



UNIL | Université de Lausanne

Unicentre

CH-1015 Lausanne

<http://serval.unil.ch>

Year : 2010

Criminal justice, victim support centers, and the emotional well-being of crime victims

JORGE-Birol, Alline Pedra

JORGE-Birol, Alline Pedra, 2010, Criminal justice, victim support centers, and the emotional well-being of crime victims

Originally published at : Thesis, University of Lausanne

Posted at the University of Lausanne Open Archive.
<http://serval.unil.ch>

Droits d'auteur

L'Université de Lausanne attire expressément l'attention des utilisateurs sur le fait que tous les documents publiés dans l'Archive SERVAL sont protégés par le droit d'auteur, conformément à la loi fédérale sur le droit d'auteur et les droits voisins (LDA). A ce titre, il est indispensable d'obtenir le consentement préalable de l'auteur et/ou de l'éditeur avant toute utilisation d'une oeuvre ou d'une partie d'une oeuvre ne relevant pas d'une utilisation à des fins personnelles au sens de la LDA (art. 19, al. 1 lettre a). A défaut, tout contrevenant s'expose aux sanctions prévues par cette loi. Nous déclinons toute responsabilité en la matière.

Copyright

The University of Lausanne expressly draws the attention of users to the fact that all documents published in the SERVAL Archive are protected by copyright in accordance with federal law on copyright and similar rights (LDA). Accordingly it is indispensable to obtain prior consent from the author and/or publisher before any use of a work or part of a work for purposes other than personal use within the meaning of LDA (art. 19, para. 1 letter a). Failure to do so will expose offenders to the sanctions laid down by this law. We accept no liability in this respect.

UNIVERSITE DE LAUSANNE
ÉCOLE DE SCIENCES CRIMINELLES
INSTITUT DE CRIMINOLOGIE ET DE DROIT PÉNAL

CRIMINAL JUSTICE, VICTIM SUPPORT CENTERS, AND THE EMOTIONAL WELL-
BEING OF CRIME VICTIMS

Thèse de Doctorat en Criminologie
Présenté à l'Institut de Criminologie et Droit Pénal

par

Alline Pedra Jorge-Birol
Avocate (Université Fédéral de Alagoas)
Diplômée en Criminologie (Université de Lausanne)

sous la direction du Prof. Marcelo F. Aebi

Lausanne

2010



UNIL | Université de Lausanne
Ecole des sciences criminelles
bâtiment Batochime
CH-1015 Lausanne

IMPRIMATUR

A l'issue de la soutenance de thèse, le Jury autorise l'impression de la thèse de Mme Alline Pedra Jorge Birol, candidate au doctorat en criminologie, intitulée

« Criminal justice, victim support centers, and the emotional well-being of crime victims »

Le Président du Jury



Professeur Olivier Ribaux

Lausanne, le 15 janvier 2010

TABLE OF CONTENTS

REMERCIEMENTS/ AGRADECIMENTOS	5
SUMMARY	7
RÉSUMÉ.....	8
INTRODUCTION	9
1. Evolution of legislation and policies in favor of crime victims.....	9
2. Content of this study.....	14
2.1. Concept of victim of this study	16
3. Limitations of this study	16
CHAPTER ONE - THE IMPACT OF CRIME, VICTIMS' EXPECTATIONS, WELL- BEING AND THE INTERVENTION OF THE CRIMINAL JUSTICE SYSTEM AND VICTIM SUPPORT CENTERS.....	18
1. The Impact of the Crime on the Victim.....	18
1.1. The attribution and just world theories: individual's beliefs shaken by the crime	20
2. What Victims Want From the Criminal Justice System and Support Services: the Therapeutic Approach.....	23
2.1. Victims' satisfaction with police performance	25
2.2. Victims' satisfaction and participation in the criminal proceedings	27
2.3. Criminal justice system and victims' mental health.....	29
2.4. Victim Support Schemas and victims' mental health.....	32
3. Synthesis	35
CHAPTER TWO - RESEARCH PROBLEM AND DESIGN	37
1. The Problem: Research Question and Initial Hypotheses	37
2. The (Qualitative) Method	39
3. Data Collection.....	40
3.1. Interviews.....	41
3.1.1. Groups profile and selection of sample in Lausanne, Switzerland	41
3.1.2. Group profile and selection of sample in Maceió, Brazil	44
3.1.3. The questionnaire	46
3.2. Document analysis.....	47
3.3. Observation	48
4. Data Analysis	50
4.1. Interviews.....	50
4.2. Document analysis.....	52
4.3. Observation	52
5. Assuring Internal Validity and Reliability.....	52
6. External Validity	53
7. Synthesis	54
CHAPTER THREE - LEGAL PROVISIONS AND SUPPORT OF VICTIMS.....	56
IN SWITZERLAND AND BRAZIL.....	56
1. Brief Description of the Countries Analysed in this Study	57
2. The Rights of the Victim: the Rules of Criminal Procedure in Switzerland	60
2.1. The role of the victim in criminal proceedings.....	63
3. The rights of the Victim: the Criminal Procedure Rules in Brazil.....	65
3.1. The role of the victim in criminal proceedings	67

3.2. Special criminal proceeding in cases of minor offenses.....	68
4. Victim Support Centers in Switzerland and Brazil	69
4.1. The victim support Center LAVI in Switzerland.....	69
4.2. The victim support Center CEAV in Brazil.....	70
5. Synthesis	72
CHAPTER FOUR - FINDINGS IN SWITZERLAND – INTERVIEWS	73
1. Interviews: descriptive and socio-demographic information of participants.....	73
1.1. Socio-demographic data of victims	74
1.2. Description of Victimization.....	75
1.3. Outcome of the Criminal Lawsuits	86
2. Comparability of the sample to the Swiss Crime Survey.....	87
3. Replying to the Research Questions.....	90
3.1. Are victims satisfied with the performance of the criminal justice system and with the support offered by victim assistance centers?.....	90
3.2. What are the consequences of the intervention of the criminal justice system and support services in the healing process of victims? Do they effectively help victims to recover?	99
3.3. Do victims who participate in criminal proceedings or who are supported by victim services have better chances of recovering than victims who do not participate or who are not supported?.....	104
3.4. Does the participation of victims in criminal proceedings affect their satisfaction or dissatisfaction with the criminal justice system and their level of distress?	113
3.5. How does criminal justice system’s performance affect victims’ relationship with the criminal justice system?	118
4. Other cases.....	121
5. Synthesis	125
CHAPTER FIVE - FINDINGS IN SWITZERLAND - DOCUMENT ANALYSIS AND HEARING ATTENDANCE	127
1. Document analysis - Descriptive information of Criminal Lawsuits.....	127
1.1. Plaintiffs and forms of victimization.....	127
2. Does the participation of victims in criminal lawsuits affect their satisfaction or dissatisfaction with the criminal justice system and their level of distress?	129
2.1. Discussion	133
3. Observation: the Interaction Between Victims and the Criminal Justice System During Pre-Trial Hearings and Trial Court.....	135
3.1. Good and bad practice: judges attempt conciliation.....	135
3.2. Victims as defendants.....	136
3.3. Secondary victimization and lack of proof.....	137
3.4. Blaming the victim but convicting the defendant	138
3.5. Discussion	139
4. Synthesis	140
CHAPTER SIX - COMPARISON OF FINDINGS: BRAZIL AND SWITZERLAND	142
1. Descriptive and socio-demographic information of Brazilian victims.....	143
2. Description of Victimization.....	144
3. Replying to the Research Questions.....	145
3.1. Are victims satisfied with the performance of the criminal justice system and with the support offered by victim assistance centers?.....	145

3.2. What are the consequences of the intervention of the criminal justice system and support services in the healing process of victims? Do they effectively help victims to recover?	151
3.3. Does the participation of victims in criminal proceedings affect their satisfaction or dissatisfaction with the criminal justice system and their level of distress?	152
4. Does the existence of a Victim Support Act may influence the manner in which the members of the criminal justice system treat the victim? – Discussion and Synthesis	156
CHAPTER SEVEN - DISCUSSION OF FINDINGS AND CONCLUSION	158
1. Discussion: Initial Hypotheses Revisited	159
1.1. First hypothesis	159
1.2. Second hypothesis	161
1.3. Third hypothesis	162
1.4. Fourth hypothesis	163
2. Conclusion: What Works for Victims' Rehabilitation.....	165
2.1. Participation, cognitive restructuring and returning control.....	165
2.2. Justice should be healing	167
2.3. Victim services should be reconsidered	173
2.4. Other factors which are relevant for rehabilitation	174
3. Final remarks.....	175
4. Limitations of this study	177
REFERENCES	178
APPENDIX - CONTENT	192
APPENDIX I – Protocol of Interview in French.....	193
APPENDIX II – Protocol of Interview in Portuguese	199
APPENDIX III – Form of Document Research	204
APPENDIX IV – Overview of Swiss Victims Interviewed (Justice group).....	206
APPENDIX V – Content Analysis of Swiss Victims’ Statements (Justice group).....	210
APPENDIX VI – Overview of Swiss Victims Interviewed (No justice group).....	227
APPENDIX VII – Content Analysis of Swiss Victims’ Statements (No justice group)	230
APPENDIX VIII – Overview of Brazilian Victims Interviewed	243
APPENDIX IX – Content Analysis of Brazilian Victims’ Statements	246
APPENDIX X - Socio- Demographic Data of Victims Interviewed in Switzerland	257
APPENDIX XI – Socio-Demographic Data of Plaintiffs - Document Research.....	259
APPENDIX XII - Socio-Demographic Data of Victims Interviewed in Brazil.....	260
APPENDIX XIII – Overview of Victims Interviewed (Seven excluded cases)	261

REMERCIEMENTS/ AGRADECIMENTOS

Certainly, this is the most difficult moment of this study. Feelings of happiness, gratitude and sadness come together and I am supposed to write about all these in a single piece of paper called *remerciements*. It is such a hard task that words are missing and tears take their place. Not because I am the happiest but mostly because my dad is not here anymore. How I wish he was here to celebrate this moment with me. Therefore, I dedicate this work especially to him who supported me and invested all he could to contribute to the conclusion of this PhD. Dad, I love you so much and will never forget all your love and dedication to our family. Not to mention, you were the best and we miss you deeply. *Estou triste pois você não chegou a ver a conclusão deste trabalho. Mas seu anjo da guarda resolveu ficar por mais um tempo até que tudo se resolva e que tenhamos aprendido a seguir sem você na terra mas com você no coração.*

Many people contributed to this work but I would like to write my special thanks to the following persons:

- * Professor Marcelo Aebi – for your patience, kindness and support. The discussions about “critical criminology” opened my eyes to different horizons in the field of criminology.
- * Professors Members of the Jury; Jo-Anne Wemmers, Andre Kuhn and Olivier Ribaux – Thanks for your substantial comments during the whole process. They were essential to the better elaboration of this thesis.
- * Professor Martin Killias – For “opening the door” and accepting my application yet in 2004. It is not everyday that a “door” to a good carrier opens and you were the responsible for this. Thanks!
- * Klaus Starl – for believing in the professional skills of this *Ausländerin*, for giving me the opportunity to work at ETC (European Training and Research Centre) and to learn from you.
- * Centers LAVI (*Centre'Aide aux Victimes d'Infractions, Lausanne*) and CEAV (*Centro de Apoio às Vítimas de Crime, Maceió*) – for the collaboration in this study. *Je remercie particulièrement Pierre Jaquier du Centre LAVI pour l'appui dans cette recherche depuis le début en 2004.*
- * Livya Mendes de Barros – for the interviews conducted in Brazil as well as for the transcriptions into Portuguese.

* My mother, Marlô – *mãe, você é a certeza de que a vida continua apesar das dificuldades; minha fortaleza; meu único porto seguro neste mundo sem fronteiras. Obrigada pela força e ternura que você sempre me passou e ensinou.*

* My grandmothers, Nôrma, Afif (*in memorium*) and Ana – *pelo amor e experiência de vida compartilhada.*

* My sisters, Christie e Vinie – *vocês são a certeza de que eu nunca ficarei sozinha.*

* My husband, Hansu – *ninguém melhor para descrever meu amor por você e agradecer seu apoio do que o poeta Vinícius de Moraes: “Eu sem você, não tenho porquê. Porque sem você, não sei nem chorar. Sou chama sem luz, jardim sem luar, luar sem amor, amor sem se dar.” Seu amor é para mim fundamental, apesar de às vezes tão desafinado quanto o de Tom Jobim...*

* My beautiful son Aydan – *você trouxe sol para os meus dias, ainda que a chuva insista em não passar...*

* My mother and father in law, Arigül and Coşkun – *Bir aile olarak sevginiz ve dualarınız için teşekkürler ederim.*

* My dearest friends, Fátima, Carla and Izabelle – *sempre presentes, mesmo distante. Fátima, seu exemplo de mulher e de mãe inspira meu dia a dia.*

* My dearest friends, Alyshia Gomes and Dora Ramos - *que me acolheram de braços abertos em suas casas sempre que precisei vir à Suíça. A Alyshia, principalmente, por ter reforçado minha fé.*

SUMMARY

After the Second World War, the role of the victim in criminal conflict became an object of interest for academics. But it was only in the 1960s that the importance of providing protection and assistance to crime victims was highlighted in particular by the victims' movement, which inaugurated a new era of criminal justice in systems throughout the world. Moving beyond just the role of controlling crime and punishing the offender, the criminal justice system also began to contribute to the victims' rehabilitation and to help the victim to move on from the event psychologically and emotionally.

Although some criminological research has been conducted, to date the effect that the criminal justice system and victim support services have on the well-being of crime victims is still uncertain.

The current study sought to understand better the healing process of victims of crime, the potential consequences of their participation on the criminal justice system, and the support of victim centers. Moreover, it aimed to find out whether the existence of a Victim Support Act would change the treatment that the victim receives in the criminal justice system. Thus this research was conducted based in two countries – Switzerland and Brazil – where the outcome of the victims' movement on the criminal justice system was different, as was the participation of the victim in the criminal justice system and the government's provision of support.

In order to conduct this research we employed the qualitative method, which is the most efficient to gather sensitive information. Interviews with crime victims were the main source of information. Hearing observation and document research were used as complementary sources.

The results of this research show that victims who have contact with the criminal justice system and victim services are not more likely to recover than those who had no contact. This is to say, the support offered has no major effects; the influence of the criminal justice system and the victim support services in the emotional well-being of crime victims is rather neutral. However, considering that the sample is not representative, findings are not expected to be generalized. Instead, findings may give insight to practitioners or to future criminal justice policy makers, suggesting what may work to improve the emotional well-being of crime victims, as well as suggesting further studies.

RÉSUMÉ

Après la deuxième guerre mondiale, le rôle de la victime est devenu un objet d'intérêt pour les académiciens. Par contre, c'est seulement dans les années 60 que l'importance de fournir de la protection et de l'appui aux victimes d'infractions a été accentuée, en particulier par un mouvement — victims' mouvement —, qui a inauguré un nouveau temps dans la justice pénale des systèmes juridiques du monde entier. A part la fonction de contrôler le crime et de punir le délinquant, le système de justice pénale joue également un rôle dans la réhabilitation des victimes.

Malgré la réalisation de plusieurs recherches criminologiques sur ce sujet, les effets que le système de la justice pénale et les centres d'aides aux victimes ont sur le bien-être des victimes d'infractions est encore incertain.

Ainsi cette étude cherche à mieux comprendre le processus de réhabilitation des victimes d'infraction, les conséquences de leur participation dans le système de justice pénale ainsi que la portée de l'appui des centres d'aide. De plus, l'étude vise à découvrir si l'existence d'une loi d'aide aux victimes, particulièrement la Loi d'Aide aux Victimes d'Infractions LAVI, est susceptible de changer le traitement que la victime reçoit dans le système de la justice pénale. Pour cela, elle a été conduite dans deux pays – la Suisse et le Brésil – où les conséquences du mouvement des victimes sur le système de la justice pénale a eu un développement différent; il en va de même pour la participation de la victime dans la procédure pénale et pour l'appui offert par l'Etat.

Cette étude utilise la méthode qualitative qui est la plus efficace pour le recueil d'informations sensibles. La plus importante source des données sont les interviews avec les victimes. L'observation des audiences et l'analyse de documents ont été utilisés en tant que sources d'information complémentaire.

Les résultats de cette recherche montrent que les victimes qui ont porté plainte et qui ont reçu l'appui des centres d'aides ne sont pas mieux rétablies que celles qui n'ont rien fait. C'est ainsi que nous avons conclu que les services offerts n'ont aucune influence dans ce processus. Cependant, considérant que notre échantillon n'est pas représentatif, il n'est pas possible de généraliser nos résultats. Néanmoins, ceux-ci peuvent éclairer les praticiens ou les futurs décideurs politiques de la justice pénale, suggérant ce qui peut fonctionner pour le rétablissement des victimes d'infraction, aussi bien que suggérer d'autres études.

INTRODUCTION

1. Evolution of legislation and policies in favor of crime victims

Originally, the criminal justice system was established in order to maintain social control and control crime, sanctioning those who violate the criminal laws of a state and reestablishing order. The crime is therefore seen as an offense to the social order and to the legal system of a state. This is to say, although criminal conflicts involve persons, they are depersonalized the moment they are introduced into the criminal justice system.

As soon as the crime comes to the attention of law enforcement authorities, the victim loses the ownership of (Christie, 1977; Hulsman & Célis, 1997) and the control over the case. Conflicts are taken away from the original partners and the criminal conflict becomes a symbolic and bilateral formal conflict between the state and the criminal. Crime is therefore substantially defined as lawbreaking.

With the victims' movement, this vision started to change. After the Second World War, the role of the victim in the criminal conflict became an object of interest for academics.¹ But it was only in the sixties that the importance of providing protection to crime victims was highlighted. Among other reasons, such demand was encouraged by the alienation of the victim from the criminal justice system, revealed by the Crime Victims Surveys.² Crime rates registered by the police were significantly lower than the victimization rates registered by such surveys. Victims did not prefer to come to the attention of law enforcement authorities because they felt that they had little to gain from reporting, they feared reprisals from the criminal and the authorities would not offer them protection (Shapland, Duff & Willmore, 1985; Waller, 1990). This means that crimes which were reported by the victims to law enforcement officers composed the acknowledged or "apparent" criminality whereas crimes

¹ See for example, Von Henting (1948), Mendelsohn (1956), and Wolfgang (1958).

