

# VICTIMS NEEDS ASSESSMENT

***The national experimentation  
about article 22 of the Directive  
2012/29/UE : first results and  
knowledge***

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## VICTIMS RIGHT TO PROTECTION IN FRENCH LAW : A GROWING CONSIDERATION (1)

*A new conception to develop in French system*

- **MIPROF** (Interministerial mission for the protection of women victims of violence and to fight human trafficking)
- **4th National Plan (2014-2016) in order to fight violence against women**

## VICTIMS RIGHT TO PROTECTION IN FRENCH LAW : A GROWING CONSIDERATION (2)

2 new tools in French law :

1- **PROTECTION ORDER** (law of 9th July 2010)

2- **EMERGENCY PHONE** (experimentations and generalization by the law of 4th August 2014)

## VICTIMS RIGHT TO PROTECTION IN FRENCH LAW : A GROWING CONSIDERATION (3)

### *CHARACTERISTICS OF THESE NEW TOOLS COMPARED WITH THE EUROPEAN « VICTIMS » DIRECTIVE*

These **devices** concern especially victims of domestic violence, forced weddings or rape's victims.

The « **victims** » **directive** deals with :

- every victim whatever the type of crimes ;
- every victim whatever his/her procedural status (witness, plaintiff...).

Requirement => a criminal procedure has to be committed (at least a complaint has to be made).

## CONTEXT OF THE NATIONAL EXPERIMENT (1)

**FRAMEWORK** => **Article 22** provides that each victim shall receive “a timely and individual assessment (...) to identify specific protection needs.”

**REPORT** => no tools currently used in France to make this assessment.

SO in order to facilitate the transposition, the **French ministry of Justice** launched experimentation on seven pilot sites over several months.

## CONTEXT OF THE NATIONAL EXPERIMENT (2)

***IMPACTS for French victim support services : this individual assessment will improve their practices and rules.***

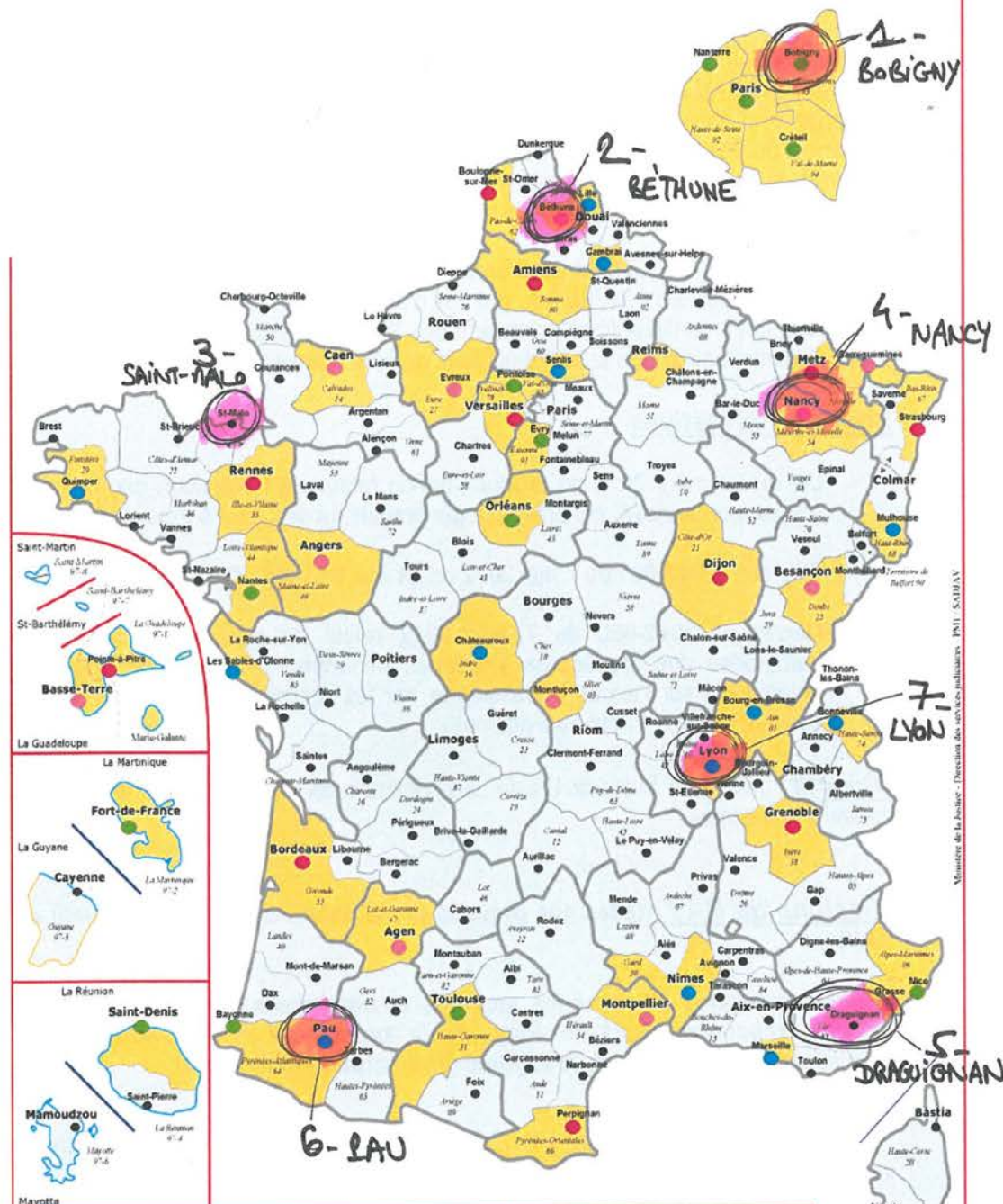
Evolution from a "passive" protection of the victim to an "active" protection, with a participative role of the victim.

