of intervention of this specialised unit) carried out the investigation which is deemed to have been thorough, timely and effective. The victims value the efficient actions taken, the considerate and helpful attitude of inspectors and the efforts in moving the case forward in a prompt way (e.g. PT/V/05, PT/V/06, PT/V/07).

Domestic violence victims have a different perspective on the operation of the other two police units who are responsible for carrying out investigation in these cases (the PSP and the GNR). Criticisms are reported in relation to: the time lag between the moment the crime was reported to the police and the moment the “actual” collection of evidence took place (PT/V/04); the omission in the case file of existing evidence reported to the police (e.g. hospital records) (PT/V/03); the lack of information regarding the importance of doing medical examinations (PT/V/10); huge discrepancy in the way the victim was treated by two local police units (PT/V/11). One victim assesses very positively the way the police carried out the investigation which she deems was very timely and efficient (PT/V/01).

“It had to be them [police or the PP] to ask [the medical exams], it is the hospital that sends directly to the PP office. Nobody asked me anything about that situation.”
(PT/V/03)

“I told the GNR [at Moita] that I was in danger, that my daughter’s father was knocking on my door, he had threatened to kill me and they told me to call later because he didn’t know the phone number of the GNR at Montijo. I immediately went to look for it on the web (...) But I was lucky to meet a colleague of mine on line who lived at Montijo and I asked her to give me the phone number of the GNR where she lived (...) I rang them and I know they did not take more than 5 minutes to arrive. They were very quick. But if I had to wait for the GNR at Moita, he could easily have killed me (...).” (PT/V/11)

“It [The investigation] did not start the moment I reported to the police. It was only after I talked to the prosecutor. I was heard [by the police], the police then asked me to provide a witness, but this was after I talked to the prosecutor. She forwarded the case to the criminal police investigation unit and they were the ones to ask for more witnesses(...) This was when the investigation started, I started to receive calls from them to clarify things, to ask for witnesses.” (PT/V/04)

Throughout the interviews, there is evidence that victims whose cases were investigated by the Judiciary Police reveal a higher and a more consistent pattern of satisfaction compared to those (DV victims) whose cases were investigated either by the GNR or the PSP. In these latter cases, there is no consistent pattern. The perceptions of victims regarding the way the investigation was conducted varies widely from very positive to very negative, revealing a wide range of experiences. The higher level of specialisation of professionals within the Judiciary Police as well as the more focused scope of their area of criminal action (contrary to the PSP and the GNR which are the two “generalist” national police bodies) may explain some of these contrasting patterns.

4.2.6. To what extent did the interviewed victims agree to the following statements (Question V 4.6)?

	Strongly agree	Rather agree	Rather disagree	Strongly disagree	Don't know	TOTAL
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4.2.6.1 Overall, I would have expected to be given a more important role in the proceedings.	5	2	1	1	1	10 (i)
4.2.6.2 The police appeared to be committed to an effective investigation.	5	2	3	0	0	10

(i) This table – and other tables that follow – may display totals lower than the actual total number of victims interviewed (11). This is due to the fact that some victims have obvious difficulties in assessing aspects related to the criminal proceedings and in positioning themselves in the categories provided in the tables.

Please provide an analysis and your own interpretation of the results:

Most interviewees expected to have had a more important role in the proceedings, considering that their involvement in criminal proceedings regarded merely the providing of statement. Two respondents disagree with the statement. In one case it reflects an absence of expectations because it was the first time he was involved in such a situation (PT/V/06). In the second case, the respondent assumedly did not want to be more involved (PT/V/09). These three interviewees are all women victims of domestic violence who did not have very positive experiences with the police. Two of them had particularly bad experiences with the police either during the reporting or the investigation stages. In the former case, the police only took the offender into custody on the day he attacked the two police officers, in spite of having been called several times and of the obvious signs of aggression she displayed. In the latter case, there were important evidence which was neglected and not included in the case file (medical reports), although she had told the police about their existence.

The commitment of the police to an effective investigation is recognized by most interviewees, especially by those whose case was investigated by the Judiciary Police (e.g. PT/V/05).

5. Victims' active participation

5.1. Views of practitioners

5.1.1. According to the interviewed practitioners, are victims heard during the proceedings at important stages or before decisions are taken (Question Pr 5.1)?

The views of practitioners regarding this first aspect of the victim's active participation reveal once again some **divergences among the different categories of practitioners**. However, there is one aspect which is rather consensual among all the interviewees, i.e. victims are heard at three major moments during the proceedings: when reporting the complaint to the police, at the interviewing stage either by specialised police units or/and at the public prosecutor office and in court trial. Other moments referred by the interviewees also include: a) when there is a decision to impose coercion measures or protection measures; b) before the provisional suspension of the case (SPP) is decided.

Apart from this commonalities in the perceptions of the interviewees it is possible to observe some relevant divergences which can be grouped by categories of practitioners:

- **Support organisations and lawyers** highlight important gaps in ensuring that the victim is heard before some important decisions are taken, notably before coercion measures are imposed leading to misadjustments between the actual needs of the victim and the measure, before the decision to discontinue prosecution and before the decision to move forward with the provisional suspension of the case (there are divergent opinions from different professionals in this respect) (e.g. PT/S/03, PT/S/04, PT/S/05, PT/L/01, PT/L/04);
- **Police, prosecutors and judges** generally refer that victims are usually heard at important stages or before decisions are taken, giving examples of the moment before deciding on an SPP or before a coercion measure is imposed or when it is considered necessary (e.g. PT/P/01, PT/P/02, PT/P/04, PT/J/01, PT/J/02, PT/J/07).

From the contradictions found, one may assume that there are different practices being implemented by different professionals and across different judicial districts.

5.1.2. During the investigation, are victims entitled to ask that relevant evidence is secured (Question Pr 5.2)?

Victims, when parties assisting the public prosecutor, during investigation and preliminary judicial stages, can also give evidence and request all measures they find necessary to the public prosecutor, including that of securing a certain evidence (Code of Criminal Procedure). According to most of the practitioners interviewed (e.g. PT/S/02, PT/S/05, PT/J/01, PT/J/06, PT/L/01, PT/P/03, PT/P/05) victims are entitled to ask that evidence is secured but they usually do not make such request. It is rather the police duty to ensure that existing evidence, including that mentioned and brought by the victim to the proceedings is secured. The most common examples given by the interviewees are mobile phone messages which victims usually have and which need to undergo a process of validation in order to be considered evidence and which are secured by the police (e.g. PT/S/04, PT/J/03/PT/P/02). Other examples include witnesses which are about to leave the country or whose health condition is very fragile and for whom it is possible to request the mechanism of declarations for future use in order to secure evidence (e.g. PT/L/02, PT/J/02, PT/J/05). Overall, only victims who are represented by lawyers will eventually ask for such

evidence to be secured (e.g. PT/L/01).. In general, these evidence is mentioned by the victims and it is the police task to ensure that they are kept secured (e.g. PT/P/01, PT/J/06). Some interviewees highlight the fact that more and more victims are aware of the importance of keeping specific types of evidence and bringing them forward (e.g. medical reports, photographs, witnesses, messages) (e.g. PT/L/01, PT/L/04, PT/P/02, PT/P/03).

5.1.3. Are victims entitled, during court trial, to call for any evidence they view as relevant (Question Pr 5.3)?

The views of the practitioners in this respect reveal once again a separation between the legal possibility and the actual practice. Support organisations have little knowledge about this possibility and therefore most of the relevant information on this topic mainly expresses the views of judges, prosecutors and lawyers. Overall, they acknowledge that such possibility is foreseen in the Code of Criminal Procedure (e.g. PT/J/05, PT/J/06, PT/L/01). Yet, this rarely happens and when it does, it exclusively arises from victims who are being legally represented by a lawyer (e.g. PT/L/02, PT/S/05, PT/L/01). What is more common during court trial, is the spontaneous mentioning by the victim of someone who witnessed a particular incident or event and which had not been mentioned previously during the enquiry stage. In this case, the judge may – and often does – decide to call that witness to give her/his testimony in trial (e.g. PT/J/02, PT/J/03, PT/J/06, PT/J/07).

5.1.4. According to the interviewed practitioners, are victims entitled, during court trial, to ask questions or have questions being put to witnesses (Question Pr 5.4)?

Victims may not directly ask questions to witnesses. Only those victims who are being represented by a lawyer or who became joint plaintiffs to the case (and also have a lawyer) will be entitled to do it through their lawyer (e.g. PT/J/01, PT/J/02, PT/J/06). If the victim is a mere witness, only the public prosecutor can ask questions on his/her behalf (e.g. PT/L/01, PT/L/04).

5.1.5. Which safeguards are implemented, if any, ensuring that victims' participation in proceedings is not impeded or rendered impossible by the victim's irregular status of residence (Question Pr 5.5)?