² The Crime Victims Surveys [ICVS] were introduced in the United States [US] in the 1960s in order to measure the prevalence of criminal events which went unreported. As the name explains, it aims to identify the number of people who were victimized in a certain period (usually the last five years) and which kind of offenses they had been through. In 1973 the US government decided to run victim surveys every year and those became a permanent source of statistics, together with the Federal Bureau of Investigation statistics. Worldwide, the method was recognized as appropriate to measure crime or "count victims." Thus, with the support of the United Nations Office on Drugs and Crime [UNODC] and the United Nations Interregional Crime and Justice Research [UNICRI] organizations around the world began to conduct ICVS in cooperation. Concerning the interviews, in some countries participating in the ICVS the technique for selection of participants is the Computer Assisted Telephone Interviewing through which home telephone numbers are selected and households are interviewed. In other countries, although more costly, interviews are conducted face-to-face. For more on ICVS see Killias (2001), Aebi (2006), Lehnen and Skogan (1981). For the latest results of the ICVS, see Van Dijk, Van Kesteren and Smit (2007).

which went unreported composed the hidden criminality or the so-called “black cipher” (Aebi, 2006).³

Gradually victim support programs started to appear. Between 1965 and 1975, the first wave of the victims’ movement (Van Dijk, 1988), inspired by the social defense movement, special services for categories of victims such as battered children and survivors of concentration camps were established. In addition, countries such as New Zealand and England, authorities concerned with the financial hardship that victims encounter as a result of insufficient social security after the crime, created the first compensation programs (Van Dijk, 1988; Maguire, 1991).

In the early seventies, particularly in the United States, victim-witness assistance programs were established to support and encourage victims to report the crime and to collaborate with the investigation (Maguire, 1991). Among the services offered we can highlight the protection from intimidation and retaliation from the offender, the protection of the victim’s personal data, information on the criminal proceedings⁴ and court appearance, as well as practical initiatives such as more comfortable and secure waiting rooms in court and assistance with transportation to court.

While the government was more focused on victims of ordinary crimes, such as burglary, robbery and theft committed by strangers, the feminist movement was mainly responsible for the creation of shelters for battered women and victims of sexual assault, inaugurating the second wave of the victims’ movement (Van Dijk, 1988). Meanwhile, in civil society, mostly law and order, civil rights and grass-root groups began to draw public attention to the severe psychological, physical and financial damages that crime could inflict on victims. In addition these same groups began to highlight some of the victims’ needs which were being neglected by the criminal justice system and the government in general (Maguire, 1991).

Bearing in mind all these different manifestations of pro-victim action, it became clear that civil society was eager for more. Punishing the offender and reestablishing order was no longer sufficient. The state should give attention to the needs of the victim which were being neglected, particularly to finding a solution for the psychological, financial and physical consequences of a crime. Apart from the role of punishing the offender, the criminal justice

³ According to Aebi (2006) “on parle dans ce cas de criminalité découverte ou criminalité apparente, par opposition à la criminalité cachée, c’est-à-dire celle qui n’est pas connue de ces autorités, autrement dit le chiffre noir de la criminalité” (p.16).

⁴ A criminal proceeding is a regular and orderly progression of a lawsuit, including all acts and events between the time of commencement and the entry of the judgement.

system should also contribute to the victims' rehabilitation and to help the victim to move beyond the event psychologically and emotionally.

As a result, in the eighties the institutionalization of victims' support and the call for justice inaugurated the third wave of the victims' movement (Van Dijk, 1988). Most of the victim counseling centers affiliated themselves with pre-existing governmental institutions or started to receive funding from governments. Meanwhile, international and intergovernmental organizations encouraged their Member States to introduce Victim Support Acts into their legislations, in order to provide to crime victims adequate treatment in the criminal justice system. This is to say, governments were clearly more concerned and were rethinking the services that they could offer in order to empower crime victims and to enhance their recovery, concurrently with controlling crime.

It was the General Assembly of the United Nations [UN] which adopted the first international instrument recommending that victim's rights be recognized by governments: the Resolution n° 40/34, of 29 November 1985, namely UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (United Nations, 1985).

The UN Declaration defines victims as "persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power."⁵ Those persons are protected by the 10 principles of justice for victims, which are (Van Dijk & Goodey, 2004):

1. Victims must be treated with compassion and respect;
2. Victims must have the right to information on the proceedings;
3. Victims have the right to present their views to the judicial authorities;
4. Victims are entitled to (free) legal aid;
5. Victims have the right to see their privacy/identity protected;
6. Victims have the right to protection against retaliation/intimidation;
7. Victims have the right to be offered the opportunity to participate in mediation;
8. Victims have the right to receive compensation from the offender;

⁵ Currently, the World Society of Victimology, a non-profit international organization, together with some members of the United Nations Commission on Crime Prevention and Criminal Justice, such as Australia, Brazil, Canada, Finland and Thailand, are discussing the possibility of proposing a UN Convention on Justice and Support for Victims of Crime and Abuse of Power. The purpose is to update the premises of the UN Declaration and once again highlight the importance of support to crime victims.

9. Victims have the right to receive compensation from the state in case of violent crimes;

10. Victims have the right to receive social support/assistance.

“This document, although not a legally binding treaty, lays down the minimum standards for the treatment of crime victims and has been heralded as the magna charta of the international victims’ movement.” (Van Dijk & Goodey, 2004)

Particularly in Europe, the Council of Europe Committee of Ministers adopted the Recommendation N° R (1985) 11 on the position of the victim within the framework of criminal law and procedure. This recommendation suggests what rights that the victim should have while in contact with the criminal justice system and recommends that states review their legislation and practice in accordance. For example, the victim may be informed of the outcome of the police investigation, of the date and time of hearings concerning his/her case, of the final decision, and of the right to appeal. The victim may also be informed on the existence of counseling services and rights of compensation by the state. The right to information is certainly dependent on her wish to receive information. The same recommendation also promotes the protection of privacy and special protection of victims against intimidation and retaliation in case of organized crime.

Two years later, the Council of Europe adopted a recommendation on assistance to victims and the prevention of victimization. The Council of Europe Recommendation N° R (1987) 21 encourages Member States “to ensure that victims and their families receive emergency help, continuing medical, psychological, social and material help; information on victim’s rights; assistance during the criminal proceedings and in obtaining reparation,” tasks which are meant to be offered by services designed to support victims in general.

Recently, the Council of Europe adopted another recommendation regarding assistance to crime victims. The Council of Europe Recommendation Rec (2006) 8 acknowledges all the significant developments that have occurred in the field of assistance to victims, including developments in national legislation and practice, and recommends that States ensure the recognition of the rights of victims and identify and support measures to alleviate the negative effects of crime.⁶

⁶ We acknowledge the existence of other international documents of importance to crime victims, although the ones quoted below are the most relevant and they refer to victims of all sorts of crimes. For a list of relevant international instruments which concern crime victims, see, for example, Groenhuijsen & Letschert (2008).

Although not legally binding⁷, those international and regional instruments contributed to the empowerment of the victim in domestic legislation throughout the world and so far several developments favoring crime victims have occurred. Particularly the Western nations “have legislated many victim rights and created a wide range of services for the victims of crime” (Erez & Roberts, 2007, 277). Although every state has a different system in which penal law is either public or private, which means that the criminal proceeding might be either between the state and the offender or between the offender and the victim, the impact of the victims’ movement was similar worldwide. Particularly Western States, mostly driven by grassroots movements and international documents - UN or Council of Europe recommendations - had legally defined victims’ rights according to which victims were entitled to the right to participate more actively during the criminal lawsuit against the offender. Yet we should recognize that the place of the victim in criminal proceedings and *vis a vis* the state may differ depending on the legal system. As a result, in some states they might be more active and in other states they might have a more passive role.

For example, In France, where the legal system considers penal law as private law, victims had always had a special position within the criminal justice system because of the role of civil claimant and its numerous procedural rights. However until 1982 no real victim policy existed and victims’ rights contained in the Code of Criminal Procedure were poorly applied in daily practice. In 1983, the Minister of Justice promoted the creation of victim support services and new legislation on financial compensation and on the participation of the victim in the criminal proceedings was introduced (Brienen & Hoegen, 2000).

In Switzerland, where the legal system considers penal law as public law, in 1991 the Parliament passed the Victim Support Act called *Loi Fédérale sur l’Aide aux Victimes d’Infractions* (1991) [LAVI] which legally defines the rights to counseling support, the protection and strengthening of the role of the victim in the criminal justice system and the right for reparation by the State.⁸

In Brazil, where the legal system considers penal law as public, the role of the victim in the criminal proceedings has been governed by the Federal Code of Criminal Procedure [CPP] since 1941. This means, victims had a very restricted role, similar to the one played by

⁷ Insofar as the state has signed but not ratified the international document, it cannot be enforced and thus it is not legally binding. When the state ratifies the document, then the state is obliged to comply with the recommendations stated in the document, although in practice, enforcement is not possible without political and national interest.

⁸ See chapter three for more details on Act LAVI and the role of the victim in the Swiss criminal justice system.

witnesses. However in 1998 the Federal Government began to fund victim support centers and to provide legal assistance to crime victims in certain states. As a result, victims started to participate more in the criminal proceedings which generated a debate on the role of the victim *vis a vis* the right of the state to punish.⁹

This means that the victims' movement had a certain impact and encouraged changes in justice systems throughout the world, although every legal system provides victims with a different role in the criminal proceedings whether penal law is public or private.¹⁰

2. Content of this study

According to the changes mentioned above, the criminal justice system should be reoriented towards providing to the victim a place and support. Therefore, justice and reestablishing order should mean not only sanctioning those who violate the criminal laws but also providing the victim a place in the criminal justice system and a more active role in the resolution of the conflict, along with support.

With the victims' movement and all the changes that it brought to the criminal justice system, victims' expectations towards criminal justice have risen enormously (Maguire, 1991). However, almost thirty years later after the beginning of the victims' movement and considering the reforms that the criminal justice systems have experienced, what has changed in practice? What is the relationship between victims, criminal justice systems and victim support services? What are the consequences of this interaction for their emotional well-being?

The latter is the main question that we intend to answer during this study. Although some criminological research has been conducted on this issue, most of these took place in the nineties, right after the establishment of Victim Support Acts and counseling services in particular countries in Europe and the United States. Therefore results are still inconclusive.

The current study seeks to understand better the healing process of victims of crime and the effect of their participation on the criminal justice system and the support of victim centers. Moreover, it aims to explore whether the existence of a Victim Support Act would change the treatment that the victim receives in the criminal justice system. Thus this research was conducted in two countries – Switzerland, particularly the city of Lausanne, and Brazil, particularly the city of Maceió – where the outcomes of the victims' movement to the

⁹ See chapter three for more details on the role of the victim in the Brazilian criminal justice system

¹⁰ For a review on the victims' movement see Maguire (1991). For a comparative analysis of the practical implementation of victims' rights in Europe, see Brienen & Hoegen (2000).

criminal justice system was different, as it was the participation of the victim in the criminal justice system and the government's provision of support.

Based on the literature reviewed, the following hypotheses were constructed:

1. Victims who have contact with the criminal justice system (police and judges) feel better after reporting the crime and giving their deposition. However, compared to victims who did not have contact with the criminal justice system, they are more likely to suffer secondary victimization or trauma due to the criminal justice system's performance.
2. Victims who are assisted by victim services cope better with the victimization than victims who have no access to or who have waived their right to support.
3. Some victims are not satisfied with the performance of criminal justice authorities and victims services. In other words, the needs of some victims are not being respected but disregarded.
4. Victims are more respected in the countries where the Law lays down their rights. The existence of a Victim Support Act may positively influence the manner in which criminal justice authorities treat victims.

Since this is an exploratory and qualitative study, we shall note that those hypotheses will not be subject to test. They will serve as guidelines and raise the research questions which will play the most important role in this study. In other words, the hypotheses of this study are both provisional and conditional (Strauss, 1987); they are under construction throughout the experience of the research and will therefore, as working hypotheses, be reformulated at the end rather than generalized.

The theoretical background will be presented in chapter one. The reader will be introduced to the different consequences of crime and to mechanisms that victims develop in order to cope with trauma and to put the event behind them. Furthermore we will review the literature on the topic of concern.

Considering that the topic is sensitive and relatively unexplored, for studying it we have applied a qualitative methodology, which is explained in chapter two. Crime victims were interviewed to express their feelings about the criminal justice system and the victim support centers. Concurrently, hearing attendance and analysis of archived criminal lawsuits were other sources of information and produced useful insights which supported the interviews' findings.

In chapter three, before proceeding with the findings we will mention the particularities of the criminal justice systems and victim support centers of the two countries involved in this study: Switzerland and Brazil. Then we will present the findings of the interviews, document analysis and some case stories built upon hearing attendance in Switzerland (chapters four and five). In chapter six we will compare the two countries and highlight their similarities and differences concerning the support offered to the victims by their criminal justice systems and victim services. Finally, findings will be discussed in chapter seven.

2.1. Concept of victim of this study

Since the Swiss Federal Law on the Assistance to Victims of Delinquent Acts (hereafter referred to as Act LAVI) is one of the legislative references of this study, we will follow its provisions and consider the victim to be the person whose physical, sexual or psychological integrity has been damaged by a criminal offense. This notion shall also be extended to the indirect victims, for example, the spouse, the partner, the children or the parents of the victim.

The forms of victimization considered in this study will be those which are classified as crimes that concern the Act LAVI such as: homicide, assault (including car accident), assault with minor injury, child abuse and assault, robbery, extortion, threat, kidnapping, sexual assault, rape, incentive to prostitution, human trafficking, and sexual harassment (Conférence Suisse des Offices de Liaison LAVI, 2002).¹¹

In particular, participants of this study were victims (direct or indirect) of the following offenses: homicide, assault, assault with minor injury, child abuse and assault, robbery, extortion, threat, sexual assault, rape and incentive to prostitution, hereafter referred to as victims LAVI.

3. Limitations of this study

Little research has been conducted on the comparison between the well-being of victims who had reported the crime and had requested support at victim services and those who had not. We intend to contribute to this gap. However this is an exploratory study and we should acknowledge its limitations.

First of all, during our fieldwork, we faced certain difficulties in composing the groups of victims that were going to be interviewed. As the reader will see in the methodology, in order to find people who would contribute to this study we employed different strategies because

¹¹ For more details on the Act LAVI, the concept of victim as well as the list of victimizations which concerns the rights LAVI, see chapter three.

random sampling was not possible. This means that the proceeding for selection of the members of the groups may lead to biased results. In addition, “hearing observation” which was another source for data collection, also suffered the risk of producing partial information because the attended hearings concerned proceedings in which we were acting as *personne de confiance* of the victim (see the definition of *personne de confiance* in p. 62).

Second, the topic under discussion is delicate. We were able to establish a fruitful dialogue with crime victims and although they had agreed to participate and to speak up about their suffering, we recognize that further training or knowledge on certain psychological techniques would have helped during the interviews. Results are, therefore, in the main based on victims’ perceptions of the impact of the justice system on their well-being. No clinical diagnosis was employed.

Moreover, the data is post-test only. In other words, the findings may be affected by hindsight bias. We are unable to attribute any observed changes with certainty to victims’ experiences in the criminal justice system.

Finally, as with any other research, certain questions are still open to discussion and we were not always able to find an answer. This means that although we intended to cover the gap, we did so only partially and future studies suggested in the discussion (chapter seven) should be conducted in order to ascertain the effectiveness of the criminal justice system and victim services on the well-being of crime victims.

CHAPTER ONE

THE IMPACT OF CRIME, VICTIMS' EXPECTATIONS, WELL-BEING AND THE INTERVENTION OF THE CRIMINAL JUSTICE SYSTEM AND VICTIM SUPPORT CENTERS

This chapter includes the theoretical background of our study as well as a review of the main studies conducted on the topic of the psychological impacts of the crime on the victim and on certain coping mechanisms that the victim develops in order to recover and to react to crime. We will show that, besides the coping mechanisms reported in the literature, reporting the crime to the criminal justice system and the victim services are other forms of reaction to crime or kinds of coping mechanisms. Indeed, the victim thinks that the support will be helpful to his/her recovery.

However, do victims effectively benefit from their experiences with the criminal justice system and their contact with the victim support centers? Or, on the contrary, does the influence of these institutions increase their suffering?

The review of the relevant literature presented in this chapter shows that results are inconclusive. Some studies have been conducted on the interaction between the victim and the criminal justice system as well as on the work of the victim support services, but few studies have examined the influence of the criminal justice system and the victim support schemes in the victim's emotional recovery.

1. The Impact of the Crime on the Victim

According to the literature reviewed, the impacts of crime are categorized as physical, financial and psychological. The intensity of these impacts depends on the type of crime (e.g. violent or non-violent), on pre-victimization factors (e.g. age, gender, education, marital status), the victim's coping skills, as well as on the social support that he/she can count on. The psychological impacts of crime in particular are reported in the literature to be the most difficult to heal and the most extensive, lasting even years after the crime was committed (Lurigio & Resick, 1990; Newburn, 1993; Wemmers, 2003).

Some studies have been conducted on the long lasting emotional or psychological impacts of crime. For example, Tondonato and Erez (1994), in a sample of 125 respondents of which 67% were victims of property crimes, 26% personal offenses and 5% sexual offenses, found that 63% of the victims declared that the most painful or upsetting aspect of the victimization was the emotional or mental pain whereas 40% reported that the financial or economic

consequences were most painful. Confirming this argument, Shapland, Duff & Willmore (1985), in a sample of 275 victims of physical assault, sexual assault or robbery, found that 75% of the interviewees were still affected by the crime two and a half years after the offense. The results showed the persistence of psychological effects over time, compared to the financial losses. Physical assault victims suffered less psychological and more physical effects whereas for sexual assault victims, the greatest tendency was toward the persistence of social and psychological effects. “Robbery victims also tended to suffer social effects, particularly a curtailment of social life because of a fear of subsequent attack.” (p. 101)

The psychological impacts of crime are also mentioned as the dominant reaction (Zedner, 2002). Varying levels of distress, fear, anxiety reactions, suspiciousness, learned helplessness¹², sleeping disturbance, substance abuse and depression are the most common feelings that are observed in victims of crime (Falsetti & Resnick, 1995; Freedy, Resnick, Kilpatrick, Dansky & Tidwell, 1994; Lurigio, 1987; Lurigio and Resick, 1990; Resick, 1990; Separovic, 1985; Winick, 2008).