The victim becomes a real protection's subject : => adaptation of the victim support services practices and rules.

## 7 pilot sites


- 1- Bobigny (93)
- 2- Béthune (62)
- 3- Saint-Malo (35)
- 4- Nancy (54)
- 5- Draguignan (83)
- 6- Pau (64)
- 7- Lyon (69)

*7 courts  
very  
variable  
in terms of  
size, with a  
very  
different  
"crime rate"*



## CONTEXT OF THE NATIONAL EXPERIMENT (3)

### Calendar



March 2014	Official start of the project. Meeting in Paris in order to define the general principles. Submission of projects.
April 2014	Projects validation, funding notifications to appellate courts, start of experimentations.
May - December 2014	LOCAL EXPERIMENTATIONS in 7 courts.
November 26th, 2014	Meeting in INAVEM with associations involved in this experiment.
April 23th, 2015	Partners meeting in Paris with representatives from EVVI Europe.



## GENERAL METHODOLOGY

*“Free hand”* for the pilot sites to develop the individual assessment.

A two-step process :

**1- DETECTION / IDENTIFICATION is provided either by the investigator services or the public prosecutor.**

According to these first elements, the victim support association has to contact the victim in order to make an individual assessment :

- Either by a public prosecutor requisition (article 41 in fine - Code of Criminal Procedure) ;
- Or by a referral of the investigator services (by phone or email).

**2- A MORE DETAILED EVALUATION (psycho-social) is carried by the association** and leads to the establishment of a report to the Prosecutor about the detected specific needs of protection for the victim.

## FIRST RESULTS (1)

### Pilot sites and involved structures

Pilot Site	Victim support association	Public security forces	Number of assessed victims
<b>Bobigny (93)</b>	SOS Victimes 93	Police and Gendarmerie	60 (while 100-120 planned)
<b>Saint-Malo (35)</b>	AIS 35	Gendarmerie	18
<b>Béthune (62)</b>	AVIJ 62	Police	13 (while 190 planned)
<b>Lyon (69)</b>	3 associations : LE MAS Service INFO-VICTIMES, LAVI, VIFF	Police (protection of the family and a specific crime squad)	5
<b>Draguignan (83)</b>	AAVIV 83	Gendarmerie	27
<b>Pau (64)</b>	APAVIM	Police and Gendarmerie	90 (while 140 planned)
<b>Nancy (54)</b>	Grand Nancy Aide aux Victimes (GNAV)	Gendarmerie	9 (while 200 planned)

## FIRST RESULTS (2)

### POSITIVE OBSERVATIONS OF THIS EVALUATION :

- It makes the associations establish a contact with more victims.
- It strengthens links between associations and investigator services.
- It strengthens the association **proactive approach** towards victims (the association has to call earlier the victim to fix an appointment to make the evaluation, and has to follow the case to check if there are any changes in his/her situation).
- This evaluation, as well as the victims expectations, generate **a more important implication of the associations.**

## FIRST RESULTS (3)

### Main highlighted difficulties - 1 - :

- A few situations have been passed to the victim support services for evaluation (**the first filter was not really involved** => low involvement and poor information of the police and gendarmerie on the purposes of the assessment to get the consent of the victims to make the assessment).
- **Wide proportion of domestic violence referred to the associations for the evaluation** : it's not representative of the reality, other categories of victims can be concerned by a particular vulnerability to secondary and repeat victimisation, to intimidation or to retaliation. This first filter is against the directive goal and provokes a unequal treatment between the victims.

## FIRST RESULTS (3)

### Main highlighted difficulties - 2 - :

- Problem with the information transmission to the association about the procedure consequences (to be able to update the evaluation).
- Questions about the contents and the use of the evaluation, in particular on its accessibility in the file by the offender lawyer.
- The experiment deals with the process of individual assessment, not with specific protection measures => complicated to understand, victims have large expectations, and they could be disappointed.

## AS A CONCLUSION...

Some recommendations for professionals participating to the individual assessment process :

- **work together on a specific evaluation process** (questionnaires, emails to make referrals...);
- **receive trainings about the evaluation, and about the way to introduce and to explain this evaluation to the victims « *in a respectful, sensitive and professional manner* ».**

***THANK YOU FOR YOUR ATTENTION !***

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