Migrant victims who are staying in Portugal in an irregular situation have the same rights as nationals as regards their participation in the proceedings (e.g. PT/S/01, PT/J/01, PT/J/03, PT/P/01). The interviewees (prosecutors, police, and judges) refer to the existence of cooperation mechanisms between the Foreigners and Border Service (SEF), the police and the courts which aim at ensuring that the victim may participate in the proceedings (e.g. PT/P/04, PT/L/01). This may include granting a temporary residence permit, putting an expulsion order on hold, using the mechanism of declarations for future use (e.g. PT/J/06, PT/J/04).

Support organisations also acknowledge that these victims have the same rights as nationals in their condition of victims. However, they highlight that these victims face serious constraints in their participation which are often previous to presenting a complaint. Many victims in irregular situation do not report a crime because: they fear being expelled; they are not aware of their rights as victims; and they are informed by the police when they file the complaint that the police will inform the SEF about their irregular situation (e.g. PT/S/03, PT/S/04, PT/S/05). Unless they are already being supported by a specialised service where they will be informed about their rights to participate in the proceedings and the possibilities to remain in the country for that purpose, they will tend not to report or not to participate at subsequent stages (PT/L/01).

5.1.6. To what extent did the interviewed practitioners, divided by professional groups, agree to the following statement (Question Pr 5.6)?

Victims should be offered more opportunities to actively participate in the proceedings.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	1	4	0	0	0	5
P	1	3	2	0	0	6
J	0	2	5	0	0	7
L	1	2	1	0	0	4

Please provide an analysis and your own interpretation of the results:

Professionals, and especially those working in support services, tend to agree that victims should be offered more opportunities to actively participate in the proceedings. Judges tend to disagree especially because they consider that victims are given a wide scope of opportunities to participate but often they opt not to cooperate with the court, i.e. by remaining silent.

5.2. Views of victims

5.2.1. According to the victims interviewed, were they heard during the proceedings at important stages or before decisions were taken (Question V5.1)?

Only eight victims (PT/V/02; PT/V/03; PT/V/04; PT/V/05; PT/V/06; PT/V/07; PT/V/08; PT/V/11) are able to assess whether they were/or not heard at important stages or before decisions were taken. Out of these eight victims, three (all of them non-DV victims) respond that they were heard whenever it was necessary (PT/V/05, PT/V/06, PT/V/08). It is important to recall that in all these cases the victims had no personal relationship with the offenders. Domestic violence victims mainly criticise the fact that they were not heard before coercion orders – i.e. court protection orders issued by criminal judges imposing restrictions to the offender – were imposed. They were merely informed about that decision afterwards. One victim refers that the only time she was heard before a decision was taken was when she was asked whether she agreed with the provisional suspension of the case (PT/V/03). The only non-DV victim who considers that he was not heard was the lawyer who merely argues that this is the way the court works (PT/V/07).

5.2.2. During the investigation, were the interviewees informed that they could ask for the evidence the considered relevant to be secured (Question V 5.2)?

It is clear that no victim was informed about such possibility, irrespective of the type of crime or the specific territorial context. Some victims stress that in spite of that they took the initiative to keep evidence they thought was important (e.g. text messages, photos on the internet) which they provided to the police during the investigation (e.g. PT/V/04, PT/V/10).

5.2.3. During court trial, were the interviewees informed that they could call for any evidence that they considered relevant (Question V 5.3)?

Only two victims (PT/V/07, PT/V/08) – the lawyer and the police officer – refer that they were totally aware of this possibility. This seems to illustrate the perceptions by the practitioners mentioned under question 5.1.3. relating to the most common situation occurring in trial: the spontaneous revealing - rather than an intentional and explicit mentioning – by victims of new evidence while giving their testimony which may then be picked up by the court and brought as new evidence at a subsequent hearing.

5.2.4. During court trial, were the interviewees informed that they could ask questions or have questions being put to witnesses (Question V 5.4)?

Again, only the two same victims (PT/V/07 and PT/V/08) were aware – although not actively informed – about such possibility.

5.2.5. To what extent did the interviewed victims agree to the following statement (Question V 5.5)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
Overall, I would have liked to have more opportunities to be involved in the proceedings.	4	2	2	2	0	10

Please provide an analysis and your own interpretation of the results:

Most interviewees wished they had more opportunities to participate in the process. In some cases that would represent a more facilitated access to the case file as well as more information on its development. Four victims disagree (PT/V/01, PT/V/05, PT/V/06, PT/V/09) with the statement. Two of them (PT/V/05, PT/V/06) state that they felt no need for a greater involvement since the accompaniment by the Judiciary Police was quite positive. In one case the victim was satisfied for not participating more as this helped the incident to fall into oblivion. For this interviewee (PT/V/09), the fact that he was not asked to actively participate in the proceedings or to accompany the development of the case was seen as a positive aspect since it helped him forgetting the violent episode, which was very traumatic. In the fourth case (PT/V/01) the victim has a low level of literacy and thus the support service took responsibility for a closer accompaniment of the process.

6. Protection against secondary victimization

6.1. Views of practitioners

- 6.1.1. According to the practitioners interviewed, do the police on an individual basis assess whether measures need to be adopted in order to protect a victim of violent crime against secondary victimisation (Question Pr 6.1)?

The overall assessment of practitioners reveals that no such procedures exist (e.g. PT/S/03, PT/S/04, PT/S/05, PT/J/02, PT/J/03, PT/J/06, PT/L/01, PT/L/03, PT/L/04, PT/P/03). The only exception regards situations involving crimes against children, i.e. child sexual abuse where such concern exists and measures are taken to avoid secondary victimisation (e.g. PT/P/01).

Apart from this overall perception across the different groups of practitioners, there are references by prosecutors, judges and police officers regarding the “inevitability” of secondary victimisation (e.g. PT/J/05, PT/J/07, PT/P/04) which could only be solved by changing the legislation which presently obliges justice professionals to directly hear the victims, both during the investigation stage and at court (e.g. PT/J/02, PT/J/07).

Finally, two examples of good practices were provided by police officers – one located in one of the territories under analysis where there is an interagency network on domestic violence and the other one in Lisbon – which have established procedures preventing a repetition of testimonies by the victim. The former case operates through a cooperation mechanism between the specialised unit of the police, the court, the child protection service and the first line police stations (PT/V/01). Moreover, it is also referred that in this territorial context, the victim always has the same reference police officer from the beginning of the proceedings till the case ends (PT/P/02). The Lisbon example relates to the establishment of a specialised unit of the main police force (PSP) dealing with domestic violence cases which is served by a multidisciplinary team (PT/P/02).

- 6.1.2. According to interviewees, are measures adopted routinely in order to avoid that the victim is confronted with the offender
- a) in the court building during the trial or
 - b) at other occasions (e.g. an identity parade or the recording of the victim’s statement; Question Pr 6.2)?

There are two different approaches as regards the routinely adoption of measures to avoid that the victim is confronted with the offender: during the enquiry stage, the police adopts measures which avoid confrontation by scheduling interviews for different days and times and by actively ensuring that no visibility exists between the two parties during identity parades (e.g. PT/S/03, PT/S/04, PT/J/01, PT/J/07, PT/L/01, PT/P/01); the court services do not adopt any kind of routine measures in order to avoid such confrontation (e.g. PT/S/01, PT/S/02, PT/J/02, PT/J/07, PT/L/02, PT/P/04, PT/P/05).

In the former case, there is wide recognition that those measures are implemented generally across all police stations. In the latter case, the interviewees argue that it is frequent that confrontation occurs inside the court building, very often during the waiting period which precedes the beginning of the hearings (e.g. PT/P/03, PT/L/02, PT/S/02). Nevertheless, several interviewees from the different categories of practitioners highlight the existence of measures which can be activated in order to avoid confrontation. These include: asking the court for the victim and testimonies to be placed in different waiting rooms (e.g. PT/S/02, PT/J/05); asking the court for the victim to give her/his statement without the presence of the offender (e.g. PT/S/01, PT/S/05, PT/J/01, PT/L/02, PT/P/04);

taking declarations for future use (e.g. PT/L/03); enabling the victim to make her statement through video conference (e.g. PT/P/02, PT/S/04). However, all these measures are extraordinary procedures which depend on the victim or (usually) the lawyer making a specific request which will be attended or not according to the judge's decision.

6.1.3. According to interviewees, do victims have a right to ask to be interviewed by or through a professional trained for that purpose (Question Pr 6.3)?

Professionals interacting with victims during the interviewing stage are differently assessed by the interviewees as regards their skills. Overall, within the police units there are trained professionals who receive specialised training on the necessary skills to interview and support victims during this stage. In general, however, this is restricted to a number of specialised units who deal with domestic violence cases and violence against vulnerable victims. Interviewees agree that front line staff usually do not have such training (e.g. PT/S/05, PT/P/03, PT/L/01), a gap which impacts on their ability to approach to victims at the very first stage of the reporting procedures (e.g. PT/J/06, PT/L/01). Therefore, victims who are interviewed at these specialised units of the police are usually interviewed by professionals trained for that purpose (e.g. PT/S/03, PT/P/01).