The feelings briefly explained above are associated with posttraumatic stress disorder [PTSD] (Kilpatrick, Saunders, Veronen, Best & Von, 1987; Freedy et al., 1994; Falsetti & Resnick, 1995; Mawby & Walklate, 1995). Violent crime may trigger a higher prevalence¹³ of PTSD or more severe symptoms (Lurigio & Resick, 1990). For example, Kilpatrick et al. (1987), in their study on criminal victimization, found that the lifetime prevalence rates of PTSD were observed to be higher for victims of burglary, aggravated assault, completed molestation and completed rape. Particularly in the case of rape, Resick (1990) affirms that besides depression, PTSD is the major psychological disorder.

Besides the psychological consequences explained above, vulnerability and loss of control over one’s life are other issues which emerge with the criminal event (Falsetti & Resnick, 1995; Lurigio, 1987; Lurigio & Resick, 1990; Resick, 1990) and which provoke in the victim the development of certain coping mechanisms as we will see in the following sections.

¹² Learned helplessness is observed particularly in cases of domestic violence and child abuse, crimes with a repetitive nature (Separovic, 1985; Winick, 2008)

¹³ The concept of prevalence in this thesis is suggested by Aebi (2008, 15) and Killias (2001, 61). According to the se authors, prevalence is the percentage of people who have claimed to have a certain behavior. In the case of this study, for example, people have who have demonstrated the symptoms of a certain sickness; or have claimed to have been victimized at a certain period; or have claimed to be satisfied with the police or judge’s performance, or to experience feeling of fear and insecurity as a result of their victimization. Prevalence therefore means the number of people who demonstrate a certain condition in percentages.

1.1. The attribution and just world theories: individual's beliefs shaken by the crime

According to the attribution and just world theories, it can be said that one of the basic needs of human beings is to feel safe. The feelings of stability and predictability are essential for individuals to believe that they have control over events and hence are secure. In order to maintain this belief in a safe and controllable world, people try to explain or to find meaning in the remarkable events which happen in their lives.

According to the attribution theory, human beings are constantly searching for meaning and in order to find it, they attribute to others the benefits or the responsibility of the experiences that they had been through (Deschamps & Clémence, 1990).

By finding an explanation, individuals believe that events may be predicted and are under control. Therefore people get what they are entitled to or deserve on the basis of who they are and what they have done, given that the world is just (Lerner, 1980). Indeed, the belief in a just world is a representation of the world that brings about the concept of “just deserts” and which individuals construct from their childhood. The morality tales that are taught at home and at school when we are children, for example, contribute to this concept by demonstrating that “virtue may be its own reward” (Lerner, 1980, 13). Santa Claus will only bring gifts to children who are good students and respect their parents; the fairy tales end with the marriage of the good girl with the prince and the death of the bad witch (Pedra Jorge, 2006). Moreover, the belief in a just world is reinforced by other forces in our culture as well as by the socialization process. For example, some religions stress the relation between sin, doing harm to others, and suffering; the mass media recreates the same morality according to which good triumphs over evil (Lerner, 1980).

“People want to and have to believe they live in a just world so that they can go about their daily lives with a sense of trust, hope and confidence in their future” (Lerner, 1980, 14) In this concern, most people would agree that “mostly if you keep your nose clean, keep your eyes open, use your head and are willing to do what is necessary, you will be all right” (Lerner, 1980, viii).¹⁴

Criminal victimization shakes the assumption that we live in a safe, predictable and controllable world (Tondonato & Erez, 1994). It is a “shock to the victims’ system of beliefs. Attitudes which they have held their entire lives about the world they live in and the social

¹⁴ Even in cases of domestic violence and child abuse, where violence is an ordinary rather than an extraordinary event because violence is part of the person’s daily life, the victim tries to find a meaning or an explanation for the crime. In addition, the victim also tries to justify the violence by blaming her/himself.

institutions in it, are put to the test” (Wemmers, 1996, 61). Feelings of order and security are affected by the crime and the assumptions that the world is fair and under control are dismissed. The belief in a just world is disrupted in the victim’s world and mind. The crime “is a clear demonstration that the environment is not predictable and that it can be harmful” (Bard & Sangrey, 1986, 15).

Although in some societies¹⁵ crime is more frequent than in others, as long as the individual is not victim of a crime, he/she still believes in a just world. The individual also believes that he/she is well protected by his/her environment, whether this environment be a *favela* or a sophisticated upper class condominium, and that it will never happen to her/him, given his/her smartness to avoid it (by changing the route, paying for private security, improving security tools, going out with strong individuals, etc.).

In order to cope with the victimization and its consequences and to recover from trauma, victims make inferences about why the event occurred. Victims try to find meaning, and to attribute the responsibility of what they have been through to the environment or to something in themselves; they need to find a cause (Audet & Katz, 1999; Deschamps & Clémence, 1990), as noted by Heider since 1958 (quoted by Weary, Stanley & Harvey, 1989). Attribution is therefore an inference which allows people to find explanations and decreases the feeling that the social world is unpredictable and uncontrollable (Weary et al., 1989). Some studies with victims of crime confirm this argument given that after the crime, victims had reported to have developed two coping strategies: cognitive restructuring and self-blame (Lurigio, 1987; Lurigio & Resick, 1990).

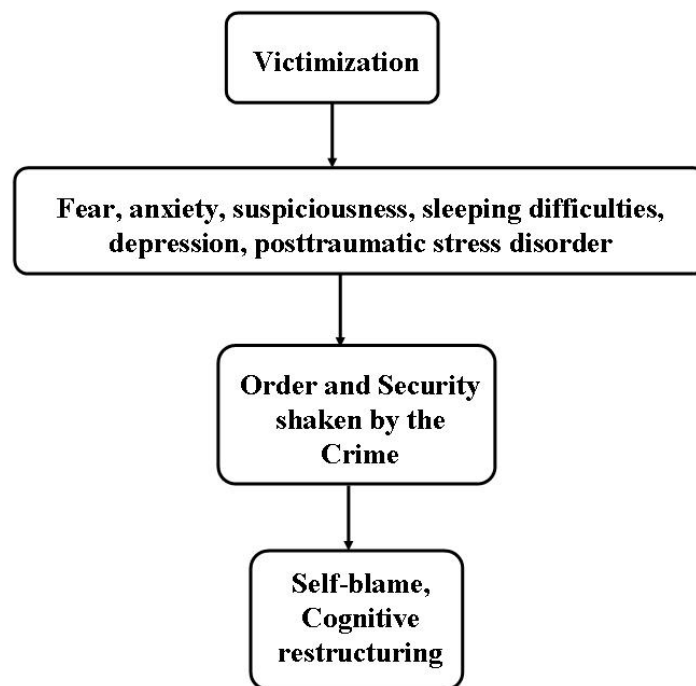
Cognitive restructuring or interpretation of the event helps the victim to find meaning. By asking her or himself why it happened, the victim finds an explanation to the event and logically concludes that “if it had not ... I would not have been harmed or it would not have happened”. Understanding the reasons behind events helps the victim to feel that things are not random and unpredictable, thereby regaining control over his/her life (Tondonato & Erez, 1994).

Self-blame is the process according to which people make attributions, assigning the causes of the victimization to themselves. Since 1944, Heider (quoted by Deschamps & Clémence, 1990) has noted that we have a tendency to explain what happens to people by imputing the responsibility to the characteristics or behavior of the person. The attribution process is more frequently a process of attribution to the self or to personal characteristics

¹⁵ Developing countries, for example.

than to factors that are external to the person, such as randomness, destiny or the environment (Pedra Jorge, 2006). It is another coping mechanism through which the victim can restore his/her faith in two basic assumptions: one, that he/she is invulnerable because of his/her control, and two that social life is ordered and meaningful. By blaming her/himself, the victim believes that the situation was under his/her control, rather than under the control of the criminal and if he/she had not behaved or reacted in such a way, the crime would not have happened. “By blaming themselves victims can continue to believe that the community in which they live is safe just as long as one observes the accepted rules of society” (Van Dijk, 1986, 357). Figure 1 explains this reasoning:

Figure 1 The impact of crime and victim’s reaction



These two coping mechanisms are observed in victims regardless of whether they had reported the crime to the law enforcement agencies or requested the support of victims’ agencies. Support is, however, important to recover. It is important to restore the victim’s feelings of self-confidence, self-esteem, security and to regain control.

2. What Victims Want From the Criminal Justice System and Support Services: the Therapeutic Approach

According to a therapeutic approach, many victims report the crime to the criminal justice system seeking for some sort of justice. These victims are not necessarily looking for the punishment of the offender, but for support. Indeed, the victim has great expectations that the criminal justice system will help to:

- Give answers to his/her questions and understand the event;
- Reduce self-blame by finding someone else guilty, namely the offender, rather than her/himself;
- Regain control over his/her life; that is to say, restore feelings of order and security;
- Restore his/her life and emotional well-being.

The outcome of the criminal proceedings is reported in the literature to be of secondary importance (Shapland et al., 1985; Wemmers, 1996). Indeed, it seems that in the victim's view the healing role of the criminal justice system is more relevant than the sanctioning role.¹⁶ Some may be looking forward to the punishment; others may be more interested in compensation but mostly, the victim expects that the criminal justice system will be supportive and will attend to his/her expectations of recovery. According to Fattah (2000), "while the distress of some victims may be so overwhelming that they will demand the harshest possible penalty for their victimizer, this could hardly be said of the majority of victims of crime. Healing, recovery, redress and prevention of future victimization are the primary objectives of most crime victims." (p.43)

Bearing that in mind, the therapeutic approach considers that criminal justice should be healing and therapeutic. Fulfilling the expectations of the victim towards the criminal justice system are the goals of therapeutic jurisprudence, which is the study of the role of law as a therapeutic agent (Wexler & Winick, 1991). It turns the attention to the emotional well-being of those who come in contact with law and the legal systems (Winick, 2008) and looks at the legal system as a social force that may produce therapeutic or anti-therapeutic consequences. Such consequences may be the result of the legal procedures, namely the therapeutic aspects of legal procedures, or of the behavior of law enforcement actors such as police, public

¹⁶ Although the value given to punishment may vary and depends on the view that the society has of the criminal justice system. Some studies (Erez, 1994; Killias, 1989; Kuhn, 1993) show that victims are not more punitive than the general public, suggesting that it is plausible that, when they report the crime, they are not looking forward to punishment, but rather for support, as explained above.

prosecutors, as well as judges and attorneys, namely the therapeutic aspects of judicial and legal roles (Wexler & Winick, 1991). It studies how people are affected by the law and uses this information to enhance its effectiveness.

Therefore, the legal apparatus used to litigate questions, meaning the criminal proceedings¹⁷ in the context of this study, should minimize suffering and promote recovery, maximizing its therapeutic aspects. According to Cesoni and Rechtman (2005) criminal proceedings would have a restorative function which would help the victim to move beyond the psychological consequences of crime and to heal. The criminal justice system has not only the function to determine the guilty party but it is also one step forward victim's rehabilitation. (Guedj, 2004) Indeed, victim's rehabilitation is intimately linked to the development of criminal proceedings. (Cesoni & Rechtman, 2005, 161)

In addition, the role of the criminal justice system's actors, including police officers, judges, attorneys and public prosecutors, should provide to the crime victim a therapeutic benefit.

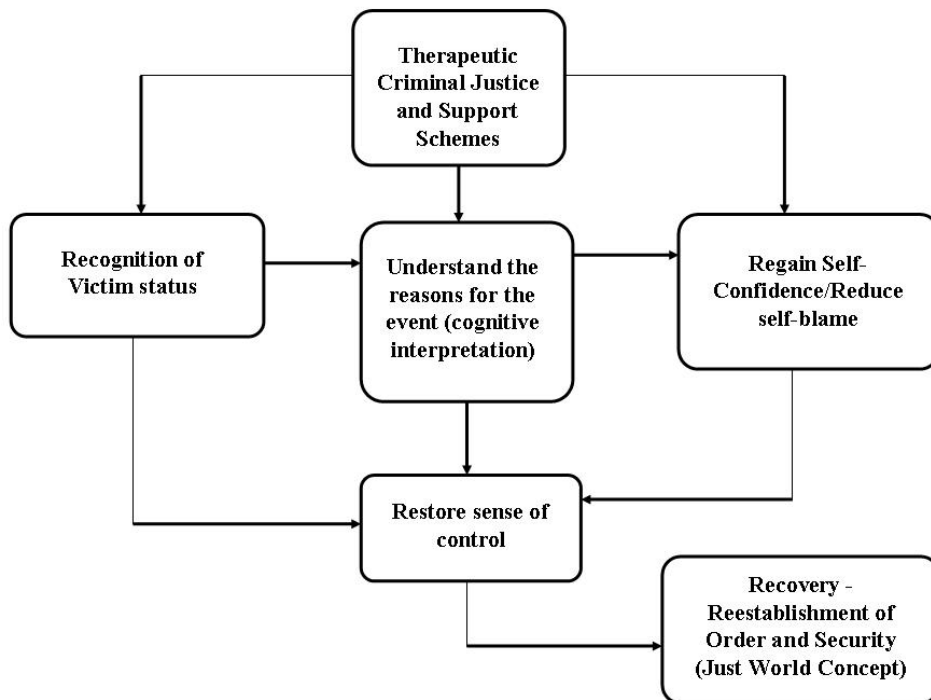
Likewise, when the victim requests support at victim centers, he/she also believes that it will help in the healing process. The process of cognitive restructuring may be enhanced and the process of self-blame may be reduced with such support. Victim support centers should therefore focus on the therapeutic aspects of counseling, in addition to providing victims with information on their rights.

The recovery cycle¹⁸ of the victim in this regard should include the therapeutic support of the criminal justice system and victim support centers. By acknowledging the victim status and providing the victim with the means to understand the event, these institutions help the person to regain self-confidence and to decrease or annul self-blame. Such feelings restore the sense of control and contribute to the reestablishment of other feelings such as order and security. Figure 2 elaborated for this thesis explains this reasoning:

¹⁷ A criminal proceeding is a regular and orderly progression of a lawsuit, including all acts and events between the time of commencement and the entry of the judgement.

¹⁸ In victimology, the metaphor of cycles is also used in other contexts. For example, Doerner and Lab (2005) refer to a crisis reaction repair cycle. It consists of the phases through which the rape victim passes during her recovery. These phases are named as impact (shock or distress), recoil (adaptation to the fact that the violation took place) and reorganization (point of adjustment). As an innovation, the recovery cycle introduced in this thesis includes the criminal justice system and the support schemes that the victim pass through (including the victims' social network) as relevant to their recovery.

Figure 2 The recovery cycle



In sum, ideally the role of the criminal justice system and the victim support centers would be that of an aid to recovery, helping the victim to put the event behind. However, are the criminal justice system and the victim support centers meeting the expectations of the victims? What is the relationship between victims, criminal justice systems and victim support services? What are the consequences for their emotional well-being? Does the experience with these institutions provide a therapeutic effect? In the following sections we will present to the reader a review of the literature of some studies which tried to answer these questions.

2.1. Victims' satisfaction with police performance

Studies conducted in Canada demonstrate that victims tend to be satisfied with the police response in two-thirds of the cases (Waller, 1990). In other words, on a scale of one to five, 3.37 is the average mark that victims would give to police performance (Wemmers, 1999). Victims' evaluation of police performance may even be more positive than that of the public prosecutor or the courts (Wemmers, 1996). In the same line, Shapland et al. (1985) affirm that 78% of victims are satisfied or very satisfied in the first contact with the police in the United Kingdom, but satisfaction tends to decline as the case progresses.

Furthermore, studies also suggest that victim's satisfaction with police performance depends on other variables such as the type of crime and the welfare of a country.

Comparing victims of robbery, burglary and assault in the United States, Lurigio (1987) observed that assault victims were less satisfied with police services. Indeed, in the 1984 Swiss Crime Victims Survey, Killias (1989) had already noticed that property crime victims have a better image of the police than victims of personal crimes. In 2005, the same survey revealed that 71.2% of the victims of burglary are satisfied with police performance whereas among victims of personal crimes, the percentage decreased to 65.9% (Killias, Haymoz & Lamon, 2007).

Particularly in cases of partner violence, victims tend to be less satisfied with the police. Boggio, Kellerhals, Mathey & Mauge (1995), in a research conducted in Switzerland, observed that most of the victims were satisfied with the police performance, except the victims of sexual assault and partner violence. In another study conducted in Switzerland, mostly victims of partner violence were disappointed. The common complaint was that police did not take into account their cases (Pedra Jorge, 2005b). Byrne, Kilpatrick, Howley and Beatty (1999), while comparing victims of assault by partners and non-partners, have also revealed that the former are less likely to feel satisfied with police performance than the latter.

Another indicator of a victim's dissatisfaction with the police, particularly in case of assaults and threats, is the low number of such crimes which are reported while compared to property crimes. For example, in the last Swiss Crime Survey it was observed that 60% of bicycle thefts and 100% of car thefts were reported whereas this percentage decreases to 32% in case of assaults and threats (Killias et al, 2007). Among the reasons for this, studies conducted in Switzerland indicate that in cases of assaults and threats, police services do not correspond with victims' needs (Berruex & Killias, 1999) whereas in case of property crimes, although not necessarily having his/her needs considered, the victim has no other choice but to report the crime in order to receive the reimbursement from the insurance companies (Berruex & Killias, 1999, Killias et al, 2007).

The level of development of a country is another variable that may influence the performance of the police, therefore having consequences on victim's satisfaction. For example, victims of developing countries are much less satisfied with the police than victims of developed countries. The dissatisfaction in case of developing countries is much higher, varying from 50% to 70%. "Generally speaking, citizens in developing countries are dissatisfied with the ways in which the police handle reported cases of victimization",

particularly in Latin America and Africa (Zvekic & Alvazzi del Frate, 1993, 70). According to the last Crime Victims Survey conducted in Brazil, only 34.33% of the victims declared themselves to be satisfied with police performance, mostly in cases of assault (Kahn, 2002). Victims frequently complain about the lack of effectiveness. According to the first victimization surveys (ICVS) conducted in countries in transition, “the police did not do enough” and “they were not interested” were the most common reasons for dissatisfaction (Zvekic, 1998).