As regards magistrates, the situation is significantly different. The training of judges and public prosecutors – according to judges and prosecutors – includes topics related to interviewing techniques and on how to approach a victim (e.g. PT/J/02, PT/J/04, PT/J/07). At a later stage, professionals may also have access to specialised training in areas such as domestic violence. However, the distribution of cases within the court services does not include any criterion regarding the level of skills or the level of training magistrate X or Y received (e.g. PT/J/01). Therefore, in practice victims may be interviewed by professionals with very different levels of training and skills.

Strikingly, however, the most worrying assessment made by support organisations, prosecutors and lawyers regards the total lack of training among court clerks (e.g. PT/S/02, PT/J/02, PT/J/04, PT/L/03, PT/L/04). These professionals are very often designated by the public prosecutor to interview crime victims. Although there is evidence that public prosecutors provide them with a specific set of questions (e.g. PT/J/02) which they should cover while interviewing the victim, there is generalised concern and criticism regarding their lack of preparation in conducting such interviews, a situation which may have a very negative impact on the victim's testimony. Moreover, there is evidence that in many occasions such interviews are conducted in spaces lacking any type of privacy, generally in the same open spaces where these professionals work on a daily basis.

“The PP delegates in the police but sometimes it also delegates the interviewing on the court clerks. Court clerks have no training in this area. And this is so true that with the famous mobility, they are all public servants, and thus we have several court clerks who were until recently working in a hospital, in a local health centre, in the ministry for economy and they were just displaced to court. Training is zero. And they are the ones who interview the victims. (...) the victim comes, if the interviewing is presided it sometimes is held in the office, but it can also happen here (the interviewee starts drawing the common area where this happens with three tables in a row which are separated by a 20 cm glass) because there are no offices available. Questions are asked here, someone is being interviewed here, here is another one, and here another one. The corridor is of free access. Anyone can go by.” (PT/L/04)

6.1.4. Can victims ask to be interviewed before the court trial and to have their statement audio-video recorded and played during the court trial (Question Pr 6.4)?

In general, the practitioners interviewed addressed this question by referring to the existence of two mechanisms which can be used during the court trial (e.g. PT/S/01, PT/S/05, PT/J/01, PT/J/05, PT/J/06, PT/L/01, PT/P/04): declarations for future use and video-conference. There are significant differences regarding the perception of interviewees on the way both mechanisms are used.

- Declarations for future use – very rarely used in general (e.g. PT/S/04, PT/J/07, PT/L/02); usually only apply to cases involving sexual crimes (particularly with children) or in cases where the victim/witness has a serious condition due to illness or when it is foreseeable that he/she may not be present when the court trial takes place (e.g. PT/S/03, PT/J/05, PT/J/07, PT/P/04, PT/J/03); several interviewees explain that judges are usually very reluctant to use such mechanism since they want to hear and see the victim in person and as one judge (PT/J/03) puts it they value the “spontaneity of the testimony” during the court trial (e.g. PT/J/03, PT/J/04, PT/L/01);
- Video-conference – presently this mechanism is more frequently used than in the past (e.g. PT/L/01, PT/L/04, PT/P/02, PT/J/06). One of the interviewees (PT/J/06) (a judge) directly relates this evolution to the legislative change occurred in September 2015 whereas several dimensions of the Victim’s Directive were included or reinforced; this mechanism is used either when the victim has been displaced or lives in a different territory from that where the proceedings are being held (e.g. PT/J/02, PT/L/01) or because there is danger for the victim to be near the offender (e.g. PT/L/01); there are reports on logistic difficulties which arise for the use of such mechanism (e.g. PT/S/05, PT/J/05); the use of the video conference mechanism must also be requested to the court (e.g. PT/S/05, PT/J/05, PT/P/05).

6.1.5. According to the interviewed practitioners, do victims have a right to ask, during the court trial, to be heard without the presence of the public (Question Pr 6.5)

Victims have a right to be heard without the presence of the public (e.g. PT/S/01, PT/J/06, PT/L/04). Again there is a link between this right and the above mentioned legislative change (e.g. PT/J/06). However, there is generalised consensus that most court trials are held with the presence of public (e.g. PT/S/03, PT/S/04, PT/J/05, PT/J/01, PT/J/07, PT/L/04). The only exception regards court trials related to sexual abuse crimes where it is common for the trial to be held behind closed doors (e.g. PT/L/04, PT/J/04, PT/J/02, PT/S/03, PT/S/05). Victims may therefore request that the public is not present but all the interviewees agree that this rarely happens (e.g. PT/S/01, PT/L/04, PT/J/01) and that only victims who are being supported by a victim support service or represented by a lawyer will be aware that they have such right.

6.1.6. According to the interviewees, do victims of sexual or gender-based violence have a right to ask that they are interviewed by a person of their sex (Question Pr 6.6)?

The overall perception across all the categories of practitioners (less among support organisations) is that there is a concern in this respect (e.g. PT/J/06, PT/J/04, PT/L/04, PT/P/03, PT/P/05). However, this is not ensured in practice – except for sexual crimes – and the victim will be interviewed by the professionals who are the ones responsible for conducting the interview within the police unit (e.g. PT/S/01, PT/J/01, PT/L/03). If the victim explicitly makes such a demand there is a concern to attend such request (e.g. PT/J/07, PT/P/04, PT/P/05, PT/P/01) and

several examples are given in this sense (e.g. bringing a colleague from another unit (PT/P/04), asking a court clerk from a different section to do the interview (PT/J/07)).

6.1.7. From their practical experience, did the interviewed practitioners believe that restraint is exercised ensuring that victims are not asked questions about their private or family life unless necessary (Question Pr 6.7)?

There are no unanimous responses to this question. The experiences of practitioners seem to be very different in this respect. **Prosecutors, judges and police** officers acknowledge that such concern exists (e.g. PT/J/02, PT/J/05, PT/J/03, PT/J/06, PT/L/02, PT/P/02, PT/P/04) but they underline that asking questions about the victim's private life is often necessary and inevitable (e.g. PT/J/02, PT/J/05, PT/J/06, PT/P/03) and that there is a concern to explain to victims that there are more delicate questions that may be asked but which need to be asked (e.g. PT/J/07, PT/J/05). Among **lawyers and support organisations** there are conflicting perspectives: some professionals clearly state that there is a concern and that such restraint is exercised (e.g. PT/S/01, PT/S/02, PT/L/02, PT/L/04) whereas other professionals bluntly state that this restraint is not exercised and that victims are asked unnecessary questions about their private and intimate life (e.g. PT/L/01, PT/L/03, PT/S/03, PT/S/04, PT/S/05).

6.1.8. According to interviewees, can victims be subjected to a medical examination without their free consent (Question Pr 6.8)?

All the interviewees – except one prosecutor (PT/J/04) – clearly state that the victim cannot be subjected to a medical examination without her free consent. However, there are nuances in some of the responses given which relate to the fact that it is not expected for victims to refuse such initiative (e.g. PT/J/05, PT/S/02) given the importance of the examination for the collection of evidence and therefore often victims consider this to be a compulsory examination they have to undergo (PT/S/05). At the same time, there is some distrust expressed by police officers (PT/P/03, PT/P/05) regarding the attitude of a victim who is reluctant to undergo a medical examination or who fails to attend a scheduled one.

6.1.9. Did the interviewees agree to the following statements (Question Pr 6.9)?

6.1.9.1 The police attach great importance to treating victims in a respectful and sympathetic manner.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	5	0	0	0	5
P	6	0	0	0	0	6
J	3	4	0	0	0	7
L	1	1	2	0	0	4
6.1.9.2. The police perceive the victim primarily as a witness and	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL

hence as a means to the end of a successful investigation.						
S	2	2	1	0	0	5
P	3	3	0	0	0	6
J	0	6	1	0	0	7
L	1	3	0	0	0	4
6.1.9.3. Public prosecutors and judges attach great importance to treating victims in a respectful and sympathetic manner.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	4	1	0	0	5
P	2	4	0	0	0	6
J	4	3	0	0	0	7
L	2	2	0	0	0	4
6.1.9.4. Public prosecutors and judges don't see the victim as playing a central role in criminal proceedings.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	2	2	1	0	5
P	0	2	3	1	0	6
J	0	0	5	2	0	7
L	0	0	3	1	0	4

Please provide an analysis and your own interpretation of the results:

Overall, interviewees consider that most victims are treated in a respectful and sympathetic manner by the prosecutors and judges as well as by the police. However, two lawyers (PT/L/01, PT/L/03) consider that this depends on the victim considering that the first approach from the police is influenced by a set of factors and that, as a result, approach is not always the most adequate. One of these respondents considers that an important issue regards the number of complaints reported by victims. According to her, when a victim files many complaints this is not correctly understood by police officers who tend to devalue the situation and not to give the necessary attention to the case. (PT/L/03)

Only four interviewees (two police officers and two support workers) consider that "public prosecutors and judges do not see the victim as playing a central role in criminal proceedings" (PT/P/03, PT/P/04, PT/S/02, PT/S/04). Most professionals (18/22) consider that public prosecutors and judges see the victim as playing a central role. However, one interviewee (PT/S/05) who strongly disagrees with the proposed sentence states that even when the victim is pushed into being a mere witness, there are always judgements being made on the victim's attitude

and behaviour; and the public prosecutor's decision to move the case forward or not seems to depend on the victim's attitude and degree of cooperation. This dependency of the investigation on the willingness and capacity of victims to cooperate and to play a central role as providers of evidence is more obvious in domestic violence cases than in other non-violent crimes. The characteristics of the crime, namely its secluded nature and the greater difficulty in gathering other evidence, apart from the victim's testimony are often referred to as a justification. However, assuming that victims may always have the capacity and the opportunity to participate may be a dangerous assumption for the rights of victims.

"If there is a victim who does not want to participate, who does not want to cooperate, either because she is being intimidated, or because the case is too painful for her, this is regarded as lack of cooperation in the proceedings or lack of interest or in some way she is being complicit with the defendant. And therefore, the case, falls by itself very often. Very often courts subject the continuity of the criminal case to the attitude of the victim."
(PT/S/05)

6.2. Views of victims

6.2.1. According to the victims interviewed, did the police assess the need to protect them against secondary victimisation, in particular as concerns the risk of them being confronted with offenders in an unprotected manner or the risk of interviewees having to testify within a setting that is not sufficiently protective and sympathetic (Question V 6.1)?

Only two victims – one domestic violence victim (PT/V/01) and one non-DV victim (PT/V/07) – admit having been questioned by the police about their protection needs. The first victim refers that following such assessment she was given the teleassistance protection device. As regards the other victim – the lawyer – he mentions having been asked by the police about his protection needs but at the same time he was informed that they could not ensure his protection, but that there were specialised firms able to do it. He ended up resorting to one of such security firms. The police officer interviewed (PT/V/08) expresses a strong statement that there is no such concern from the police officers.

6.2.2. Did the interviewed victims feel, at any time, exposed to a confrontation with the offender in a situation that the interviewee experienced as intimidating or stressful (Question V 6.2)?

Mixed experiences are revealed by the interviewees regarding the exposure to confrontation with the offender(s). Four victims – three non DV victims (PT/V/05, PT/V/06, PT/V/09) and one DV victim (PT/V/11) – refer that they were not exposed to confrontation at any stage. However, it is important to state that the DV victim was not exposed to confrontation given her decision to leave her home and to move to a different geographical area where she is still living. Those victims exposed to confrontation – four DV victims (PT/V/01, PT/V/03, PT/V/04, PT/V/10) and two non-DV victims (PT/V/07, PT/V/08) – report two major types of situations: one-off exposure during court trial (before and during the hearing) and continued exposure to confrontation during the proceedings. The latter situations refer to domestic violence cases where the victims were exposed to subsequent violent incidents which did not result in the imposition of any coercion measure, except in one situation when the offender also violently attacked the police officers who came to the scene (PT/V/10).

6.2.3. When the police took the statement of the interviewees, did the latter experience the setting as safe and comfortable? How did the interviewees describe the situation (Question V 6.3)?

Overall, the assessment made by the victims reveals a situation where the victims felt comfortable and protected and where their privacy was respected (e.g. PT/V/01, PT/V/10, PT/V/09, PT/V/05, PT/V/06). This positive assessment is more obvious among the victims of other violent crimes since they were all interviewed at the Judiciary Police, where apart from the atmosphere the interviewees also refer that the physical conditions of the room/office where they were interviewed were good (e.g. PT/V/05, PT/V/09).

As regards victims of domestic violence, there are two victims (PT/V/03, PT/V/04) who refer to the physical conditions as being rather adverse. Whereas one of them argues that this was not the most important for her since she was treated with respect and with sensitivity (PT/V/04), the other victim (PT/V/03) is extremely critical about the whole setting, including the physical conditions. She had no privacy, and she was treated in a careless way.

6.2.4. When the interviewees were heard during court trial, did this happen in a setting that they experienced as safe and comfortable? How did the interviewees describe the situation (Question V 6.4)?

Contrary to the assessment made regarding the interviewing setting, the descriptions provided by most of the victims (e.g. PT/V/03, PT/V/04, PT/V/10, PT/V/08) reveal a clear discomfort and an intimidating atmosphere. The reasons for these feelings mainly arise from:

- The victims' perception of the existence of many people in the room, particularly several figures whom she could not understand who they were and what their role was (DV victim (PT/V/03) and non-DV victims (PT/V/05, PT/V/06));
- Victims' perception of animosity and mistrust conveyed by the judge, and also a sense of trivialisation of serious actions affecting her life (DV victims) (PT/V/04, PT/V/10);
- Victim's perception of an uncontrolled setting with the presence of too many people behaving with absolute no respect for the court trial situation (non-DV victim) (PT/V/08).

Two victims (PT/V/07, PT/V/01) consider the setting normal.

6.2.5. Were the interviewees asked questions about their private or family life that they considered inappropriate or unnecessary (Question V 6.5)?

Almost all the victims report that they were never subjected to inappropriate or unnecessary questions about their private or family life. The only exception regards the lawyer victim (PT/V/07) of a non-DV crime who refers this was actually done during the court trial by the delegate of the public prosecutor.

6.2.6. To what extent did the interviewed victims agree to the following statements (Question V 6.6)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
6.2.6.1 Overall, it was difficult to understand and follow the course of the proceedings.	3	4	2	1	0	10
6.2.6.2 The police treated me in a respectful and sympathetic manner.	6	4	0	0	0	10
6.2.6.3 During the court trial I was treated in a respectful and sympathetic manner.	4	1	3	0	0	8 (i)
6.2.6.4 If I look back at the proceedings, there were moments when I experienced the presence of the offender as intimidating.	5	0	1	1	0	7 (i)

- (i) The missing answers to these two statements refer to victims whose experiences do not translate into any of the available options. They should thus be read as “non-applicable” situations. This also applies to other tables in the next sections.

Please provide an analysis and your own interpretation of the results:

Most respondents felt difficulties to understand and follow the course of the proceedings. This was due particularly to the lack of communication and information provided by the court (PT/V/07, PT/V/09). Some victims only gained access to significant information through the support services and/or the police (PT/V/01).

Respondents consider they were treated in a respectful and sympathetic manner both by the police and during the court trial although some interviewees refer that some comments made were unpleasant or made them feel uncomfortable (PT/V/04, PT/V/10, PT/V/11).

It should also be mentioned that, throughout the process, many interviewees felt intimidated by the presence of the offender (e.g. PT/V/03; PT/V/10). In some cases respondents mention that they did/do not feel prepared to face the offender during the court hearing (e.g. PT/V/04; PT/V/11).

“And it is not pleasant. We are all there waiting. Waiting for them to call us. There should be a split between those witnesses of one of the parties and those witnesses of the other party.” (PT/V/04)

“(…) I would go out and I would always go out with someone (…) sometimes I was afraid, even today I'm afraid.” (PT/V/10)

7. Protection against repeat victimization

7a) Cases not involving domestic violence

7.1. Views of practitioners

7.1.1. According to the practitioners interviewed, do the police on a regular basis assess whether measures need to be adopted in order to protect the victim against repeat victimisation (Question Pr 7.1)?

The overwhelming majority of practitioners interviewed refer that such procedures only exist and are implemented on a regular basis in domestic violence cases and not in other types of violent crimes. This perception cross cuts all the categories of practitioners interviewed (e.g. PT/S/03, PT/J02, PT/J/04, PT/P/03). However, it is important to highlight that one prosecutor (PT/J/05) and one lawyer (PT/L/02) refer that there is a regular concern by the police to assess whether there is the need to adopt measures to protect the victim when the complaint is made; if this is the case the police makes a proposal for the imposition of a coercion measure that goes beyond the mere Statement for Identity and Residence applied to all defendants (PT/J/05).

7.1.2. Apart from domestic violence, are there other areas of crime where the police routinely focus on protecting the victim against repeat victimisation (Question Pr 7.2)?

Very few practitioners were able to respond to this question. Only one support worker (PT/S/2) mentions that this may probably occur in cases of child sexual abuse.

7.2. Views of victims

7.2.1. When the interviewed victims first talked to the police, did the police assess whether they were in need of protection against repeat victimisation or retaliation (Question V 7.1)?

Only one interviewee was asked about such need (PT/V/07).

7.2.2. In cases where the police found that the interviewee was in need of protection measures, which measures were adopted by the police? How did victims assess the effectiveness of these measures (Question V 7.2)?

The victim was informed by the police that they were not able to provide such protection (see question 6.2.1) and the victim hired the services of a private security service (PT/V/07).

7b) Domestic violence

7.3. Views of practitioners

7.3.1. As concerns cases of domestic violence, what are the standard procedures followed by the police in such cases in order to assess the need for immediate protection measures (Question Pr 7.3)?