2.2. Victims’ satisfaction and participation in the criminal proceedings

According to literature, there is a discrepancy between victims’ expectations from criminal justice and what they encounter during legal proceedings (Maguire, 1991). The quotation that follows summarizes the conflict of interest between victims and the criminal justice system:

Victims need social acknowledgment and support; the court requires them to endure a public challenge to their credibility. Victims need to establish a sense of power and control over their lives; the court requires them to submit to a complex set of rules and procedures that they may not understand, and over which they have no control. Victims need an opportunity to tell their stories in their own way, in a setting of their choice; the court requires them to respond to a set of yes-or-no questions that break down any personal attempt to construct a coherent and meaningful narrative. Victims often need to control or limit their exposure to specific reminders of the trauma; the court requires them to relive the experience by confronting the perpetrator (Herman, 2003, 160).

According to Wemmers (1999) “victims are confronted with a system which largely neglects their interests” (p. 175). A study with criminal justice officials in Florida county, United States, exemplifies the statement above. While victims expect acknowledgment, support and an opportunity to tell their stories, Lucken (1999) found that 62% of law enforcement officials think that “victims get on their nerves, want the police to do everything for them, want to be victims and don’t follow through” (p. 148,149). Moreover, 18% declared that victims “want immediate help, are demanding, hostile, emotional and unreasonable (p.149).” Therefore, interacting with the criminal justice system may become a reminder of painful and unpleasant experiences.

In a study conducted in the United States with 22 victims of violent crime, Herman (2005) observed that often victims’ wishes and needs are opposed to the requirements of legal

proceedings. Victims expected their interest to be of major concern to the authorities and had trouble understanding that the central focus of the case was on the defendant whereas they themselves were relegated to a peripheral role of witnesses, “useful only as the instrument of the state’s agenda” (p. 581). In the same study, many informants experienced their marginal role in the system as humiliating. They also reported having been treated with indifference and disrespect. Lack of information about pre-trial decisions is also source of dissatisfaction for victims (Shapland et al., 1985; Boggio et al., 1995).

A study conducted in Switzerland, reported major complaints concerning the criminal proceedings. The majority of the victims declared that the system is extremely slow and that there is no interaction between police, judges and lawyers. They also complained about having to tell their stories repeatedly (Boggio et al., 1995). Meanwhile, Robert (1997) affirmed that victims were mainly dissatisfied with the criminal justice system, its functioning and decisions taken. Years later, in another study conducted in Switzerland, results showed that dissatisfaction decreased although half of the interviewees were satisfied with the judge’s performance. The victims who were dissatisfied declared that they had been pushed to withdraw the complaint and that the judge was biased and had supported the offender (Pedra Jorge, 2005b). Yet in Switzerland, an ongoing study on law and emotions conducted by the University of Geneva, Centre d’Étude de Technique et d’Evaluation Législatives [CETEL], reports that the majority of victims have negative feelings about the criminal justice system: feelings such as disappointment, discouragement and disregard. Moreover, victims felt they had been treated with inequality because the defendants had been given more attention than they had been, and because they felt that they had been treated as though they were the guilty party (Languin & Robert, 2008).

Victims’ satisfaction or dissatisfaction with the criminal justice system is correlated with their level of participation during the criminal proceedings (Erez, 1994). A victim’s overall satisfaction is directly correlated to his/her sense of inclusion and empowerment.

Research indicates that victims’ satisfaction increased if they perceived that they had influenced the criminal justice process, regardless of whether they really had. For example, victims who believed they were able to speak to prosecutors and judges were more satisfied with the criminal justice system than those who believed they were not able to do so (Kelly, 1990, 175).

This is to say, victims do not seek to control the case or to have an active role in the decision making process but they want their voices to count, to be treated with dignity and respect (Wemmers, 1996). Moreover, they do not ultimately seek the punishment of the

offender; instead, they are even less punitive than the general public (Erez, 1994; Killias, 1989; Kuhn, 1993). They have other priorities and needs than asking for punishment (Killias, 1989). In other words, it means that the criminal justice system does not properly meet the expectations of the victim.

2.3. Criminal justice system and victims' mental health

How victims are treated by the authorities may add to or subtract from the trauma of victimization (Resick, 1987; Tondonato & Erez, 1994; Wemmers, 1999). The psychological value of penal proceedings may be affected by the ways victims are treated by people present, especially judges and lawyers. (O'Connell, 2005)

On the one hand, participation in the justice system may be therapeutic. It can provide victims with greater safety and protection for themselves and may enhance their sense of power. A victim's inclusion in the justice system and empowerment are the best predictors of mental health-related outcomes (Herman, 2003). "Testifying in legal proceedings can be psychologically beneficial, for example by validating a victim's experience." (O'Connell, 2005, 301)

On the other hand, it may also be anti-therapeutic. Lack of knowledge regarding the progress of the case or lack of opportunity to express their views can contribute to maintaining, and sometimes, to increasing victims' distress. "The long duration of most legal cases can psychologically strain victims involved in them." (O'Connell, 2005, 301). In sum, fair procedures are therapeutic whereas unfair procedures have negative impacts on the victim's well-being (Wemmers & Cyr, 2005).

For example, Languin & Robert (2008) do not agree that the penal proceedings can have therapeutic effects for the victims. Among other reasons, the authors highlight that bringing the case to justice means, on the one hand, acknowledgment, but on the other hand it means recalling the traumatic event, interrupting the healing process and provoking secondary victimization. Furthermore, the conviction or the penalty applied is rarely proportional to the victim's suffering.

Indeed, even the authorities recognize the ambiguous effect of contact with the criminal justice system. Wemmers (2007) interviewed public prosecutors in Quebec, Canada, who claimed to believe that respect and recognition, the opportunity to voice one's opinion and to speak-out, as well as being involved in the decision making process may be therapeutic for

victims, whereas cross-examination and confrontation of the victim and lack of recognition and respect may be anti-therapeutic.¹⁹

Some studies have examined the consequences of participation in the criminal justice system on victims' distress, most of which were focused on rape or burglary victims (Frazier & Haney, 1996; Kilpatrick, Saunders, Veronen, Best & Von, 1987).

Resick (1987) highlights that sexual assault victims appear to be more distressed by interviews or deposition in court because "the crime may have been degrading or humiliating and they are unaccustomed to using sexual terms or describing sexual acts, particularly in front of strangers in a public setting" (p. 476). Koss, Bachar, Hopkins and Carlson (2004) note that for rape victims preparing and going to trial can be extremely stressful. They also note that acquaintance rape victims report more secondary victimization than stranger rape victims including disbelief and insensitive behavior from police officers. Campbell, Wasco, Ahrens, Sefl, Barnes (2001) in a study conducted in Chicago note that, among other community services, police and prosecutors may be quite helpful for some victims. However secondary victimization may also occur because of, for example, dismissal of the case although the victim wishes the criminal to be prosecuted.

Research also indicates that the assistance of an advocate may influence the level of participation and the victim's distress. The support of legal counselors can be crucial during high periods of stress because, although not trained to give mental health counseling, the advocate explains the legal system, prepares the victim for the trial and the outcomes of it and accompanies the victim during hearings or court trials. For example, Campbell (2006), in a study conducted in the United States with a sample of 45 rape victims, suggests that those who had assistance from advocates during the criminal lawsuit (17 people) had more opportunities for participation, reported fewer negative interpersonal interactions and had better experiences. Women who were assisted encountered fewer problems while reporting the crime and were more likely to have their cases taken more seriously.

In contrast, Tondonato & Erez (1994) found negative correlations between the level of distress and the victim's satisfaction with the outcome and the judge or the court who had treated his/her case in Ohio, United States. Indeed, Frazier and Haney (1996) in a study

¹⁹ The anti-therapeutic effects of the criminal justice system may also affect the relationship of the victim with the system, who dissatisfied, might prefer in the future to deal personally with the offense (Shapland et al., 1985). As affirmed by Wemmers (1996, 63), based on the procedural justice theory of Lind and Tyler (1988), "when people feel that their interests are being served by authorities then they will continue to support authorities and comply with their decisions. Unfair procedures threaten the long-term interests of the individual and can result in decreased support and compliance."

conducted in Minnesota, United States, with a sample of 90 rape victims, observed that “victims are generally satisfied with the police (but not with the legal system in general), and that neither attitudes nor cases outcomes are associated with victims’ post rape recovery”. (p. 607)

One way to ascertain whether participation in the legal system is beneficial or detrimental to victims would be to compare victims who do not participate with those who do (Herman, 2003). In the course of this research we could only find a few studies which aimed to compare the emotional well-being of victims who had reported the offense and had been through criminal lawsuits with those who had not reported the crime.

Freedy, Resnick, Kilpatrick, Dansky & Tidwell (1994), in a study conducted in South Carolina, United States, with victims of violent crime (physical and sexual assault, robbery and burglary), suggest that posttraumatic stress disorder (PTSD) prevalence among victims involved in the criminal justice system may be substantially higher than for crime victims in general. “Crime victims involved in the criminal justice system repeatedly encounter trauma-related stimuli that may trigger symptomatic responses.” (p. 464).

Likewise, Cluss, Boughton, Frank, Stewart and West (1983), in a study conducted in Pittsburgh, United States, with a sample of 77 rape victims, observed that rape victims whose cases were tried in court scored lower levels of self-esteem six months after the crime while compared to those victims whose cases were not prosecuted. Twelve months after the crime, there was no difference in the levels of self-esteem of women who were involved in the trial process and who were not. According to the authors, the experience of going to court, particularly when the defense attorney tends to blame the victim for her own victimization, calls up a series of doubts in the victim’s mind: she questions her actions prior to and during the assault, she wonders how she might have precipitated the crime. Thoughts and questions such as these often have an impact on the victim’s self-esteem.

Norris & Thompson (1993) interviewed 264 victims who had reported the crime to the police as well as 245 others who did not report to the police in Georgia, United States. In contrast to the other studies, they found that the victims who entered the system were neither more nor less alienated than the victims who decided not to report their crimes. They concluded that neither a net advantage nor net disadvantage resulted from the act of reporting the crime. Similarly, Frazier and Haney (1996) concluded that the victim’s perceptions of how they were treated by the system did not appear to be related to their recovery, meaning that the involvement in the criminal justice system has no influence.

In sum, studies demonstrate that the experience with the criminal justice system may be therapeutic, anti-therapeutic and neutral. In our point of view, results are still inconclusive.

2.4. Victim Support Schemas and victims' mental health

Following the victims' support movement, many countries²⁰ established government-run or -funded victim support services. Throughout the world, Victim Support Services may vary their key features or methods of performing support tasks. Although most of the victim support schemes are heavily dependent on government funding (Mawby & Walklate, 1995), some are government-run services, while others are private and run by volunteers or grass-roots groups. Some have strong links with the police who, in some cases, provide direct referrals to their services; others count on the collaboration of the office of the public prosecutor and still others work in collaboration with social service providers. Some are direct services to those who have been victims, while others include policies and programs such as awareness campaigns and crime prevention advising to victims and potential victims (Shapland, 1993).

Direct services for crime victims tend to include greater emphasis on counseling, although some offer crisis counseling and others offer long-term support with the help of professional therapists. Legal advice and emotional support are common features, whereas financial aid depends on how much the government invests in these services.

In the main, the objectives of Victim Support Services are to promote victims' rights and inform them on such rights, to contribute to their physical, psychological and financial recovery and as a consequence, to empower crime victims.²¹

However, several authors highlight that only a few victims reach victim services (Davis & Henley, 1990; Davis, Lurigio & Skogan, 1999). The International Crime Victim Survey also presents a low number of victims who have asked for support from victim services. On average, 9% of the victims interviewed in the countries involved in this survey had received specialized support in 2005. Victims of sexual offenses are more likely to receive such support (30%) whereas victims of burglaries are much less likely (4%) (Van Dijk, Van Kesteren & Smit, 2007). In Switzerland, Killias and Berruex (2000) report that only 6% of the victims of sexual assault and robbery asked for support from the victim service LAVI.

²⁰ As far as this author knows, those countries are United States, as the pioneer, Canada, some countries in Latin America, such as Peru, Brazil, Ecuador, Argentina, all members of the European Union, other countries in Europe such as Switzerland and Turkey, South Africa, Australia, New Zealand, Japan.

²¹ See chapter three for further details on Victim Support Centers in Switzerland and Brazil, fields of this study.

It seems that although there has been an increase in the number of victims who know about the existence of these victim support centers, most of them do not ask for support (Davis et al., 1999; Killias et al., 2007). And it is because either the crime was not very serious from their point of view or because they have other sources of social support such as family, friends, private psychologists or lawyers (Killias & Berruex, 2000; Davis et al., 1999).

Although few, the neediest victims are the ones who look for support (Davis et al., 1999). They tend to be poorer, to have been victimized more often and to be more traumatized by the crime.

Yet, most of the victims who request support are satisfied with the services offered, for example in Switzerland and in the United States (Boggio et al, 1995; Killias & Berruex, 2000; Pedra Jorge, 2005b; Sims, Yost & Abbott, 2006). However, victims' satisfaction is not an indication that needs are being met. Research suggests that the focus of victim services has been on counseling and on the mental and emotional needs of the victims (Davis & Henley, 1990; Davis et al., 1999) rather than on other practical or urgent needs. For example, Davis et al. (1999), in a study with 60 victims who were served by a victim program in the United States, found that 56% of them had financial needs which were not met by the victim services. In addition, victims' satisfaction is not an indicator of the effectiveness of such services or of recovery, as the reader will see in the following.

While crisis intervention has been widely applied to the treatment of crime victims, there is little data on whether it is effective in helping victims to recover (Davis & Henley, 1990). Most of such evaluation studies were done in the United States and the United Kingdom. Furthermore, they were held at the height of the victims' movement or immediately following a newly instituted program or policy (Lucken, 1999).

According to Fattah (1999) research has shown little indication that counseling of any sort is effective in reducing post crime trauma, primarily because little research has been done to establish which forms of treatment do and do not work. The author highlights the danger of the so-called "victim therapy" and the risk of provoking unintentional harm as one of the saddest aspect of victim support.

According to Maguire (1991), one of the most important questions to be asked in any evaluation of victim assistance is whether there is any evidence that it actually lessens the effects of crime, accelerates the victim's recovery or reduces the damage. For this purpose, it would be necessary to conduct studies involving victims who had been supported by such services and victims who had not been.

Davis (1987) conducted such a study, involving victims who had received the support of victim services in New York and victims who had not. The author conducted two interviews with each victim, before and after the intervention. At the end, a total of 181 victims of burglary (39%), robbery (34%), assault (24%) and rape (2%) were interviewed. The interviews contained measures of mood, posttraumatic stress, psychopathology, fear of crime and social adjustment. The results show that there was a decline in crime-related problems from 73% to 22% among all victims. However, there was no difference between the victims who had been supported and the ones who had not been supported. “The improvement was no greater for victims in the counseling groups than in the material assistance only group or the control group” (p. 524). However, from the point of view of the victims, the support was helpful: 89% of the victims believed to have benefited from the services.

Steinmetz (1990) had also conducted such a study. He compared two groups of victims with different conditions: victims who received assistance and victims who did not receive assistance. According to the results, the effect of assistance seemed to be neutral, rather than positive or negative. There was only a slight difference between both groups. For example, three months after the crime the victims who did not receive assistance had more problems with coping whereas victims who had received assistance scored negatively in a psychological test of psychoneurotic complaints. However, one year after the crime, more victims who had received support thought about the criminal offense and suffered from physical or psychological complaints than victims who had not received support.

Sims, Yost and Abbott (2006) found similar results. In a sample of 660 victims, 223 victims who used victim services and 437 who did not use victim services throughout Pennsylvania, no significant differences were found in the psychological functioning scores of victims who used the services and those who did not. “Although some satisfaction with services is reported by crime victims, the types of services offered to them are not doing much to assist them to overcome the psychological impact of victimization” (p. 401). According to the authors, other variables such as age and coping skills are better predictors of the victim’s recovery.²²

On the contrary, Maguire and Corbett (1987), using 26 matched pairs of victims each consisting of one who had and who had not been visited by a victim service volunteer in the United Kingdom, observed less anger and hostility three to six weeks after the crime among

²² It is important to highlight the limitations of this study, including the fact that it was conducted with victims who asked for support at different victim services and that the quality of these services was not assessed.

the 26 who had been visited. Although it was only one visit and not pre-arranged, the group of supported victims declared that the victim support volunteers “have made some difference,” and seemed to have recovered better than the group of victims who had not been contacted by the volunteers (Corbett & Maguire, 1988).

In sum, in most countries there is a lack of research in the evaluation of victim support services. “One has to wonder why it is that when the field of victim services is flourishing, research on the effects of victimization and on the impact of victim assistance is hard to come by.” (Fattah, 2000, 40). Shapland (1993) affirms that there is “a gulf between practitioners running these services and the academics/researchers capable of doing evaluations” (p. 250) even though the culture is now changing. For example, in Britain, due to governmental pressure for “value for money and effectiveness and efficiency,” (p. 250) agencies have to evaluate themselves and their services in order to justify further funds. However, own evaluation might be biased and is not always published, so other researchers might not be aware of such results.

The indication that most of the victims are satisfied with such services does not necessarily prove their effectiveness or efficiency; moreover it does not indicate alleviation of the psychological harm caused by the crime. In this regard, positive results concerning the efficiency of these services may substantiate the need for more funding, while null or negative results may substantiate the need for a reformulation of the offered services.

3. Synthesis

The impacts of crime have been studied by psychologists and criminologists. These impacts may take several forms, but researchers agree that the emotional or psychological impacts are devastating and may last longer than others.

In order to cope with the consequences of crime, the victim may develop certain mechanisms, such as cognitive restructuring and self-blame. These two coping mechanisms are observed to occur with victims regardless of whether they had asked for support of the criminal justice system or victim services. Support is however, important for recovery. It is important to restore the victim’s feelings of self-confidence, self-esteem, security and to help her/him to regain control.

What do victims want from the criminal justice system and support services? Particularly those victims who report the crime to the criminal justice system seek support. Indeed, in the victim’s view the healing role of the criminal justice system is more relevant than the

sanctioning role. Other institutions which have the role of giving support to crime victims are obviously the victim support centers.