Several interviewees (e.g. PT/S/05, PT/J/01, PT/J/04, PT/J/07, PT/L/01, PT/P/02 PT/P/03) refer to the existing standardised risk assessment mechanism which involves the use of a specific risk assessment form which is a standardised model used by all the police forces across the country in domestic violence cases. Several interviewees argue that these forms aim at identifying the need for immediate protection and includes the possibility for the police to suggest the imposition of coercion measures which have to be validated by the public prosecutor. There is positive feedback given as regards the use of such standardised procedure among prosecutors, lawyers (e.g. PT/J/01, PT/J/02, PT/L/01, PT/L/02) and particularly among police officers (e.g. PT/P/01, PT/P/03/ PT/P/04) . Criticisms on the actual use of the mechanism – rather than on its potential – are also frequent, mostly among support organisations (PT/S/01, PT/S/02, PT/S/03, PT/S/04, PT/S/05), although criticisms also arise from prosecutors/judges (PT/J/01, PT/J/06), and even police officers (PT/P/02). Main arguments used are: the fact that the risk assessment is made by the police, but the decision on the need for immediate protection measures resides on the public prosecutor (PT/S/02, PT/P/05), a procedure which may represent an excessive delay taking into consideration the needs of the victim (PT/S/01); few police officers actually propose any coercion measure to the PP office when filling in the form (PT/J/01, PT/S/03); proposals for protection made by the police get no positive feedback from the public prosecutor (PT/S/04); the risk assessment form does not provide for a correct re-assessment of the victim's risk situation (PT/P/02).

7.3.2. In cases of domestic violence, what are the standard procedures followed by the police when there is a need for immediate protection measures (e.g. advising the victim to move to a shelter, arresting or banishing the offender)? From the point of view of the practitioners interviewed, how effectively are these protection measures implemented (Question Pr 7.4)?

Two main possibilities are referred to by the majority of the interviewees: removal of the victim from home and referral to a shelter which is clearly the most common solution adopted in cases where there is a need for immediate protection of the victim (e.g. PT/S/04, PT/S/05, PT/J/06, PT/L/01, PT/L/03, PT/P/01, PT/P/02, PT/P/03, PT/P/04, PT/P/06); detention in *flagrante delicto* and presentation to the judge who may impose a coercion measure (e.g. PT/S/01, PT/S/03, PT/J/02, PT/P/01, PT/P/04).

Several interviewees refer to limitations in the scope of intervention by the police as regards the immediate protection measures, given the need for the intervention of other actors in the justice system (the public prosecutor and/or the judge) in order to validate their decision to take the offender into custody on the spot. Such limitations are explicitly acknowledged both by the police themselves and by judges (e.g. PT/S/01, PT/S/05, PT/J/01, PT/J/06, PT/P/01, PT/P/03).

As regards the effectiveness of existing measures there is evidence of their effectiveness when they are applied (e.g. PT/J/03, PT/J/01, PT/P/02, PT/P/04), but also a feeling that there is an overall unbalance towards removing the victim (and usually children) from their home, rather than penalising the offender by removing him and keeping him away from the victim when immediate protection is needed. Some interviewees (e.g. PT/S/05, PT/J/06) refer that this is unfair to the victim and that there should be alternative immediate protection measures who do not penalise the victim.

"If a pre-assessment is made on the level of danger involved in that situation and the police recognises that there is indeed an added risk for that person's integrity than the one to be removed should no doubt be the alleged perpetrator, even because we are often talking about removing several victims." (PT/S/05)

“Removing the victim is an informal measure. It is promoted by non-governmental organisations and it ends up being unfair to the victim although it is important to her.”
(PT/J/06)

Alternatives for protecting victims from immediate danger are either detention in *flagrante delicto* – detention outside *flagrante delicto* is possible but in very restricted conditions – which has to be validated by a judge or removing the woman from home and referring her to a women’s refuge.

In fact, protection orders are not issued directly by the police. In Portugal, these orders are always issued by criminal judges within the criminal proceedings, in all stages. In domestic violence cases, protection orders can be issued in a shorter period as they are considered of an urgent nature, but these measures are issued by a judge, not immediately and not by the police.

7.3.3. If the police learn of a case of domestic violence, do they routinely inform a victim support service? If yes, would it be a generic or a specialist support service (Question Pr 7.5)?

There is general agreement among support organisations, lawyers and police officers that this information is provided routinely to victims (e.g. PT/S/02, PT/S/04, PT/L/02, PT/L/01, PT/P/01, PT/P/02, PT/P/05) . However, a geographical divide becomes clear within the respondents. Those who work in territorial contexts where there are interagency work regularly operating tend to report that the police actually informs the victim about the existing victim support services and even initiate the referral procedure with the victim (e.g. PT/S/01, PT/S/04, PT/P/01, PT/P/02). In territories, where cooperation between services and the justice system stakeholders is very limited, the overall perception is that the victims receive written information on existing services but they rarely understand the importance of getting such support or even what kind of support they might expect from such organisations (e.g. PT/S/05, PT/P/03). Emphasis is put on whether the professional informing the victim has the adequate training and sensitivity to approach the victim in this regard (PT/S/05).

7.3.4. In routine cases of domestic violence, are the protection measures adopted by the police followed up by court orders? If yes, which courts adopt such orders and for which time span? How do the interviewed practitioners assess the effectiveness of these orders (Question Pr 7.6)?

As mentioned before, in Portugal protection orders are always issued by criminal judges and issued within the criminal proceeding, in all stages, be it as coercive measures, accessory penalties, conditions to a suspended sentence, a provisional suspension of proceedings, a conditional release or suspended pre-trial detention. In domestic violence cases protection orders can be issued in a shorter period as they are considered of an urgent nature, but these measures are issued by a judge, not immediately and not by the police. Law 129/2015, of 16 of September states that “As soon as the public prosecutor has knowledge of the reporting, and without prejudice to cautionary measures and police measures adopted prior, the public prosecutor determines that the police takes the necessary and fastest measures to gather evidence for the public prosecutor to have grounds to, in the fastest way, and without exceeding 72 hours, take the needed measures for the protection of victims and request issuing of coercive measures to the perpetrator”. However, there are no real police orders for victim protection legally established and the only aspects that thus seem covered by the underlined expression are measures to gather evidence.

Regarding the suspect’s arrest, arrest is indeed possible outside *flagrante delicto*. A judge (or public prosecutors in crimes for which interim imprisonment is applicable) can order detention even when the suspect was not caught in *flagrante delicto* in three strict cases, one of which is when it is “indispensable for the protection of the victim.

The Domestic Violence Act states that such arrest can be made “upon warrant issued by the judge or the public prosecutor, if there is danger that the criminal activity will continue or if that is essential for the protection of the victim. It also gives the police the opportunity of arresting outside flagrante delicto on their own initiative under specific conditions. Requirements for detention outside flagrante delicto, with or without a warrant, are very strict and difficult to prove and police officers will have to respond before a disciplinary proceedings for illegal arrest and therefore will only use this mechanism in case of absolute certainty. Hence, this type of arrest is in practice more of a theoretical possibility. Furthermore, although police officers can legally arrest perpetrators, they cannot remove the perpetrator or impose a prohibition of approaching, they can only arrest with all the limitations previously explained.

Divergent views emerge regarding the follow-up by courts of protection measures imposed at earlier stages of the proceedings (not by the police, but by the PP) although there is an overall perception (e.g. PT/S/01, PT/S/02, PT/S/05, PT/J/02, PT/J/03, PT/L/01, PT/L/03) that such measures tend to be continued.

Prosecutors's perception is that those measures are usually followed up by court orders (e.g. PT/J/01, PT/J/03). **Judges** are less affirmative and refer that such decision mainly depends on the assessment by the judge whether such measures continue to be necessary or should be alleviated or removed (PT/J/03, PT/J/06); they refer that the role of the public prosecutor is crucial in proposing accessory penalties at the prosecution stage which the judge may afterwards confirm and which will represent the continuity of coercion measures imposed during the previous stage (PT/J/07); **lawyers** tend to agree that, in general, courts tend to keep the measures adopted initially (e.g. PT/L/01, PT/L/03, PT/L/04), although constraints are identified in delays in implementing a coercion measure which may no longer be adequate to the risk faced by the victim and which is afterwards followed up by the court (PT/L/01). **Police officers** also argue that measures tend to be followed up by the court (e.g. PT/P/02, PT/P/04, PT/P/06). Finally, although most **support workers** claim that in general the court tends to give continuity, there are diverging opinions: frequently, measures enforced during the enquiry stage are later on not validated by the court which represents a serious concern regarding the protection of the victim (PT/S/03, PT/S/04, PT/S/05); in other occasions, measures are softened since the court considers that some time has elapsed since violence occurred and that means a lesser risk for the victim which, in many domestic violence cases, does not correspond to the reality (PT/S/04).

Finally, the assessment on the effectiveness of the orders imposed reveals some interesting outcomes:

- Barring orders with electronic control may prove very effective contrary to barring orders not complemented by electronic control (support worker);

“In the most serious situations, the only thing that works is the barring order electronically monitored, because forbidding the suspect only from contacting that person is no insurance of anything. We know there is no control. There is no control of the impulse and if the person wants to harm the other one he/she will do it. And if there is anything that actually and efficiently manages to dissuade him from that... we are very much concerned about these type of situations.” (PT/S/03)

- Pre-trial detention protects the victim from further revictimisation (although threats may continue) and avoid removing the victim from her home (support worker);

“The most effective is pre-trial detention of actual detention something which is rare (...) And even then, if by any chance – which is not common – he is also a criminal (...) or has other types of contacts, even in jail he still manages to threaten her and the woman continues to be afraid and to experience fear.” (PT/S/04)

- The more severe the measures the more effective they become (judge, police (PT/P/06));
“The more serious the measures are the most effective. By depriving the defendant from liberty or by conditioning his liberty in a relevant way, effectiveness is achieved. The other more “tempered” measures also have a “tempered” effectiveness.” (PT/J/06)
- The lack of consequences for the non-fulfillment of accessory penalties endangers the protection of the victim in case of breach (judge (PT/J/07), lawyer);
“We have a systematic infringement of measures which are afterwards not revoked and no measure which actually curtails freedom (...) Very often an electronic bracelet is provided but when nothing works and we know that the electronic bracelet system also fails, a lot, and there are defendants who are experts in finding out strategies (...) which allow them to cheat the system and this information is given (...) but in fact they do not promote actual imprisonment. It is very complicated. (...) That is the big Achille’s heel in our criminal proceedings. We have two in fact. We have the evidence in court and we have to ensure the safety of the victim throughout the proceedings. And this is in fact very complicated.” (PT/L/01)
- The teleassistance protection device is only effective in protecting the victim whenever the victim is not facing a high risk (support worker, police (PT/P/01)).
“Pre-detention detention is never used. Unless it is an attempted murder or something like that on the spot. The tele-assistance device can be very useful for those situations with a relative risk. In cases of severe or extreme risk it is more complicated.” (PT/S/03)

7.3.5. Did the interviewees agree to the following statements (Question Pr 7.7)?

7.3.4.1 More needs to be done to effectively protect victims of domestic violence against repeat victimisation.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	3	2	0	0	0	5
P	3	2	1	0	0	6
J	1	4	2	0	0	7
L	3	1	0	0	0	4
7.3.4.2. A number of good practices are already in place for victims of domestic violence.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	5	0	0	0	5
P	2	4	0	0	0	6
J	2	5	0	0	0	7
L	1	1	2	0	0	4

7.3.4.3. More needs to be done to ensure that victims of domestic violence have access to specialist support services.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	5	0	0	0	5
P	4	1	1	0	0	6
J	1	4	2	0	0	7
L	2	2	0	0	0	4
7.3.4.4. There are competing demands on resources for different groups of victims, and so sufficient resources are already dedicated to support victims of domestic violence.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	0	4	1	0	5
P	1	0	4	0	1	6
J	0	0	4	0	3	7
L	0	1	3	0	0	4

Please provide an analysis and your own interpretation of the results:

Most interviewees consider that it is important to do more to effectively protect victims of domestic violence against repeat victimization (e.g. PT/S/01, PT/S/02, PT/S/03, PT/L/04, PT/L/01). Services and lawyers are unanimous in agreeing that more needs to be done as regards the protection of victims of domestic violence. Their strong opinion on this issue certainly derives from experiencing – while supporting and representing victims – the actual constraints and dangers domestic violence victims endure during criminal proceedings and the flaws in the protection of these victims. Their perception is thus strongly influenced by the living experience of domestic violence victims.

“That [retaliation] is an actual break preventing people from reporting the crime (...) the police says «we’ll protect you», but the police limitations are the police limitations (...) and they cannot effectively ensure protection to the victim (...) it is very hard to ensure the victim that nothing will happen to her afterwards (...) that is a serious problem.”
(PT/L/04)

“We need to have a system which protects victims, which does not revictimise them, otherwise the person feels that it is not worth resorting [to the justice system], it is not worth asking for help (...) We need to do more, much, much more.” (PT/L/01)

Judges and police officers are the groups where there is a wider range of answers with some professionals (two judges and one police officer) disagreeing with the statement (PT/P/06, PT/J/02, PT/J/03) This positioning may reflect a perception which is more distant from the living reality of victims but is rather anchored on the legal mechanisms available which although considered adequate are not effectively implemented on the ground.

"In legal terms I think what we have is quite adequate. But then in terms of judicial practice of the courts and the police... well, it is advisable to put it in place." (PT/J/02) Most interviewees consider that a number of good practices for victims of domestic violence are already in place. However, they also consider (100% of agreement from lawyers and professionals from support services) that it should be ensured that victims of domestic violence have access to specialist support services.

A large number of respondents disagree that there are competing demands on resources for different groups of victims and so sufficient resources are already dedicated to support victims of domestic violence.

7.4. Views of victims

7.4.1. How did the police learn about the interviewees' situation: were they called to the interviewees' homes or did the interviewees call them or turn to a police station (Question V 7.3)?

All the victims show a proactive attitude regarding this initial stage: three victims went to the police (PT/V/04, PT/V/10, PT/V/11) one went directly to the PP office (PT/V/01) and the remaining two called the police to come to their home (PT/V/02, PT/V/03).

7.4.2. When the police first learned about the interviewees' situation, did they thoroughly assess whether measures were needed to protect the victims against repeat victimisation or retaliation (Question V 7.4)?

A clear **territorial divide** is revealed by the answers of the victims interviewed. In the Cascais/Sintra area the victims are very positive about the attitude of the police in this respect, either because they explicitly proposed measures for her to follow and also initiated a proximity policing mechanism in order to ensure that she was safe (PT/V/01), or because the police assessment made her aware that she was being victimised (PT/V/04) and offered to make a referral to a support organisation and proposed the PP to impose a restriction order (PT/V/04).

The victims interviewed in the other two territories refer that no assessment was made (PT/V/10 and PT/V/11) they either got no indication from the police (PT/V/11) or that the "assessment" made resulted in suggestions like changing the door's lock, or not contacting the offender and to be careful (PT/V/03 and PT/V/10).

7.4.3. When the police learned about the interviewees' situation, what concrete measures did they adopt in order to immediately protect victims against repeat victimisation? How did the interviewees assess the effectiveness of the measures adopted by the police (Question V 7.5)?

There is some overlap between this and the previous question. In fact, it is important to mention that it was not always clear to victims the distinction between what was the assessment made and what was the protection measures proposed or implemented as a consequence of such assessment. It became obvious that for the victims interviewed the most important thing was of course what was done to protect them. Thus, question 7.4.2 and 7.4.3 should be interpreted in conjunction.

Again there is evidence of a territorial divide: in the Cascais/Sintra region the victims there is evidence of the police implementing different measures aiming at the victims' protection, namely:

- The definition of a security plan including the proximity policing and the request for teleassistance protection device which was proposed to the PP and granted (PT/V/01);

"The police contacted me, they went there and told me about the equipment [tele-assistance], they told me not to go outside, to avoid going out. Now and then they called me, sometimes plain-clothes officers would come and ask at the supermarkets where he used to go, what were his habits (...) I then realised that they were after him (...). (PT/V/01)

- The request for the PP office to impose a restriction order which took some time to be applied but which the victim assesses very positively (PT/V/04).

"What did the police tell me: 'we're now making the additions and we'll forward them to court.' 'Because the police had already made the request for the electronic surveillance, and the court was taking a little bit of time. (...) It is [working well] (PT/V/04).

In the other territorial context, no immediate protection measures were adopted by the police (PT/V/03, PT/V/10, PT/V/11) who merely made suggestions (PT/V/03 and PT/V/10): not to talk to the offender either personally or by phone (PT/V/03) or to be careful and to change the door's lock (PT/V/10). It becomes clear in the discourse of these two interviewees that this had severe consequences on them in terms of constant fear and limitations in their daily life. One of the interviewees (PT/V/11) even adds that there was a restriction order imposed several months after the reporting to the police and at a time when – given the dangerous situation she was in – she had already moved to a different and unknown location.

7.4.4. When the police learned about the interviewees' situation, did they inform the victims of support services available to them or did the police contact a support service themselves (Question V 7.6)?

The same divide occurs: the three victims at Cascais/Sintra (PT/V/01, PT/V/02, PT/V/04) unanimously refer that the police informed them about the support services available and in one case they made the direct referral to the support organisation (PT/V/02). However, one criticism arises regarding the lack of detailed information on the support available (the interviewee wanted to know from the police what kind of psychological support was provided) (PT/V/04); only one of the interviewees refers that she got that information from the police who made the contact to the support organisation (PT/V/02).

7.4.5. In cases where victims were in contact with a support service, how did they assess the services provided in terms of supporting them in coming to terms with their victimisation or in finding a way out of a violent relationship (Question V 7.7)?

Overall, the victims (e.g. PT/V/01, PT/V/02, PT/V/03, PT/V/10) greatly value the support received by the victim support organisations at different levels. Their assessment reveals important aspects of such support, namely as regards:

- Emotional support in being able to cope with the impact of the violence and to voice their suffering (PT/V/01); and empowerment which was crucial to break the violence cycle and to move forward with the proceedings (PT/V/01, PT/V/03);
- Practical support as regards protection actions needed at different stages (PT/V/10, PT/V/11);

- Juridical support (PT/V/04, PT/V/11).