Although important for victim's support and thus recovery, while reviewing the literature we saw that the criminal justice system and victim support services may be therapeutic, anti-therapeutic or even neutral. Some studies concluded that depending on the manner with which the support is offered by the criminal justice system, victims may recover more rapidly. Other studies concluded that victims exposed to the criminal justice system may suffer secondary victimization. Few studies concluded that both the experience with the criminal justice system and the support of victim schemes do not have any effect, either in alleviating or in augmenting trauma.

Whether victims effectively benefit from their experiences with the criminal justice system and their contact with the victim support centers is a question that remains to be answered because results are still inconclusive.

In the early days of the victims' movement almost any form of help was seen as a bonus (Maguire, 1991). Nowadays, support to crime victims is no longer help or charity but an obligation of the state. For this reason, criminal justice systems and victim support agencies should be aware of their work and its consequences on victims' lives. It is important to understand not only how the interaction between victims and the criminal justice system and/or victim support services works, but also whether this relationship has positive or negative consequences to the mental health of crime victims.

Victim support services involve expenditure on the part of governments and individuals and therefore, the efficacy of these services in alleviating the impact of criminal victimization needs to be known if funding is to be sustained (Maguire, 1991). The same is true for the criminal justice system, although the matter would not be in terms of maintaining funding but in terms of proposing a reform.

Hence, we conclude that a study comparing crime victims who had reported the crime and requested assistance at victim support services with those who had neither reported the crime to the justice system nor requested assistance at victim support services would be a good indicator of whether the participation in the legal system and the support offered by such services have any positive or negative consequences to the emotional well-being of crime victims.

CHAPTER TWO

RESEARCH PROBLEM AND DESIGN

What is the relationship between victims, criminal justice systems and victim support services? What are the consequences of this relationship for the emotional well-being of the victims? Although some criminological research has been conducted on these questions, most of it was done in the 1990s, right after the establishment of Victim Support Acts and counseling services in certain countries in Europe and in United States. Moreover, very few studies have compared the results of the intervention of both the criminal justice system and victim support agencies on the emotional well-being of crime victims who had experienced the criminal justice system and victim support services and those who had not.

Thus our study will focus on the consequences of the interaction between victims, the criminal justice system and victim support services on the emotional well-being of the victims. In this chapter we will present both the initial hypotheses as well as the research design followed in this study.

1. The Problem: Research Question and Initial Hypotheses

In chapter one, theory and research on the emotional status of crime victims and the effect of the criminal justice system and victim support services on their well-being was presented. We saw that there is lack of research, particularly on the outcomes of the intervention of these two institutions on the emotional well-being of crime victims. Indeed, criminology research concerning crime victims is mainly focused on the impact of crime, on victims' needs and on victims' satisfaction with the criminal justice system and victim support services. Tontodonato and Erez (1994) point out that little attention has been given to the effects of the criminal justice experience on victim's distress. Likewise, Herman (2003) says that although victims' reforms were expected to have a positive impact on victims' healing, their actual effects have not been well documented.

In order to measure the effectiveness of the treatment or support of the criminal justice system and victim services, whether the work of these institutions is beneficial or detrimental, the best method would be to compare victims who had spoken neither to the police nor to a judge nor to victim centers, with those who had been to both. In the literature review, we observed however that very few studies had compared the emotional well-being of victims who had experienced the criminal justice system and victim services with those who had not.

Particularly in Switzerland and Brazil, we observed that there is not much research in this area. In Switzerland the most recent studies conducted on this issue were focused on the consequences of the Act LAVI on the criminal justice system and its consequences for the victim (Boggio et al, 1995; Brienen & Hoegen, 2000; Kuhn, 1998; Office Fédéral de la Justice, 2000; Roth, Kellerhals, Leroy & Mathey, 1997) rather than on the impact of the criminal justice system in victim's distress. Likewise, in Brazil other studies were conducted on the role of the victim in the criminal justice system and on the victim support services (Fernandes, 1995; Kosovski, 1990, 2001; Oliveira, 1999; Pedra Jorge, 2005a, Pereira, 2008) none of which were focused on the effect of these two institutions on victims' distress.

Even the last Crime Victim Surveys conducted in both countries did not cover the topic. Victims were asked whether they had reported the crime to the police, whether they had requested support from victim's agencies, whether they were satisfied with their performance (Berruex & Killias, 1999; Kahn, 2002; Killias, 1989, Killias & Berruex, 2000, Killias et al. 2007) without being asked their opinion concerning criminal judges or court

Since the criminal justice system and the victim support agencies of each country has their own particularities, we think that there is a need for further investigation on the outcomes of the criminal justice system and the victim support services on the emotional well-being of victims from a national perspective.

Moreover, as the reader will see in chapter three, countries have been differently influenced by the victims' movement. In Switzerland, the victims' movement had a great impact and a Victim Support Act was approved whereas in Brazil the impact of the victims' movement was not so evident and to date victims do not benefit from formal rights. Therefore, we would additionally compare the two countries analyzed during this study in order to understand whether the existence of a Victim Support Act changes the treatment of the victim in the criminal justice system.

Therefore, the current study was designed in order to answer the following questions:

1. Are victims satisfied (a) with the performance of the criminal justice system and (b) with the support offered by victim assistance services?
2. Does the intervention of the criminal justice system and victim support services help victims to recover?
3. Do victims who participate in criminal proceedings or who are supported by victim services have better chances of recovering than victims who do not participate or who are not supported?

4. Does the participation of victims in criminal lawsuits affect their satisfaction or dissatisfaction with the criminal justice system and their level of distress?
5. How does criminal justice system's performance affect victims' relationship with the criminal justice system?

Based on the literature reviewed, we elaborated the following hypotheses:

1. Victims who have contact with the criminal justice system (police and judges) feel better after reporting the crime and giving their deposition. However, compared to victims who did not have contact with the criminal justice system, they are more likely to suffer secondary victimization or trauma due to the criminal justice system's performance;
2. Victims who are assisted by victim services cope better with the victimization than victims who have no access to or who have waived their right to support.
3. Some victims are not satisfied with the performance of criminal justice authorities and victims services. In other words, the needs of some victims are not being respected but disregarded.
4. Victims are more respected in the countries where the Law lays down their rights. The existence of a Victim Support Act may positively influence the manner in which criminal justice authorities treat victims.

In the next section, we will explain the methodology selected for this purpose as well as the research design.

2. The (Qualitative) Method

Qualitative methods are particularly advantageous when the topic of interest is difficult to discuss and when dealing with a sensitive subject. Agreeing with Strauss and Corbin (1998) the qualitative method can be applied in order to obtain the details about phenomena such as feelings and emotions that are difficult to learn or extract through quantitative methods of research. Moreover, employing the qualitative method, researchers are more likely to get closer to the individual's perspective through detailed interviewing and observation and to give rich descriptions of the social world (Denzin & Lincoln, 2005).

The object of this research – victims' opinions, experiences and well-being – is delicate and difficult to discuss, requiring sensitivity during investigation. For this reason, the qualitative method is more appropriate. Moreover, it is a method characterized by the search

for meaning and understanding, which fits the theme under study ideally because certain research questions would not be replied to with other methods.

Therefore this study is defined as a basic qualitative study because it seeks to discover and understand a phenomenon according to the perspectives and worldviews of the people involved. This is to say, this study's objective is to understand how victims make sense of their contact with the criminal justice system and victim support services, as well as what are the consequences of this contact in their recovery. The method will allow for a better understanding of the relationship between victims and the criminal justice system.

The strategy of research is inductive and investigative; it employs a bottom up approach where data gathered answer research questions and contribute to the reformulation of the hypotheses. It is not our intention to observe our hypotheses in reality but on the contrary, to reformulate the initial hypotheses according to reality and to make recommendations for the future.

In order to confirm emerging findings, multiple sources of data were used: interviews with crime victims, observation of hearings and court trials, and document analysis, which will be explained in detail in the following section. The multiplication of sources of information or triangulation method is suggested by several authors, among which Aebi (2006), Strauss and Corbin (1998), Francis (2000), Maxwell (1996), Merriam et al. (2002) and Patton (1990). It is a method which enables the researcher to confirm the findings, given that findings from one source may support, reproduce or contradict findings from another.

Finally, as a result of the methodology employed, the end product of this study is richly descriptive. As the reader will see in the following chapters, we frequently use quotes from the victim's interviews and documents, as well as episodes from field observation in order to describe certain phenomena. We did not arrive at our findings by statistical procedures or other means of quantification. However, quantitative data had contributed to this process and therefore will also be presented, in order to give support to the descriptive information (Strauss & Corbin, 1998).

3. Data Collection

In this section we will explain the process of data collection.

The study was conducted in Lausanne, Switzerland, and in Maceió, Brazil. Both countries and cities will be described in chapter three. For instance, it is important to highlight that due

to a lack of resources, the method applied suffered some modifications in the course of the research and it was not possible to employ the exact same method in both fields of research.

For this reason, in Lausanne, Switzerland, data was collected through interviews, observation and document analysis, using the triangulation method, whereas in Maceió, Brazil, only interviews were conducted. This distinction in the method had no major consequences to the findings because the interviews conducted contained sufficient information and enabled the researcher to test hypothesis nº. 4, which concerned the comparison between these two countries.

3.1. Interviews

Interviews with victims of violence are our primary source of information. By means of this source, we were capable of learning about victims' subjective experiences and overcome distances in time while inquiring them about past events (Peräkylä, 2005).

Because of ethical reasons and administrative obstacles, we had difficulties finding victims of crime who would participate in this study. Therefore random sampling was not employed; instead, following the advice of Maxfield and Babbie (2001) in order to make the groups as comparable as possible, we used another procedure called the aggregate matching process. This means that we constructed the groups by determining criteria, while choosing the possible participants and aggregating participants who had characteristics which were comparable.

In the following we will describe the criteria employed and the profile of participants in each field of research.

3.1.1. Groups profile and selection of sample in Lausanne, Switzerland

The criteria were the following. First of all, according to our research questions, in order to measure the effectiveness of the treatment or support of the criminal justice system and victim services, the best method would be to compare victims who had been to the criminal justice system and to victim centers, with those who had not been to both. Therefore informants should have two different profiles. For the first profile, participants should be victims who had reported the crime to the criminal justice system (police and judge) and requested assistance at the Center LAVI, hereafter referred to as *justice group*. Victims who had their cases initiated ex officio were also included in this group due to the contact that they consequently had with the criminal justice system. For the second, participants should be victims who had neither reported the crime to the justice system nor requested assistance at

Center LAVI, as well as victims of crimes which had not come to the attention of law enforcement agencies by other means. Therefore, these were victims who had not had contact with the criminal justice system or Center LAVI, hereafter referred to as *no justice group*.

Second, all respondents should be victims of certain offenses which are classified as crimes that concern the Act LAVI. A list of such offenses is determined by the guidelines of the Swiss Liaison Conference on Victim Support (Conférence Suisse des Offices de Liaison LAVI, 2002).²³

Having determined the criteria, we faced several obstacles while trying to find people who would be interested in giving their testimony. It was even more difficult to find and interview victims who had not had contact with the criminal justice system nor the victim support Center LAVI. For obvious reasons, they have no files in any institutions such as these, meaning that they can be anyone and anywhere. Moreover, the fact that they did not report the offense reduces the likelihood of their collaboration in this research. Thus random sampling was not possible, which should be recognized as a limitation of this research.

In order to find people who would be interested to collaborate, different strategies were applied between June 2006 and October 2007.

In order to compose the group of victims who had contact with the criminal justice system and Center LAVI we employed three main strategies. First, we contacted the Center LAVI²⁴ in the city of Lausanne, Switzerland, and asked for its cooperation. A total of 34 letters were sent to victims of crime who had requested the center's support. Of this number, eight people agreed to give an interview.

Second, we personally contacted a total of 28 victims that we had met during an internship at this same Center LAVI. Of this number, 20 agreed to participate in this study, among which five had not had contact with the criminal justice system.

Meanwhile we contacted five other support associations or organizations – Centre Lavi du Canton de Genève²⁵, Centre Lavi du Canton de Neuchâtel²⁶, Centre Malley-Prairie²⁷, Organisation Fleur de Pavé²⁸ e Organisation Appartenance²⁹, – three of which had sent letters

²³ The offenses included in this list are: homicide, assault (including car accident), assault with minor injury, child abuse and assault, robbery, extortion, threat, kidnapping, sexual assault, rape, incentive to prostitution, human trafficking, and sexual harassment. For more details on this concern, see chapter three.

²⁴ For more information: www.profa.ch.

²⁵ For more information: www.centrelavi-ge.ch.

²⁶ For more information: lavi.neuchatel@ne.ch.

²⁷ For more information: ww.malleyprairie.ch.

²⁸ For more information: www.fleurdepave.ch.

²⁹ For more information: www.appartenances.ch.

and had personally invited the victims to participate in this research. From these efforts, only one interview was conducted. The last two institutions mentioned above were unable to contribute because they do not keep the personal details of the victims who request support once they leave the institution.

In order to compose the group of victims who had not had contact with the criminal justice system and Center LAVI, we applied two main strategies.

First, we wrote an e-mail to 38 lawyers suggested by the Center LAVI who often represent victims in court. Seven lawyers replied that they would not be able to contribute. The others did not reply.

Second, we announced the purpose of the research and invited people to collaborate. We sent a message to the information center at the University of Lausanne (UNIL) and to the Inter Universities Laboratory in Gender Studies (LIEGE) explaining the aim of this research and inviting crime victims to collaborate. Electronic correspondence was sent to all UNIL students and to members of the LIEGE, and 16 people agreed to give an interview. Another two public announcements about the research were posted on the website of the Swiss Federal Institute of Technology Lausanne (EPFL) but there were no replies.

In sum, we came up with a total of 45 respondents. Forty-two interviews were conducted in the French Canton of Vaud, in the city of Lausanne. One interview was conducted in Geneva, another in Yverdon and the last one in Neuchâtel, at a request of the interviewees who lived in these cities. French was the language of the interviews, except for one respondent who preferred to give the interview in her mother tongue, Portuguese. Most of the interviews were digitally recorded and transcribed, except for two participants who did not agree to be recorded and three respondents who preferred to reply to our questions by e-mail. Another two interviews were not recorded because of technical problems. In such cases, the researcher carefully wrote down the major points of discussion and some quotes from victims. Interviews were of approximately one hour in length.

During analysis of data, we observed that among the interviewees:

- Two victims had been victimized twice in their lifetime by crimes with different natures and offenders. Following the same method applied in the crime victim surveys (Killias, 1989), we counted these victimizations as multiple and considered them as two cases.

- Three informants were indirect victims³⁰: the mother of a 10 year old girl who had been sexually assaulted; the mother of a fourteen year old girl who had been sexually assaulted; the wife of a 35 year old man who had been seriously assaulted.
- One victim of assault whose crime had been committed by negligence³¹ was excluded from the sample.
- Two victims of theft were excluded from the sample because this offence is not included among the ones covered by the Act LAVI (see Introduction, item 2.1).
- Seven respondents did not fit ideally to the designed criteria. Two respondents who had been to the criminal justice system had not requested the support of the Center LAVI and other five respondents, who had not been to the criminal justice system, had requested the support of the Center LAVI. Those respondents were also excluded from the analysis but their opinions were considered in a separate chapter (see item 4 in chapter 4).

In the end, a subsample of 37 cases of victimization were analyzed. This includes three indirect victims and two victims of multiple victimizations. The justice group was composed of 22 respondents and 15 respondents composed the no justice group. In both groups, respondents were, in general, victims of the following offenses: assault, assault with minor injury, child abuse and assault, robbery, extortion, threat, sexual assault, rape, incentive to prostitution and harassment. Although the experimental stimulus was not introduced by the researcher, the division of the sample into two groups enabled the researcher to analyse the relationship between victims, the criminal justice system and the victim assistance Center LAVI, and observe certain aspects of victims' healing.

3.1.2. Group profile and selection of sample in Maceió, Brazil

For the group of victims interviewed in Maceió, Brazil, only victims who were in contact with the criminal justice system and with the victim support Center CEAV were selected.³²

³⁰ As it will be explained in chapter three, indirect victims are relatives, partners or parents of people who had been victimized. They had not been directly victimized by an offense but being the primary support for the victim, they had also suffered the consequences, experienced symptoms and difficulties similar to those of the direct victims.

³¹ Although this interviewee was victim LAVI, we excluded him/her from the sample because his/her reactions to the offense were substantially different from the others in the same group, as well as the offender's reaction after the crime. The victim believed that the crime was an accident and his/her expectations from the criminal justice system were substantially different from the rest of the group whereas the offender had recognized his/her fault and had tried to repair the harm by visiting the victim at the hospital and helping with his/her routine activities even weeks after the crime.

³² In chapter three the reader will be introduced to the victim's rights and victim support centers in Brazil. For instance, CEAV is the abbreviation given to the name of Victim Support Centers in Brazil, which are non-

As explained before in this chapter, this restriction was a consequence of a lack of resources. However, since the goal was to observe whether victims are more respected in a criminal justice system in which they dispose of a Victim Support Act than in a system in which such Act does not exist, it was not indispensable to interview Brazilian victims who had neither experienced the criminal justice system nor the support of the victim Center CEAV. Indeed, the hypothesis can be tested by looking into the experiences of the victims who had contact with the criminal justice system and victim support center in Brazil, and then comparing them with the same group in Switzerland.

In order to assure the comparison with the Swiss victims, Brazilian respondents should also be victims of the offenses that are classified as crimes that concern the Act LAVI.

Concerning data collection, with the collaboration of the Center CEAV a total of 26 victims were interviewed between April and July 2007. They were pre-selected by the lawyers of this Center and contacted by telephone. Random sampling was not possible, which represents of course one of the limitations of this study.

The interviews were conducted by a recently graduated jurist who was experienced with qualitative research and interviews with victims of violence. Interviews were conducted in Portuguese and the same protocol was employed. Interviews were digitally recorded, except for one. All interviews were transcribed. Interviews were of approximately forty minutes in length. After data analysis, seven interviewees were excluded from the sample because although they had had contact with the criminal justice system, they had not had contact with the judge. This means that the opinion that they had about the criminal justice system concerned only the police.³³

Therefore we came up with a number of 19 respondents. They had all been to justice and to center CEAV, therefore they composed a justice group and were compared to the the justice group of Swiss victims, as the reader will see in chapter six. The respondents interviewed were indirect or direct victims of the following offenses: homicide, attempted homicide, assault, assault with minor injury, robbery, robbery followed by homicide, extortion, rape and threat. In chapter six, we will describe in further details the profile of these participants.

profit or governmental organizations designed to offer social, psychological, legal and financial support to crime victims.

³³ Indeed this is a common practice in Brazil. Police officers, although not within their jurisdiction, instead of forwarding the case to court try to solve the conflict themselves and conciliate the parties in the police station. This happens mostly in cases of minor offenses and partner violence.

3.1.3. The questionnaire

The research questions were formulated on the basis of other studies which were conducted on similar topics, such as Tontodonato and Erez (1994) on impact statements and victims' distress; Wemmers (1996), on how fairly the criminal justice system treats victims; Wemmers and Cyr (2005), on the therapeutic effects of mediation with young offenders; and Sherman (2005) on the effects of face-to-face restorative justice on victims of crime.

Then, the protocol of interview³⁴ was developed bearing in mind these research questions. The protocol was indeed adapted from the protocol of a study on victims and the Swiss criminal justice system, previously conducted by this researcher (Pedra Jorge, 2005b), and the emotional well-being of the victim was included as a topic of concern.

The protocol was thus designed in order to observe the hypotheses and to reply to the research questions as follows:

- Research question n°. 1 – Are victims satisfied (a) with the performance of the criminal justice system and (b) with the support offered by victim assistance services?
 - This question relates to hypothesis n°. 3 – Some victims are not satisfied with the performance of criminal justice authorities and victim services.
- Research question n°. 2 – Does the intervention of the criminal justice system and victim support services help victims to recover?
 - This question relates to hypothesis n°. 1 – Victims who have contact with the criminal justice system (police and judges) feel better after reporting the crime and giving deposition.
- Research question n°. 3 – Do victims who participate in criminal proceedings or who are supported by victim services have better chances of recovering than victims who do not participate or who are not supported?
 - This question relates to hypothesis n°. 1 – Victims who have contact with the criminal justice system (police and judge) feel better after reporting the crime and giving deposition – and hypothesis n°. 2 – Victims who are assisted by victim services cope better with the victimization than victims who have no access or who have waived their rights to support.

³⁴ The protocol of interview was first developed in French and translated into Portuguese. See both versions in appendices I and II.

- Research question n°. 4 – Does the participation of victims in criminal lawsuits affect their satisfaction or dissatisfaction with the criminal justice system and their level of distress?
 - This question relates to hypothesis n°. 3 – Some victims are not satisfied with the performance of criminal justice authorities and victim services – and hypothesis n°. 4 – Victims are more respected in the countries where the Law lays down their rights.
- Research question n°. 5 – How does criminal justice system’s performance affect victims’ relationship with the criminal justice system?
 - This question relates to hypothesis n°. 3 – Some victims are not satisfied with the performance of criminal justice authorities and victim services.

The protocol of interview was designed in a semi-structured way in order to collect also numeric and descriptive data. On the one hand, there was a list of open-ended questions. On the other hand, other questions had a multiple choice list of replies in order to help the researcher to find patterns, inducing respondents to select one reply from the list. However, replies that were different from the suggested multiple choice list were respected and considered in the descriptive analysis.

Victims of justice and no justice groups were asked similar questions, which concerned mostly the victimization, their decision whether to report the crime to the criminal justice system, their decision whether to look for support, and finally the consequences of the victimization. They were also asked questions on their actual emotional status such as whether they remember the offense often, whether they have problems sleeping and fears which might have a connection with the victimization.³⁵ Comparison between groups was also possible because the experiences that respondents had been through were similar. In chapter four, we will describe in further details the profile of participants involved in each of these groups.

3.2. Document analysis

The second data source for this research are documents. “The strength of documents as a data source lies with the fact that they already exist in the situation; they do not intrude upon or alter the setting in ways that the presence of the investigator might” (Merriam et al., 2002:

³⁵ The protocol of interview used for this research is in appendices I (French version) and II (Portuguese version).

13). They are neutral, independent of human beings' cooperation and a source of inspiration for various criminological theses (Killias, 2001).

The document research consisted of consultation of criminal lawsuits³⁶ which had been archived because the judge had ruled and decided in these cases. Those were objects of analysis during an internship at the Bureau of the Examining Magistrate of Lausanne or *Office d'Instruction Pénale de Lausanne* between October and December 2006.³⁷

According to the condition imposed by the Bureau, 36 cases were selected by the Registrar³⁸; half of which had resulted in conviction or conciliation and half of which had been dismissed by the judge. After analysis, this number was reduced to 32 because only cases concerning victims LAVI were selected. As explained before, due to a lack of resources, it was not possible to employ the exact same method in both fields of research. Therefore, document analysis was only conducted in Lausanne, Switzerland.

The purpose of the document research was to investigate whether victims have access to their formal rights in practice, identifying, for example, how many victims had been to a hearing accompanied by a person of his/her trust,³⁹ how many victims had been assisted by the Center LAVI or had been advised by a lawyer. Furthermore, through reading depositions, complaints and decisions, this researcher could observe the interaction between victims, defendants, judges and courts. As a result, findings during document research provided information which was complimentary to the interviews. However, those findings will not directly reply to the research questions.

3.3. Observation

Little attention has been given to the interaction between victims and the criminal justice system in practice. Besides the bibliography on victims' formal rights, which is normally based on interviews with crime victims or law enforcement authorities, law in practice is rarely observed. Therefore, as a complementary source of information, we decided to collect

³⁶ A lawsuit is a proceeding by a party or parties against another in a court of law.

³⁷ The criminal justice system in Lausanne, Canton of Vaud, will be explained in chapter three. For instance, the Bureau of the Examining Magistrate or *Office d'Instruction Pénale de Lausanne* is where single or examining magistrates are responsible for, along with the police, investigate the case. Examining magistrates also have jurisdiction to rule and decide minor offenses or crimes with a maximum sentence of six months in prison and/or a fine corresponding to the sum of 180 working days and/or 720 hours of community service. This decision is however not definitive and can become the object of appeal to the court by the parties.

³⁸ Our original research design was based on random selection of the cases, however it was not authorized.

³⁹ The French expression for such a role is *personne de confiance*. As the reader will see in chapter three it is a right of the victim to be accompanied to the hearings and trial by a person of his/her trust.

data through observation and bring our experience with hearings and trials involving victims LAVI to this study.

This technique is called observation which is the best when a fresh perspective is desired (Merriam et al., 2002). It is a method which helps the researcher to study subjects which are hardly assessed with other methods such as interviews (Killias, 2001). In addition, it may produce useful insights to offer some triangulation or support interview's findings.

The method of observation employed was mostly participant observation. This means the researcher was part of the context which is under observation. This form of observation, because it is non-standardized or structured, may help to build up interesting hypotheses (Killias, 2001). However, it suffers criticism for being subjective or biased because of the involvement of the researcher. As a result, we should acknowledge the limitations of this source and the risk of being biased although agreeing with Strauss and Corbin, 1998 it is a reliable method if the participant is cautious in order to prevent his/her own beliefs from intruding into the analysis.

Therefore, upon request of the Center LAVI and acting as *personne de confiance* (see the definition of *personne de confiance* in p. 62), we attended to nine hearings and two court trials.⁴⁰ We had also attended to three more hearings during the internship at the Bureau of the Examining Magistrate of Lausanne. It is however important to highlight that although more information had been collected during hearing observation, only those which is relevant to reply to our research questions will be described in this thesis. As a result, we had attended 12 hearings⁴¹ and two court trials but only the episodes which seemed to correspond to the research questions will be described although those findings will not directly reply to the research questions.

As explained before, due to a lack of resources, hearing attendance was a method employed only in Lausanne, Switzerland.

⁴⁰ With the purpose of experiencing the criminal justice system in Lausanne, this researcher volunteered to act as *personne de confiance*. Therefore, in case the social workers of the Center LAVI were unavailable to attend a determined hearing or trial, they used to request my presence. This volunteer work lasted from August 2005 to October 2006.

⁴¹ A hearing is a judicial session where the State, the victim and/or the offender present their arguments to the examining magistrate. The examining magistrate during the hearing does not decide but only hears the parties. A trial is a judicial examination of evidence, sometimes with witnesses testifying and which results in a verdict concerning the conviction or acquittal of the offender.

4. Data Analysis

4.1. Interviews

First of all we should restate the fact that the initial hypotheses were considered as investigable predictions. Thus data was explored in an unmotivated way. This means that instead of addressing the transcriptions with a set of hypotheses to test, we looked for what would emerge as important and of interest from the text without preconception (Seidman, 2006; Silverman, 2006). Indeed, while performing analysis, research questions were more relevant than hypotheses.

Thus the method applied was content analysis suggested by Blanchet and Gotman (2001); Grbich (2007); Robert and Bouillaguet (2002); Quivy & Van Campenhoudt (2006); Silverman (2006); Strauss and Corbin (1998) and Taylor (2005). According to these authors, subjective information can be analyzed and eventually transformed in objective information, categories and codes.

The steps of the content analysis were as follows:

- Read transcripts and identify information that appeared to address objectively the research questions, i.e. numeric data and replies that could be transformed in categories such as “yes” or “no”, “better” or “worst”, “satisfied” or “dissatisfied.” We remind the reader that the protocol of the interviews was designed in a semi-structured way and therefore some of the questions were already elaborated with coded replies.
- Record such information in a data base developed for this study using the software SPSS.
- Read transcripts again and identify possible replies to the research questions as well as major themes in each of the interviews (Grbich, 2007, Silverman, 2006). While reading, we used brackets for meaningful/important information, thereby reducing the material. Strauss (1987) and Strauss and Corbin (1998) suggest the criteria for finding important information.⁴²
- Highlight important/essential information as well as themes with different colors;

⁴² The criteria for finding important information were developed in order to avoid subjectivity during analysis. To this end, while reading the transcripts, five steps were followed: 1. Ask questions: What? Who? When? Why? Where? How? How much? What for?; 2. Find frequent and repeated phrases, words, expressions; 3. List for possible meaning that the word/expression might have; 4. Return to the text and look for incidents or other words that could point to the same meaning; 5. Eliminate irrelevant, repetitious or overlapping data (Strauss, 1987; Strauss & Corbin, 1998).

- Classify or code the identified themes according to certain labels (Seidman, 2006). Labels referred to the subject of the marked passages as well as to certain words or phrases that seemed to describe them.

Finally, we proceed to the transversal analysis (analysis among interviews). It revealed the different forms that the same themes took from one respondent to another (Blanchet & Gotman, 2001), enabling this researcher to compare labels across interviews. From this process a set of phenomena occurring more frequently was inductively generated and the initial questions of this study were answered. No particular software was employed for content analysis. However, the tool called “edit-find” in Microsoft WORD was helpful in order to find in the transcripts words or expressions which overlapped. The tool was employed for the individual analysis of interviews, as well as for the transversal analysis. It helped in finding repetitive feelings and common opinions among participants and to label the themes.

For clarification, a combination of the block and file approach suggested by Grbich (2007) and the mapping the woods technique suggested by Silverman (2006) was employed. Victims’ counts were cut and pasted to another document, in which themes/questions were divided into columns and respondents into lines. Meanwhile, repeated themes among participants were identified and highlighted in different colors. These techniques combined, provided an overview of the themes highlighted by the individuals as well as engaged the individuals in a sort of “conversation” (Silverman, 2006, 277).⁴³

Groups – victims in the justice group (Brazil and Switzerland) and victims in the no justice group – were examined separately and afterwards compared. Data were analyzed simultaneously with data collection. This was important for the adjustments that were made along the way.

Finally, information which addressed the research questions was categorized and will be presented in numbers and percentages. This is not an attempt to quantify but to present findings in an objective format and make the reading process clearer and more concise. Therefore, the software SPSS which was employed during analysis served as tool for data documentation. No statistical analysis will be employed in the context of this thesis because of the size of the sample and its non-representative nature. Quantitative data is nothing else than background information and numbers only show trends.

⁴³ See appendices V, VII and IX for further details and an overview of the analysis. Victims’ quotes are presented in the original language of the interview and labels/themes are presented in English.

Along with numbers, victims' replies will be partially transcribed in the text in order to clarify their feelings. It is also important to highlight that results are only based on victims' self-evaluation. No clinical diagnosis was performed by the researcher.

4.2. Document analysis

Concerning the analysis of documents, in order to filter information which was relevant to the research questions, we followed a form⁴⁴ and copied certain quotes from depositions, complaints and decisions. This means that data were analyzed simultaneously with the process of consultation. After consultation, the proceeding for analysis was similar to the content analysis for the interviews: objective information was recorded in a data base developed for this study using the software SPSS as a tool for data documentation and subjective information was classified according to themes and labeled.

4.3. Observation

Field observation was documented in handwritten notes that were later digitalized. These notes concerned the details of the issues discussed during the hearing or trial, e.g. the treatment that the victim received, the questions which were asked during victim's deposition. The reader will see that, as opposed to the other two sources of information, the findings from the observation are presented in a narrative way as case stories.

5. Assuring Internal Validity and Reliability

"In qualitative research, the understanding of reality is really the researcher's interpretation of participants' interpretations or understandings of the phenomenon of interest" (Merriam et al., 2002, 25). Certainly, the material derived exclusively from qualitative research has to be treated with care, since the information given by the interviewee is likely to be based on personal and subjective opinion (Brienen & Hoegen, 2000). Risk also arises from the researcher focusing only on what is more interesting to her/himself and to verify his/her hypotheses (Killias, 2001). However, such subjectivity is not entirely negative, though it is important to recognize when our own or participants' beliefs are intruding into the analysis (Strauss & Corbin, 1998).

In spite of the researcher's and participants' subjectivities, there are a number of strategies that qualitative researchers can employ to assure internal validity and reliability of a study. For example, both in qualitative and quantitative research the technique of using

⁴⁴ See appendix III.

more than one method – also known as *triangulation* – can enhance the internal validity and reliability of the findings (Aebi, 2006; Maxwell, 1996; Merriam et al., 2002; Strauss & Corbin, 1998) and can be immensely valuable (Martin, 2000).

For this reason we applied the triangulation method. This means that multiple sources of data or multiple methods were used in order to confirm emerging findings (Merriam et al., 2002). In other words, the reader will observe that replies from participants during interviews could be checked against what was observed during hearings and court trials as well as the information in the archived criminal lawsuits, thus contributing to internal validity and reliability.

The underlying rationale for triangulation is as follows: if the same conclusions can be reached using different methods or sources of data then no peculiarity of method or of data has produced the conclusions and the confidence in their validity is increased (Jupp, Davies & Francis, 2000, 59). This means, although different methods are employed in the research, since they arrive at the same conclusions the validity of the study is enhanced (Aebi, 2006). As pointed by Maxwell (1996), this strategy reduced the risk of chance associations and allowed a better assessment of the explanations developed.

In addition, the steps followed in the content analysis were employed in order to find emergent themes rather than observing hypotheses, reducing the risk of subjectivity or bias. Thus data were explored in an unmotivated way and research questions were more relevant than hypotheses in the process of analysis.

6. External Validity

External validity or generalizability means the extent to which the findings of one research can be applied to other situations or contexts (Aebi, 2006). In qualitative research, the sample is usually small, non-random and selective, thus findings cannot be statistically generalized. However in qualitative research the purpose is to find meaning and understand rather than to generalize the findings. According to Patton (2002) who follows the line of constructivists, the triangulation employed in order to assure validity should also “capture and report multiple perspectives rather than seek a singular truth” (p. 546). The purpose is to deeply understand specific cases within a particular context, rather than hypothesize or generalize; to “offer perspective and encourage dialogue among perspectives rather than aiming at singular truth and linear prediction” (p.546). Therefore, the purpose behind this study is to produce knowledge which will answer the question proposed and contribute to the improvement of practice.

In addition, in this research we ought to think more in terms of what Cronbach (1975, 125) defines as “working hypotheses”: hypotheses that reflect situation-specific conditions in a particular context; or what Strauss & Corbin (1998) define as “explanatory power,” (p. 267) or ability to explain what might happen in given situations, rather than generalizability. In other words, the hypotheses of this study are both provisional and conditional (Strauss, 1987); they are under construction throughout the experience of the research and will therefore, as working hypotheses, be reformulated, rather than generalized.

Thus, at the end of this study the reader will find tentative hypotheses which were arrived at based on the reformulation of the initial hypotheses. In other words, the meaning that respondents had given to their experiences and their feelings, as well as what was observed during hearing attendance and analysis of archived criminal lawsuits, will contribute to the reformulation of the initial hypotheses and to the elaboration of new hypotheses (Quivy & Van Campenhoudt, 2006), which may then be tested in suggested future studies.

Findings in this study can be used as an indication of what practice may be like (Brienen & Hoegen, 2000). Our findings “can offer practitioners some guidance in making choices” (Merriam et al., 2002, 28) while, for example, formulating public policies for victims of violence. Findings presented in this study can serve as a guide for good practices to be considered, as well as bad practices that should be avoided. We think that the results presented in the following chapters will suggest to practitioners what victims want and to what extent their work is or is not contributing to victims’ emotional well-being.

7. Synthesis

Although some criminological research has been conducted on the issue of victims, criminal justice and victim support services, we conclude that there is still a lack of research, particularly concerning the evaluation of the consequences of the interventions of the criminal justice system and the victim support services on the emotional well-being of victims. In particular, such evaluations have not been conducted so far in Switzerland and Brazil.

In this chapter, the research questions and the initial hypotheses were defined as well as the research design. We observed that for the purpose of replying to the research questions, the participants should have two different profiles: for the first, victims who had had contact with the criminal justice system and with the victim support centers, and for the second, victims who had not had such contact. Given that the subject under investigation is delicate and we met with obstacles to finding participants, we adopted a qualitative and quasi-

experimental methodology. According to this methodology the sample is non-random but selected following criteria, which enabled the comparison between groups.

The reader also saw that different methods of investigation such as interviews, field observation and document research are employed. This is the triangulation method which minimizes the risk of subjectivity, enabling the researcher to double check the findings coming from different sources. In total, for the research conducted in Switzerland, we interviewed 37 respondents, analyzed 32 archived criminal lawsuits and attended to 12 hearings and two court trials. For the research conducted in Brazil, we interviewed 19 victims.