7.4.6. According to the interviewed victims, did a court issue at any time a protection order with a view to protect the victim against repeat victimisation? If yes, which court, and how do interviewees assess the effectiveness of these court orders (Question V 7.8)?

Only one victim (PT/V/03) does not mention any protection order being imposed during the course of the proceedings. In the remaining cases, the following measures were imposed: pre-trial detention (PT/V/01), contact prohibition with electronic monitoring (PT/V/04, PT/V/10), banning the offender from home (PT/V/10, PT/V/11). Although victims positively value the imposition of such orders in terms of ending direct violence (e.g. PT/V/04, PT/V/10), some of them also report problems with their effectiveness:

- The pre-trial detention which was very effective in terms of ending the direct violent episodes did not prevent the offender from continuing to threaten the victim through third persons (PT/V/01);
- The prohibition to contact the victim electronically monitored did not prevent the offender from continuing to contact and threaten her by phone (PT/V/10);
- The delay in imposing the restriction order meant that she was no longer at home when the measure was imposed (PT/V/11); in this case, the victim reports a very negative development as regards her protection, since her present address, which was explicitly request to remain anonymous was revealed by the family court and at present she is extremely afraid that the offender may contact her again since she is convinced that the restriction order will not be sufficient.

7.4.7. To what extent did the interviewees agree to the following statements (Question V 7.9)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
7.4.7.1 Overall, the police made all possible efforts to protect me.	2	1	2	0	0	5
7.4.7.2 I would have needed more support in changing my situation with a view to overcoming the threat of violence.	2	1	1	0	0	4

Please provide an analysis and your own interpretation of the results:

Two victims consider that the police did not make all possible efforts to protect them (PT/V/03, PT/V/10) and three consider that they would have needed more support (PT/V/03, PT/V/04, PT/V/10) in changing their situation with a view to overcoming the threat of violence.

8. Civil law claims: compensation and restitution

8.1. Views of practitioners

8.1.1. According to the practitioners interviewed, do the police routinely inform victims about their entitlement to state compensation (Question Pr 8.1)?

Most practitioners acknowledge that this information is routinely provided to victims when they are given the statute of the victim (domestic violence victims) (e.g. PT/S/02, PT/J/1, PT/J/04, PT/J07, PT/L/04, PT/P/03, PT/P/05); however, this does not mean that the victims actually get informed on their entitlement (PT/S/03, PT/S/04, PT/L/03). Lawyers (PT/L/02, PT/L/03) and support organisations (PT/S/03, PT/S/04, PT/S/05) are particularly sceptical about the procedures taken by the police in this regard, although recognising that procedures may differ according to the person providing such information. Usually, they argue, such information needs to be further explained to victims. Two of the police officers interviewed clearly state that such information is provided to victims and adequately explained to them (PT/P/01, PT/P/04).

8.1.2. Do the police routinely inform victims about the possibilities to obtain restitution within the framework of criminal proceedings (Question Pr 8.2)?

There is less knowledge among interviewees regarding this procedure. However, there seems to be less information formally provided in this respect by the police, which adds to the fact that more doubts are raised regarding the effectiveness of such information. Again several practitioners argue that only victims who are being actively supported or legally represented will become aware of their possibilities to obtain restitution and how to do it (PT/L/01, PT/L/02, PT/J/05).

8.1.3. As concerns proceedings in cases of violent crimes and judging by your practical experiences, how often does the criminal court adjudicate on the victim's civil law claims (Question Pr 8.3)?
According to the interviewees, does this happen

	S	P	J	L
Often or very often	4	-	5	3
Occasionally	0	-	0	1
Only in exceptional cases or not at all	0	-	1	0
Don't know	1	-	1	0
TOTAL	5	-	7	4

Please provide an analysis and your own interpretation of the results:

Most interviewees consider that the criminal court often or very often adjudicate on the victim's civil law claims. According to an interviewee (PT/J/02), in any crime against persons, if the victim presents a civil law claim, the

judge has to decide on the request. However, in domestic violence crimes there is a specific situation which was introduced with the current wording of Law 112/2009 (article 21, 2), by which the court has to adjudicate compensation to the victim, even if the victim did not require it. (PT/J/02)

8.2. Views of victims

8.2.1. Did the interviewees apply for state compensation? If yes, what was the result (Question V 8.1)?

Only one victim (domestic violence – PT/V/11) explicitly claims that she applied for state compensation. In four cases (PT/V/03, PT/V/05, PT/V/06, PT/V/10), the judge granted the payment of compensation to the victim.

8.2.2. Did the interviewees raise civil law claims within the framework of criminal proceedings? If yes, what was the result (Question V 8.2)?

Three victims state that they raised civil law claims within the framework of criminal proceedings (PT/V/08, PT/V/10, PT/V/11). However, two of the victims still do not know the result of that request (PT/V/11, PT/V/08). The other victim – DV victim – explains that the request was denied because she did not have expense documents demonstrating the costs of the damages made by the offender (PT/V/10).

“Nothing will pay for what I’m going through (...) the only thing with asking for damages is that I want to go away with my daughter. The money is not for me, it is for my children.” (PT/V/11)

8.2.3. To what extent did the interviewees agree to the following statement (Question V 8.3)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
Criminal courts should ensure that victims receive compensation from the offender.	8	2	0	0	1	11

Please provide an analysis and your own interpretation of the results:

Almost every respondent considers that criminal courts should ensure that victims receive compensation from the offender (e.g. PT/V/01, PT/V/03, PT/V/08, PT/V/10, PT/V/11).

9. General assessment of victims' situation in accessing justice

9.1. Views of practitioners

9.1.1. To what extent did the interviewed practitioners, divided by professional groups, agree to the following statements (Question Pr 9.1)?

9.1.1.1 Criminal justice is mainly a matter between the public and offenders; hence victims' role in criminal proceedings is necessarily peripheral.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	0	3	2	0	5
P	0	0	4	2	0	6
J	0	0	5	2	0	7
L	0	0	2	2	0	4
9.1.1.2 If victims became influential in criminal proceedings, this would come with a risk of unsettling the fragile balance between public prosecution and the rights of defendants.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	0	2	3	0	5
P	0	1	4	1	0	6
J	0	0	3	4	0	7
L	0	1	2	1	0	4
9.1.1.3 Generally speaking, practitioners working in the criminal justice system take the rights and concerns of victims very seriously.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	2	3	0	0	5
P	4	2	0	0	0	6
J	1	6	0	0	0	7
L	0	1	3	0	0	4
9.1.1.4 In the past, the criminal justice system has not paid due attention to the concerns and rights of victims. It is about time that victims' concerns are taken more seriously.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	1	4	0	0	0	5

P	2	2	2	0	0	6
J	2	4	1	0	0	7
L	2	2	0	0	0	4

Please provide an analysis and your own interpretation of the results:

All interviewees disagree with the statement that criminal justice is mainly a matter between the public and offenders and that hence victims' role in criminal proceedings is necessarily peripheral. Interviewees also disagree that if victims became influential in criminal proceedings this would come with a risk of unsettling the fragile balance between public prosecution and the rights of defendants. One interviewee emphasized not to believe that a more proactive role of the victim would endanger the defendant's right or disturb the principle of the defendant's presumption of innocence. (PT/S/05)

Policy officers and judges/prosecutors, on the one hand and lawyers and professionals from support services, on the other, tend to share different opinions regarding the way practitioners working in the criminal justice system take the rights and concerns of victims. The first two groups tend to consider that these are taken very seriously (e.g. PT/P/02, PT/P/03, PT/P/06, PT/J/05, PT/J/06, PT/J/07) while the two latter groups tend to disagree with this opinion (e.g. PT/S/02, PT/S/03, PT/S/05, PT/L/0, PT/L/02, PT/L/04).

Most respondents tend to agree that in the past, the criminal justice system has not paid due attention to the concerns and rights of victims and that it is about time that victims' concerns are taken more seriously (e.g. PT/S/01, PT/S/03, PT/L/01, PT/L/04, PT/P/05, PT/P/03, PT/J/04, PT/J/05).

9.2. Views of victims

9.2.1. Did the experience of the interviewed victims in the course of the investigation and the ensuing proceedings rather add to the harm done by the offender(s) or support them in coming to terms with the experience of victimisation (Question V 9.1)?

Overall, what I experienced during the investigation and the court proceedings	rather added to the harm done by the offender;	5
	mitigated the harm done by the offender;	3
	I couldn't tell/don't know.	2

Please provide an analysis and your own interpretation of the results:

It was rather difficult for the victims to assess the way the investigation and the court proceedings affected them and two victims could not even provide an answer (PT/V/03, PT/V/06). Nevertheless, most of them (PT/V/01, PT/V/07, PT/V/09, PT/V/10, PT/V/11) consider that the impact added to rather than mitigated the harm done by the offender.

9.2.2. To what extent did the interviewees agree to the following statements (Question V 9.2)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
1. During the investigation, I had the impression that my concerns and rights were taken seriously by the police and were given due attention.	5	2	2	1	0	10
2. At the court trial, I had the impression that my concerns and rights were taken seriously and were given due attention by the court.	3	3	2	0	0	8
3. Overall, the investigation and the following proceedings conveyed a strong message that justice is done.	2	4	2	1	1	10

Please provide an analysis and your own interpretation of the results:

Overall, victims consider that their concerns and rights were taken seriously by the police during the investigation and by the court during the court trial (e.g. PT/V/01, PT/V/05, PT/V/09).

Six out of the ten victims agree that overall the investigation and the following proceedings conveyed a strong message that justice is done (PT/V/01, PT/V/04, PT/V/05, PT/V/06, PT/V/08, PT/V/09).

Conclusions

Overall, it has been possible to identify overarching themes across the different categories of professionals who were interviewed as well as assessments which differ from category to category. Among the former, we highlight the recognition of developments in recent years namely as regards an increased availability of support services for crime victims, the police day practices and increased professionalism, and the increased information available. However, several groups of professionals – lawyers, judges and police – highlight the fact that such improvements have mainly addressed domestic violence rather than all violent crimes.

Another recurrent theme across the different categories is the recognition that in spite of such progresses there are still many aspects of the operation of the justice system which need to be further enhanced. Criticisms arise among all the groups of professionals interviewed regarding the concrete aspects of the operation of the system – and the intervention by its stakeholders – which have a direct impact on the interaction between the victim and the justice system. Some examples of such hindrances include:

- Information procedures which do not ensure that victims actually understand the information being given;
- Investigation procedures relying almost exclusively on the testimony of the victim, thus demanding the victim to play a double role during the proceedings: as a witness who is asked to tell the truth and as a crucial player on whom relies most of the burden to bring the evidence to the case;
- Lack of routinely implementing protection measures against secondary victimisation, meaning that the system is “reactive” rather than “proactive”;
- Persistence of a lack of communication and mutual knowledge between court stakeholders and support organisations and services (particularly in some territorial contexts);
- The lack of adequate training among justice professionals, with a particular emphasis being given to the case of court clerks who – contrary to police and other professionals – have no training at all and who often interview victims during the proceedings;
- The extremely restrictive conditions for eligibility imposed by the legal aid system and the consequent exclusion of many victims from acceding such mechanism, who, on the other hand, have no resources to resort to a private lawyer;
- The need for a more proactive role by the Public Prosecution Office in informing and defending victims of violent crime given its main role as the victim’s actual – and often only – advocate;
- The lack of resources and conditions which affect the operation of several services within the justice system, namely the police.

Territorial issues appear very strikingly here showing the existence of big differences in practices across the different territories selected. It is important to recall that the two areas selected are characterised by the presence/absence of interagency networks which operate in the field of domestic violence. Thus, some professionals highlight the good level of cooperation among local stakeholders and the way it has an impact on the ability to better and more effectively protecting victims from further victimisation and ensuring that they are informed - and referred to if they so wish – to the available support services. On the contrary, in the other territory

it becomes obvious that there is an almost total lack of communication between justice stakeholders and a lack of knowledge of the support alternatives available for victims.

Criticisms about the operation of victim support services and other services which are crucial to address victims' needs are also expressed by some of the professional groups interviewed. Victim support services are critical about specific aspects of the operation of victim support services, namely: the strong presence in some services of non-specialised voluntary support provided by unexperienced workers; the lack of specialised staff; the high degree of turnover among organisations' staff; the lack of psychological support by professional staff; the unbalanced geographical coverage of services; the absence of specialised support in specific areas such as sexual violence. Apart from these criticisms coming from the organisation services themselves, other professionals (i.e. public prosecutors, judges and police officers) also refer to hindrances in the support provided to victims, among which the most relevant is the recognition that these services often lack the human resources to effectively be able to adequately and timely support victims. Judges, prosecutors and support organisations also identify constraints linked to the supports provided by non-specialised organisations (e.g. state agencies, local services) which should play an important role in addressing victims' needs, such as housing, health and financial support.

Overall, there is wide recognition that victims of violent crime play an important role in the proceedings and that their rights should be protected in order to give them the conditions to be able to participate in the case file. The complexity of these crimes, the perceptions of victims regarding the justice system and vice-versa, the lack of awareness of their rights among many victims are some of the aspects that lead some professionals to recognise the importance of providing victims with consistent and professionalised support – and legal representation – throughout the proceedings.

The analysis of the observations and general assessment of the interviews with the victims are directly influenced by their individual experiences of the crimes committed and also by their personal characteristics. Nevertheless, it has been possible to draw some common features in their trajectory of seeking access to justice.

One major conclusion which can be drawn from interviewing victims of violent crime – irrespective of the type of crime committed – is a general lack of awareness regarding their rights as victims of crime. This strong perception only has two exceptions which are clearly linked to the very specific professional background of two of the interviewees: the lawyer and the police officer.

In fact, in spite of the reinforcement of the rights of the victim which the Portuguese legislation has incorporated both before and as a consequence of the Victims Directive, these rights have not been actually absorbed by victims who either rely on the support organisations to tell them what they are entitled to and how to proceed or, in that absence, remain totally unaware of those rights. Even those victims, who have a proactive attitude in order to seek for information on their rights, end up by not understanding how most of the rights enshrined in legislation may actually be accessed. Thus, it is possible to say that there is still a long way to go in the effectiveness of access to justice among crime victims in Portugal.

Moving closer to the contents of the victims' templates there are several aspects which are particularly revealing of the experiences of victims of violent crimes. One first overall feature which cuts cross almost all the interviews is the trauma caused by the crime and its consequences. Evidence of strong trauma and lasting consequences in the present day life of most interviewees is present both among domestic violence and other victims. Although the experiences of domestic violence victims are specific in terms of the duration of the violence and its continued nature, the extremely violent nature of most of the incidents which affected non-DV victims has a strong one-off impact which should not be disregarded in terms of the support needed by these victims.

The impact and consequences of such victimization which still persist long after the violent incidents are reported in different ways: fear to move around freely and relaxed; health problems, namely affecting the victim's mental

health and that of children; professional consequences; isolation from informal relationships and supports linked to the need to stay anonymous; distancing feelings and attitudes regarding the proceedings in order to overcome the trauma.

Another common feature of all victims is the strong experience reported regarding the “trial moment”. Irrespective of any personal characteristics, the trial moment is reported by all interviewees as a very disturbing experience. This is mainly related to: a “distant image” of the court; the tension arising from the presence in front of “strange” and often “unidentifiable” characters inside the court room which may be aggravated by the presence of the offender; the pre-trial atmosphere which may include confrontation with the offender; to the difficulty to decode juridical language used both in arguments and in decisions; a feeling that being there somehow means being under test or even being blamed, depending on the approach taken by the major stakeholders involved; and an experience of a publicly open moment without the necessary restraint regarding the behavior of the public which is felt as disrespectful in regard to the experience of the victim. Even those interviewees who have not already undergone the trial stage there is obvious and spontaneous reporting on their anxiety regarding that moment and on their lack of understanding regarding the development of the court session and his/her respective role.

The analysis of the interviews reveals some positive aspects of the victims’ experience of their trajectory in seeking access to justice. These include:

- The role of support services and support workers in providing emotional support, motivation and empowerment to take decisions and move on with the proceedings (exclusively referred by DV victims);
- The role and support provided by the police regarding their assessment of the victim’s protection needs (e.g. proximity policing) and even their role in raising the victim’s awareness on the crime she was being subjected to (exclusively referred by DV victims);
- The supporting and respectful attitude by the police (referred by victims of different types of crime);
- The immediate response by the police and the close proximity during the investigation stage actively informing victims about the progress of the investigation (non-DV victims);
- The existence of the same reference person – from the police – during the whole investigation stage (exclusively referred by non-DV victims).

On the negative side, many criticisms may be identified by the victims interviewed. These are not listed exhaustively, but they merely draw on the aspects which were highlighted in section 10 of the templates. The same applies to the positive aspects highlighted above. Among those criticisms and hindrances in the operation of the system, the following should be mentioned:

- Access to the legal aid system which hinders legal representation and support to victims until a very late stage in the proceedings;
- The passive attitude and the limitations which affect the intervention of the police officers regarding the protection needs of victims (DV and non-DV victims);
- The lack of actual support provided by appointed lawyers, namely as regards information and supporting their wish for active involvement (DV victim);
- Prejudiced attitudes by magistrates during court trial (DV and non-DV victims);
- Lack of alternatives provided by victim support organisations and lack of support with practical issues regarding diverse aspects of the victim’s life (exclusively referred by DV victims);
- The length of time mediating between the granting of compensation and actually receiving it (exclusively referred by non-DV victims);
- The lack of psychological support or other emotional support in order to cope with the consequences of the trauma (exclusively referred by non-DV victims).