Given that this study is qualitative and inductive, the method applied for analyzing the data is content analysis. We employed a bottom up approach where the data gathered were used to reply to the research questions and contributed to the reformulation of the hypotheses. This means that during this research we have to think in terms of “working hypotheses.” In other words, the meaning that respondents had given to their experiences and their feelings, as well as what was observed during hearing attendance and analysis of criminal lawsuits, will contribute to the reformulation of the initial hypotheses.

The reader also saw that the triangulation method will guarantee the internal validity and the reliability of this study whereas the external validity will be seen more in terms of how findings of this research can contribute to practice. Thus results presented in the following chapters will suggest to practitioners what victims want and to what extent their work is or is not contributing to the emotional well-being of crime victims.

CHAPTER THREE
LEGAL PROVISIONS AND SUPPORT OF VICTIMS
IN SWITZERLAND AND BRAZIL

As explained in the introduction, the victims' movement had a certain impact and encouraged changes in criminal justice systems throughout the world. However, each criminal justice system adopted the changes according to its own particularities. In other words, the degree of participation of the victim in the criminal justice system as well as the support offered by the State differ in each country.

In Switzerland, several developments favoring crime victims have occurred. As a result of the Federal Law on the Assistance to Victims of Delinquent Acts (Act LAVI), criminal justice authorities improved their skills and became more sensitive to victim's issues, improving the role of the victim in the criminal justice system. Meanwhile, the State also recognized its failure and established victim support centers throughout the country.

In Brazil, the impact of the victims' movement was not so evident. Even though the Code of Criminal Procedure establishes a means for the victim to participate in the criminal proceedings, other rights which are essential for the effectiveness of this participation, such as protection of privacy, are not guaranteed. Also, victim support centers although present in some states are not widespread and focus only on certain types of crime.

This research was conducted based in these two countries where the impact of the victims' movement on the criminal justice system was different, and so the participation of the victim in the criminal justice system and the provision of support were different as well. Besides, the economic, political and social differences between these two countries raised the question whether victims of crime have been facing the same problems, although living in different countries with different systems.

Before proceeding with findings, it is important to mention the particularities of each of these systems. This chapter will therefore give to the reader the technical means to understand the results which will be presented in the following.

In the following, we will briefly describe the two countries where this study was conducted, giving details of domestic legislation, particularly regarding the place of the victim in the criminal justice system. Furthermore, we will explain how the support to crime victims is provided, highlighting the similarities and distinctions between these countries.

1. Brief Description of the Countries Analysed in this Study

The Swiss Confederation is a country with an area of 41,285 square km and of 7.5 million people, among whom 20% are foreigners from other countries in Europe, such as Italy, Portugal, Germany and various nations of the former Yugoslavia. It is a multilingual country with four national languages: German, French, Italian and Romansh. The country is a direct democracy divided into *Cantons* or states, governed partially under federal legislation.

Concerning the economic status, the national income per capita is the 6th highest in the world, at 60,000 Swiss Francs, and the average monthly income is 5,674 Swiss Francs (Office Fédéral de la Statistique, 2008a). The rate of unemployment was 2.8% in 2007. Particularly in Lausanne, the city where this study was conducted, there are 118,000 habitants (Office Fédéral de la Statistique, 2008b). The city is situated in the French Canton of Vaud.

Brazil is a country with an area of 8,456,511 square km and of 180 million habitants. The number of foreigners is not high although the country had faced several waves of immigration during the first and second world wars, consisting mostly of nationals from Italy, Germany, Japan, Lebanon and Portugal. However, the mixture of races is a strong characteristic of its population, the Brazilian being a mixture of the white European, the black African and the Native Indian (Ribeiro, 1995). The country is a direct democracy divided in states, governed by federal legislation, although states have administrative autonomy and therefore the authority to pass legislation on administrative issues.

Concerning the economic status, the national income per capita is the 64th in the world. This means an average of 7,300 Swiss Francs per capita per year. This may not seem very low; however there is such inequality in the distribution of welfare that the average of the population has a monthly income of 345 Swiss Francs (Instituto Brasileiro de Geografia e Estatísticas, s.d.). The rate of unemployment was of 8.5% in March 2008 and 11% of the population is illiterate. Particularly Maceió, the city where this study was conducted, there are 884,320 habitants and it is located in the second smallest and poorest state of the country, Alagoas.

In terms of criminality, as a result of the differences in legislation and methods of gathering criminal statistics, it would be a difficult task to compare police statistics. However, it is possible to compare other sources of statistics such as Victimization Surveys. Those surveys were conducted in both countries, following the same method proposed by the United Nations Office on Drugs and Crime [UNODC] and the United Nations Interregional Crime and Justice Research [UNICRI]. The questions asked to the victims during interview were the

same, although translated to the correspondent language of the country. In some countries, interviews were conducted on the telephone, in other countries, face to face.

In Switzerland the survey was based on a national sample and interviews were conducted on the telephone (Killias et al., 2007) whereas in Brazil the survey was conducted in four big cities - São Paulo, Rio de Janeiro, Recife and Vitória - and interviews were conducted face to face (Kahn, 2002). Table 1 shows this comparison:

Table 1

Prevalence of crimes in five years according to Crime Victim Surveys in major cities in Switzerland and Brazil

Type of crime	Crime Victim Survey Switzerland 2004* N=248	Crime Victim Survey Brazil 2002** N=2800
Theft of cars***	3.5%	18.0%
Theft from or out of car***	11.9%	17.0%
Motorcycle theft***	9.9%	24.0%
Bicycle theft***	26.8%	20.0%
Burglary with entry	12.1%	6.0%
Robbery	5.6%	18.0%
Theft of personal property/ pick pocketing	25.2%	12.0%
Sexual offenses	7.7%	4.0%
Assaults and threats	10.0%	8.0%

* Source: Data base Institut de Criminologie et de Droit Pénal, Université de Lausanne. For comparison, we considered only the sample concerning the city of Zurich, which is the biggest Swiss city.

** Source: Kahn, Tulio (2002). *Pesquisa de vitimização 2002 e avaliação do plano de prevenção da violência urbana – PIAPS*. ILANUD, FIA-USP, Gabinete de Segurança Institucional. Sample of the four cities involved in the survey: São Paulo, Rio de Janeiro, Recife and Vitória.

*** Concern only car / bicycle / motorcycle owners

According to Table 1, on the one hand, the prevalence of crimes against property is usually higher in Brazil than in Switzerland. The exceptions are bicycle theft, burglary with entry and theft of personal property/pickpocketing. This suggests that the main difference between the two countries regards the use of violence. Property crimes without violence are more common in Switzerland, while those with violence are much more common in Brazil.

This interpretation is confirmed by the fact that the prevalence of robbery is also higher in Brazil.⁴⁵

On the other hand, sexual and physical violence (including threats) seem to be an important issue in both societies, but the rates are higher in Switzerland.

Having said that, we should also compare one of the reactions to crime, which is crime reporting. In Brazil only one third of the victims had reported the crime to the police (Kahn, 2002) as opposed to Switzerland, where on average one third of the victims had not reported the crime to the police (Killias et al., 2007). Mistrust and the belief that “police would do nothing” are the most common reasons for not reporting a crime in Brazil. It seems that besides the seriousness of the crime, police performance or the image that the society has of the police are very important indicators: the better their performance or the image that victims have of the police, the more crimes are reported.

However in both countries crimes against property without violence such as car, bicycle and motorcycle theft, and breaking and entering are more likely to be reported than personal crimes of violence, such as robbery, assault and sexual offense. In Brazil, as well as in Switzerland, most of the victims of property crime without violence had reported the crime to the police in order to receive reimbursement from insurance companies (Kahn, 2002; Killias et al., 2007).

In sum, Brazil and Switzerland are countries with several differences. Population and individual characteristics, territorial extension, economics and legal systems are particular to each country. One is a developing country; the other is one of the richest and most industrialized countries in the world. The use of instrumental violence is much higher in Brazil than in Switzerland, although crime victims are more likely to report in the later than in the former.

Why would one compare these two countries with so many differences? The differences raised the question of whether crime victims would be facing the same issues or would be similarly treated in the criminal justice systems of these countries. The main reason for comparison is the fact that Switzerland has passed a Victim Support Act which allegedly improved the participation of the victim in the criminal justice system whereas in Brazil, victims do not have recourse to such an Act. In the following section, the reader will learn

⁴⁵ Although Zurich is considered a big city for Switzerland, its size and population is not even 10% of the one of São Paulo, the Brazilian biggest city. This huge difference may also partially explain the disparities in crime rates, even if socio-economic problems related to criminality are more present in Brazil.

more about the legal systems of these countries and gain information which will be necessary for the interpretation of the findings in chapters four to six.

2. The Rights of the Victim: the Rules of Criminal Procedure in Switzerland

Switzerland is partially governed by federal legislation. Thus some legislative interests fall under the jurisdiction of the Confederation and others fall under the jurisdiction of the Cantons. Concerning criminal law procedure, each Canton possesses a Code of Criminal Law Procedure, although its application is subject to the provisions of the Swiss Code of Criminal Law and the Federal Law on Criminal Law Procedure. This means that there are 26 different criminal justice systems, each with its institutions and procedures.⁴⁶ However when legislation is approved by the Federal Chambers, the Cantons adapt their legislation accordingly.

On October 4, 1991, after a popular initiative, the Swiss Parliament passed the Victim Support Act called *Loi Fédérale sur l'Aide aux Victimes d'Infractions (1991)*⁴⁷ [LAVI] which came into effect on January 1, 1993. Consequently, the 26 Codes of Criminal Law Procedure of the Cantons had to be adapted in order to incorporate victims' rights and their respective regulations dealing with criminal proceedings into their own legal systems. Although the Victim Support Act is federal, every Canton implemented its regulations individually, resulting in slight differences between the Cantons and the position of the victim in the criminal procedure (Brienen & Hoegen, 2000). In order to avoid contradiction and promote uniformity in the application of the Act LAVI, the Swiss Liaison Conference on Victim Support, namely *Conférence Suisse des Offices de Liaison LAVI*, a specialized permanent commission for the Cantons was established, providing guidelines for the Act's implementation.

In general terms, LAVI has changed the role of the victim in the criminal justice system. First of all, according to LAVI the victim is the person whose physical, sexual or psychological integrity has been damaged by a criminal offense. In accordance with the international instruments, LAVI extends the notion of victim to the spouse, the children, the

⁴⁶ A Swiss Code of Criminal Procedure, which shall replace the Federal Law on Criminal Law Procedure, was submitted to referendum on October 5, 2007. It aims to harmonize the 26 different Codes of Criminal Law Procedure into one Code of Criminal Procedure which shall be applied in the whole Confederation.

⁴⁷ In the French-speaking Cantons, LAVI is the abbreviation given to the name of the law as well as to the Victim Support Centers. The German-speaking Cantons call the Victim Support Act as *Opferhilfegesetz* or OHG. Hereafter we will refer to "LAVI" when it concerns the Act and "Center LAVI" when it concerns the victim support service.

parents as well as other persons related to the victim by analogous ties (Kuhn, 1998).⁴⁸ These are the so-called indirect victims who have not been directly victimized by an offense but being the primary support for the victim, they have also suffered consequences, and experienced symptoms and difficulties similar to those of the direct victims.⁴⁹

According to the guidelines of the Swiss Liaison Conference on Victim Support, the direct or indirect victims of the following violent and/or sexual crimes, in all their forms, would be entitled to the rights accorded by LAVI: homicide, assault (including car accident), assault with minor injury, child abuse and assault, robbery, extortion, threat, kidnapping, sexual assault, rape, incentive to prostitution, human trafficking, and sexual harassment⁵⁰ (Conférence Suisse des Offices de Liaison LAVI, 2002). The questions of whether the perpetrator was found or not and whether the latter's behavior was intentionally or not is irrelevant for the recognition of the person as a victim.

The three main pillars of the Act LAVI are (Kuhn, 1998; Piquerez, 2001):

- The promotion and implementation of counseling support;
- The protection and strengthening of the role of the victim in the criminal justice system;
- The reparation by the State for the injury suffered by the victim, including the mental harm.

According to the first objective of LAVI, the police are required to inform the victim of the existence of counseling services and to forward the victim's personal details (if it is his/her wish) to such services. It also requires the Cantons to create consultation centers charged mainly with the tasks of offering medical, psychological, social, material and legal assistance to the victim.⁵¹

⁴⁸ The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Resolution n° 40/34, of 29 November 1985) defines victims of crime and abuse of power as "persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States." The same declaration extends the rights of the direct victim to the indirect victim(s), namely "the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization".

⁴⁹ For information on the impact of the crime to the family and friends of the victim, see Riggs & Kilpatrick (1990). On the support that informal social networks provide to the victim, see Robert (2007).

⁵⁰ From this list, one may conclude that victims of property crimes without violence would not be entitled the rights LAVI. However the list is non-exhaustive, meaning that depending on the particulars of the case, the criminal justice system and the victim support center may offer assistance to victims of other crimes which are not included on the list.

⁵¹ More on the work of the Center LAVI under item 4.1 of this chapter.

As a result of the second objective, the victim has the right to have his/her privacy protected. For this reason, LAVI forbids the disclosure of the victim's identity, encourages judges to avoid confrontation between the victim and the defendant whenever it is possible, thereby safeguarding the rights of the defendant; prohibits the disclosure of the trial proceeding in the interest of the victim and provides the victim with the right to refuse to testify concerning private issues. As a measure of further sensitivity to the wishes of victims of sexual assault, these victims have the right to give their deposition to a person of the same gender, as well as to have at least one person of the same gender included among the authorities competent for the trial.

The victim has the right to be informed about the progress of the proceeding and the decisions, as well as the right to appeal these decisions in certain cases; the right to be accompanied to the hearings and trial by a person he/she trusts, usually a family member, a friend or a counselor working for a victim support service, known as *personne de confiance*; and the right to plead for compensation from the offender during the criminal proceedings.

The third objective provides the victim with the right to reparation from the State when he/she is unable to get compensation from third parties (Kuhn, 1998). Even when the crime is committed abroad and the victim is a Swiss citizen with residence in the country, he/she may also ask for reparation from his/her Canton of residence, given that he/she had not received any or enough reparation from the foreign government.

This reparation may cover financial losses as well as mental harm. The first form of reparation depends on the income of the victim and may only be provided in case the victim became needy as a result of the crime committed. The second form of reparation is intended to repair the mental harm and may be provided to the victim in case of violent crime, independently of his/her income.

On January 1, 2009, the revised version of the LAVI (Loi Fédérale sur l'Aide aux Victimes d'Infractions, 2007)⁵² came into effect. The three pillars, or main objectives, of LAVI were maintained, although they had been further divided into seven pillars according to the revised Act.

For example, the right to counseling was divided into short-term or emergency aid and long-term aid (art.2, a, b). The short- or long-term support, whenever offered by the Center LAVI, is free of charge. In exceptional cases, should the long-term support be offered by

⁵² The revised version of the Act LAVI passed in the Swiss Parliament on March 23, 2007.

third parties assigned by the Center LAVI, e.g. private lawyers or psychologists, it is only the needy victim who will have the right to these services free of charge (art.6).

Likewise, the right to compensation was divided into reparation of the mental harm and compensation for the financial losses, although both were already laid down in the first version (art. 2, d, e).

The revised Act LAVI maintained the victim's right of participation in the criminal justice system, although it will be governed by the unified Federal Code of Criminal Procedure once it enters into effect (Office Fédéral de la Justice, 2008).

The major change in the revision of the Act LAVI concerns the invalidation of the right for reparation in case of crime committed abroad. The victims of crimes committed abroad with residence in Switzerland no longer have the right to reparation by the Swiss State, including the mental harm, and even if the foreign State does not provide for it. The Confederation or the Cantons will only be responsible for reparation to the victims of crimes committed in Swiss territory; however the right for counseling in such cases is maintained, all according to the revised Act LAVI (art. 3, 2).

2.1. The role of the victim in criminal proceedings

As mentioned before, although Act LAVI is a Federal Act, it was adapted to each Code of Penal Procedure of each Canton and therefore the role of the victim in the criminal proceedings of each Canton might differ. Since this study was conducted in Lausanne, Canton of Vaud, hereinafter we will refer to the particularities of this criminal justice system.

In the Canton of Vaud, in general terms, the system is inquisitorial, according to which the judge has the authority to conduct the investigation. Criminal lawsuits (initiated by the victim or ex officio) are sent by the police to the Bureau of the Examining Magistrate or – *Office d'Instruction Pénale* – where judges are responsible for, with the help of the police, investigating the case. This means looking for evidence, conducting hearings with witnesses, the victim and/or the offender, and even attempting to reconcile the victim and the offender, particularly in case of minor offenses. Having concluded this phase, usually in case of minor offenses when there is no conciliation, the examining magistrate either sends the case to be decided by the trial court – *Tribunal d'Arrondissement* – or, if the crime is under his/her jurisdiction⁵³ and the defendant does not object, prepares a decision called *ordonnance*

⁵³ Which are crimes with a maximum sentence of six months in prison and/or a fine corresponding to the sum of 180 working days and/or 720 hours of community service, according to the rules of the Bureau of the Examining Magistrate of Lausanne (Office d'Instruction Pénale, s.d.).

pénale. This decision is not a definitive verdict because the parties interested may appeal to the court which then decides the case and provides the parties with a verdict. However, if there is no appeal the decision becomes definitive.⁵⁴ Cases of violent offenses, under the jurisdiction of the trial court, or which are lacking proof against the defendant are also sent by the examining magistrate to be investigated and afterwards to the trial court to be decided.

During the criminal proceedings, according to the Code of Penal Procedure of the Canton of Vaud (Code de Procédure Pénale du Canton de Vaud, 1967), depending on the type of crime committed, the victim may have one of two different possible roles.

The victim may play the role of plaintiff. The plaintiff is the person who initiates the criminal lawsuit in the case of certain offenses. This is what we would call active participation⁵⁵ because, although the victim has no decision-making power, he/she may terminate the proceeding anytime before the judge's decision, by, for example, withdrawing the complaint, conciliating with the criminal or, particularly in case of partner violence, asking for the suspension of the proceeding..

According to the Swiss Criminal Code (Code Pénal Suisse, 1937) [CP], this is the case for the following offenses: simple assault committed by negligence (art. 125), minor assault (art. 126), breach of trust and theft committed by someone with close relations to the victim (art. 138, 139), or threat (art. 180). That is to say, crimes in which the interest of the victim in prosecuting or not the offender has the priority over the interest of the State in doing so. As plaintiff, the victim may follow the proceeding, plead for the defendant's conviction and for compensation, as well as constitute an advocate in order to prepare petitions and represent the victim in general terms. Even if the victim does not constitute a lawyer, he/she can personally initiate and follow the proceeding and plead for conviction and compensation, since these rights of participation are guaranteed in either case.

The second possibility is the role of civil claimant. According to the CP, this is the case for offenses of public interest such as homicide, aggravated assault, robbery, rape, sexual

⁵⁴ According to the Federal Court (Tribunal Fédéral, s.d.): "Dans plusieurs cantons le procureur ou le juge d'instruction peuvent rendre, dans des cas de peu de gravité, des ordonnances pénales qui deviennent définitives si l'intéressé ne présente pas d'opposition; en cas d'opposition, l'ordonnance pénale du procureur tient lieu d'acte d'accusation." (p. 18). During my internship at the Center LAVI and at the Bureau of the Examining Magistrate, I was informed that in most of the cases of minor offenses, when there is no conciliation, it is common that the examining magistrate prepares a decision to which the parties usually do not appeal and therefore it becomes definitive.

⁵⁵ Wemmers (2003) would call this form of participation passive and Edwards (2004) would call it control, given that the criminal justice authorities are obliged to seek and apply the victim's preference, except for the decision, over which victims have no power.

assault, sexual abuse of minor, as well as offenses such as simple and minor assaults, threat, sexual assault and rape when committed by the partner.

In such cases, the criminal lawsuit is initiated *ex officio* by the judge and the victim has the major right to make a claim for reparation before the criminal justice system. In general terms, the victim will plead for his/her rights to compensation and will contribute to the proceeding by testifying against the defendant, as a source of evidence.

Usually such crimes fall under the jurisdiction of the tribunal criminal chamber. Then the victim shall constitute an advocate in order to attend court trial and have his/her claim for compensation of the physical and mental harm ruled by the same court which will rule the criminal case against the defendant (Piquerez, 2001). As long as the victim had mentioned to court his/her interest in receiving information concerning the progress of the case, such a right is guaranteed even without having constituted an attorney. In general terms, this form of participation is what we would call passive participation⁵⁶ because the victim has the right to be informed of the developments of the case and to be consulted, although he/she in fact has the role of a witness.

3. The rights of the Victim: the Criminal Procedure Rules in Brazil

Although a signatory of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Brazil does not grant to crime victims a Victim Support Act. There has been a Draft Act on Victim's Rights under discussion in the Parliament since 2002 when its first version was proposed. Amendments to this Act were proposed and the most recent version is the Draft Act n. 3.503/04 and its amendments,⁵⁷ which lay down the right to compensation from the State and the right to financial aid in case of emergency, as well as the obligation of the State to establish counseling services.⁵⁸

⁵⁶ Wemmers (2003) would also call this form of participation passive and Edwards (2004) would call information provision.

⁵⁷ The amendments are Draft Acts n. 7.012/02, 2.143/03, 124/07 and 416/07, which concern for example the rights for compensation by the state of the victims of armed conflict between the police and suspects, as well as victims of "lost bullet." Such victimizations usually happen inside the "favelas" when police forces enter the district in order to combat drug trafficking and as a result of the conflict between criminals and police officers, people who are not directly involved are hit by these "lost bullets" and killed.

⁵⁸ Victim's activists as well as the Parliament's Human Rights Commission made several attempts in this concern but without success so far. Yet there are around 150 Draft Acts under discussion in the Federal Parliament concerning security and the reform of the Criminal Code (Código Penal, 1940) [CP] and the Federal Code of Criminal Procedure (Código de Processo Penal, 1941) [CPP]. In April 2007, the Rapporteur of the Parliament's Commission for Justice and Citizenship urged for the approval of such Acts, among which was the Victim Support Act.

As a result, the role of the victim in the criminal proceedings is governed by the Federal Code of Criminal Procedure [CPP]. This means, victims may participate in the criminal proceedings but their rights are not defined in a specific law.

Several issues relevant to crime victims emerge from the lack of specific legislation. For example, although victims may participate in the criminal proceedings, they shall be represented by a lawyer. This poses a particular problem. Victims who have a good income may hire a lawyer; while those who do not have enough income may ask the judge of the case to appoint a public counsel whose honoraries will be paid for by the State. However, public counsels are so overloaded with civil justice cases (e.g. divorce, pension) that often they do not accept to provide their assistance to crime victims, justifying the denial of assistance because of their workload.

Victims have the right to be informed of decisions, including information about offender's arrest, and the right to privacy laid down in the CPP, art. 201. The right to be referred to consultation services is also laid down but it is the judge who is responsible for recommending the victim to such services, not the police, meaning that such support when provided it is too late.⁵⁹ However, they do not have the right to compensation and support from the State. Indeed, the Federal Constitution (Constituição da República Federativa do Brasil, 1988), in art. 245, expresses that the State shall provide for the assistance to the indirect victims of violent crime, but such a provision must be regulated by law and such law does not exist yet.

In addition to that, compensation from the offender does not fall under the jurisdiction of the criminal but rather the civil justice system. Therefore, after the crime the victim may plead for compensation in the civil justice system, a claim which will proceed concurrently with the criminal complaint. Consequently, although proceedings are independent, judges prefer to wait for the defendant's conviction in the criminal justice system and only then decide about the plea for compensation (Pedra Jorge, 2005a). This means, it may take three to six years in average, which is the length of criminal proceedings in Brazil, for the victim to receive compensation.⁶⁰

⁵⁹ Those rights were recently introduced in the CPP by Act n. 11.690/08 (Lei 11.690, 2008) which reformed the CPP.

⁶⁰ According to Act n. 11.719/08 (Lei 11.719, 2008) which reformed the CPP the judge of the case may determine the sum which is supposed to be paid as compensation by the offender based on the harm and damage caused.

In the following section, the reader will learn how the victim participates in the Brazilian criminal justice system.

3.1. The role of the victim in criminal proceedings

According to the CPP, depending on the type of crime, the victim may have one of two different possible roles.

The first possibility is the role of subsidiary prosecutor, in effect assisting the public prosecutor. The criminal lawsuit is initiated *ex officio* by a public prosecutor, provided that the crime has been reported to the police and later by the police to the public prosecutor.⁶¹ The victim may constitute an advocate and thus participate during the criminal proceedings, attending hearings and court trial, adding his/her view to the public prosecutor's petitions and appealing (Fernandes, 1995). In terms of type of participation, we would call this passive participation (Wemmers, 2003) or information provision (Edwards, 2004).

Most violent crimes require public prosecution; only few are dependent on the victim's complaint. In such cases, the public prosecutor is not allowed to initiate the lawsuit without the victim's expressed desire to sue the criminal. According to the CP, this is, for example, the case for sexual violence, when the victim has no means to pay for the honoraries of a private attorney in order to sue the criminal (art. 225, §1, I).

The other possible role is that of plaintiff, where the victim has the right to initiate the criminal lawsuit in the case of offenses which require private prosecution⁶², such as property damage and breach of trust, and sexual crimes when the victim has the means to hire a private attorney. As plaintiff, the victim must appoint a lawyer in order to follow the proceeding, prepare petitions, represent her/him in court and plead for the defendant's conviction (Fernandes, 1995; Pedra Jorge, 2005a). Similar to the role of plaintiff in Switzerland, we

⁶¹ According to the CPP, the criminal justice system is inquisitorial and adversarial. In case of crimes of public interest, the police have the autonomous authority to investigate the case, collect evidence and finally report to the judge. During investigation, the judge is not supposed to interfere, except when the police need an order for pre-trial arrest or privacy's disclosure (order to check someone's domicile, bank account, or electronic or telephone communication). The public prosecutor, however, may follow the investigation in order to guarantee the order. After having received the crime report, the judge sends the case to the public prosecutor who has three options: initiate the criminal lawsuit, return the report asking the police to investigate further or suggest that the judge file the case due to lack of proof. In case the public prosecutor denounces the criminal, another proceeding starts, but this time according to an adversarial system in which an unbiased judge mediates the two parties (public prosecutor and defendant and his/her attorney) and finally takes a decision.

⁶² In case of private prosecution, the victim has the role of the public prosecutor although with less power and fewer rights because he/she can neither follow the investigation nor ask the police to further investigate. The victim may only prepare a complaint which will be sent to the judge by the police together with a report of the investigation.

would call this form of participation active or even control because, although the victim has no decision-making power, he/she has the right to terminate the lawsuit as long as the decision has not been taken.

3.2. Special criminal proceeding in cases of minor offenses

Particularly in case of minor offenses, victims may complain to a specialized criminal justice system which was established by the Act n. 9.099/95 (Lei 9.099, 1995). This Act established a new concept of justice according to which minor offenses (non-violent crimes with a maximum sentence of four years in prison, the offender being a non-recidivist, as well as crimes committed by negligence) are no longer under the jurisdiction of single judges but will be ruled by a new branch of the justice system called “special criminal justice.” The judges assigned to this new branch are supposed to dispense faster and cheaper “justice” because they do not need to wait for further investigation by the police and the victim does not need to be represented by an attorney. Moreover, they are assisted by mediators with particular skills in conducting and achieving success in conciliation. As a result, at least victims of non-violent crimes improved their access to justice and participation in the criminal justice system.

The criminal proceeding is called “summary” and works as follows. After receiving the victim’s complaint, the police’s duty is to fill out a special form called a “summary of facts,” briefly describing the criminal event and giving the witnesses’ personal details. This summary of facts is sent to the judge, who then summons victim and offender to conciliation. During conciliation, the victim can impose his/her conditions. Should the offender accept and fulfil the conditions (such as paying a certain sum to the victim, apologizing, etc.) the case will be dismissed. In case there is no conciliation, the public prosecutor shall recommend that the defendant plead guilty in exchange for an agreement concerning the punishment, such as community service or a probation period.

Exceptionally, conciliation or a plea bargain does not take place. Then the judge shall notify the witnesses and collect other evidence in order to rule on the case and take a final decision.

The importance of this special procedure is that the victim has a major role to play, has the opportunity to tell his/her story without the constraints of a normal hearing or court trial and to participate actively (Pedra Jorge, 2005a). In most cases there is conciliation and lawsuits take no longer than six months, a much shorter period of time compared to that of the classic criminal justice system where proceedings last an average of three to six years.

However, in case of partner violence the impact of this Act was negative (Hermann, 2004). Victim and offender were confronted and fearing the offender, victims used to accept conciliation and even maintain the relationship with the violent partner. Moreover, because this Act allows for the application of alternative penalties⁶³, violent partners had been sentenced to petty penalties such as community services or compensation to the victim, even in cases of multiple offenses or continuous violence.

Therefore the feminist movement in Brazil fought for the approval of a specific act concerning the proceedings and punishment for violence against women. The parliament passed this Act on August 2006 (Lei 11.340, 2006), increasing the penalty for criminal offenses committed by the partner and creating a new “specialized justice” with exclusive authority to rule on cases of violence against women.

4. Victim Support Centers in Switzerland and Brazil

The main objective of Victim Support Services is the empowerment of crime victims, contribution to their recovery and promotion of victims’ rights. In Switzerland and in Brazil the objectives are the same as those explained before, however, with particularities that will be detailed in the following.

4.1. The victim support Center LAVI in Switzerland

Victim Support Centers LAVI are run by non-state agencies with financial support from the State (Brienen & Hoegen, 2000). Their basic task is to inform the victim of his/her rights; provide counseling and legal advice; provide financial aid in case of emergency; help the victim to find medical care or shelter; and if it is the victim’s wish, act as accompanying person during the criminal lawsuit.

In less complicated cases when the victim did not constitute an advocate, they assist the victim in writing the criminal complaint or the civil petition. For example, in case of petition of divorce or for protection and restraining order⁶⁴, counselors are trained in writing such a petition and sending it to the judge. In case the victim did not report the crime to the police, they may assist the victim in writing a criminal complaint. If the criminal act is violent or

⁶³ These are penalties which are applied as alternatives to prison. Instead of sentencing to jail time, the judge is allowed to sentence to community services or compensation.

⁶⁴ In case of protection or restraining order, the violent partner may be obliged to move out of the shared residence. In case of living separately, he/she is advised and prohibited from coming near or abusing the victim again.

more complicated to deal with, the counselors of the Center LAVI assign a lawyer⁶⁵ to deal with the case. Another task is to assist the victim in his/her plea for compensation by the State.

Should the victim be interested, and if it is observed that he/she will need long-term psychological support, the Center LAVI assigns private psychologists to provide psychological support and the Canton grants a total of 10 sessions.

4.2. The victim support Center CEAV in Brazil

In Brazil, it was only in 1998 that the Federal Government began to fund Victim Support Centers [CEAV], together with Witness Protection Programs [PROVITA]. Such public policies were created in order to encourage crime victims, as well as witnesses, to report and to contribute to criminal investigation, by providing them with the necessary support and protection. The high number of crimes which went unsolved because of lack of victim's collaboration and therefore, lack of evidence against the criminal and the witnesses who were murdered by criminal organizations were the main problems that those centers or programs were intended to tackle.

The Federal Act supporting the creation of such programs is Act n. 9.807/99 (Lei 9.807, 1999) which however, does not establish victims' rights. It establishes the rights of the witnesses to take part in a protection program in case they are being threatened. That is, there is no Victim Support Act which compels the State to provide psychological, legal and financial support to victims, but rather to witnesses at risk that can be victimized by criminal organizations as a result of their deposition in court.

The main consequence of this omission, among others, is that there is little investment in victim support centers. For the reader to understand the dimension of this problem, in a country divided into 27 States, only 11 Centers CEAV⁶⁶ were established in the following states: Alagoas, Bahia, Paraíba, Pernambuco, Espírito Santo, Minas Gerais, Rio de Janeiro, São Paulo, Goiás, Pará and Santa Catarina. These states have populations varying from two to 14 million (Alagoas and São Paulo, respectively) and high rates of criminality. This means

⁶⁵ The honoraries of the lawyer shall be initially paid by the Canton. The lawyer shall however ask the judge of the case to nominate her/himself to be the public counsel, and therefore the honoraries will be paid for by the State.

⁶⁶ In every city, the name given to such institution is different. For example, in Maceió, the name is CAV, in São Paulo, the name is CRAVI, and etc. For the easiness of the reader, we will always use the name adopted by the federal government which is CEAV.

that none of these Centers would be able to offer support to the crime victims efficiently, even if only very few such victims chose to request support.

Moreover, most of the Centers CEAV restricts their assistance in terms of crime type. The CEAV in São Paulo provides support only to direct or indirect victims of homicide and robbery followed by homicide, completed or attempted. The CEAV in Belo Horizonte provides support to the direct or indirect victims of violent crimes, such as sexual assault, homicide and robbery followed by homicide. The Centers CEAV in Bahia, Paraíba, Recife and Santa Catarina, although they provide assistance to all crime victims, are specialized in victims of partner violence (Pedra Jorge, 2005a).

The Federal Government seems to be aware of this problem but considering the high rates of criminality in Brazil and the number of victims of violent crimes who are in need of assistance, there should be much more investment in such Centers. Now in this section we shall explain the services that these victim support centers offer.

Centers CEAV are run by non-state agencies with financial support from the state as well as by state agencies. Basically the Centers CEAV have the same tasks of the Centers LAVI in Switzerland, such as informing the victim of his/her rights, providing counseling and legal advice, and helping the victim to find medical care or shelter.

There are however two major differences. First of all, psychologists are part of the staff of CEAV centers and responsible for providing long-term support or therapy. Likewise, lawyers are also part of the staff and responsible for preparing complaints or petitions, following the criminal proceedings together with the victim, accompanying the victim to the police station and court and performing any judicial tasks required on behalf of the victim. It would be too costly to such agencies, and therefore to the State, to hire the services of private professionals in order to perform these tasks. For this reason, psychologists and lawyers are employed by the agency and receive a fixed income, independent on the number of victims that they represent.

It is important to highlight that legal assistance is one of the services most often requested in the Center CEAV. Victims search for this kind of support not only because their earlier experiences with the criminal justice system were already traumatic but also because, according to law, they may only participate in the criminal proceedings if they are represented by a lawyer.

The second major difference is that because of the lack of funding, there is no financial aid in case of emergency. This is a critical issue because victims arrive at the Centers CEAV in very precarious conditions and in need of several things: shelter, medical care, transport to

go home or to go to a family's member home, and food. Apart from the criminal act itself, an event from which several needs emerge, those who look for such support are usually needy, e.g. individuals from vulnerable groups. Therefore, offering material or social support is a very difficult task for the social workers of the Centers CEAV in Brazil.

5. Synthesis

In this chapter, we presented the role of the victim according to legislation in the two countries which were analyzed during this study. We observed that the impact of the victims' movement in Switzerland was more evident than in Brazil.

In Switzerland a Victim Support Act was adopted, according to which victims have recourse to several rights of participation in the criminal proceedings. Furthermore, their privacy is protected and compensation for the harm, if not paid by the offender, is guaranteed by the State. Moreover, the same Act established the obligation of the Cantons to provide counseling support to crime victims.

In Brazil the situation of the victim in terms of legislation has not improved. Victims do not have recourse to formal rights and their role in the criminal proceedings is ruled by the Federal Code of Criminal Procedure, which dates back to 1941. The lack of legislation results in a lack of further investment in victim's policies as well as demonstrates the disregard with which victims are treated. However, in some states of the federation victims can at least count on government-run support services.

In spite of the differences, as the reader will see in the presentation of findings, crime victims have been facing similar problems in both these countries, although the existence of a Victim Support Act may enhance victim's participation and empowerment.

CHAPTER FOUR

FINDINGS IN SWITZERLAND – INTERVIEWS

As we saw in the research design, during this research in Lausanne, Switzerland, there were three sources of information: interviews, documents and hearing attendance. In this chapter we will present the outcomes of the interviews conducted in Switzerland as we will try to reply to the research questions. This chapter is therefore divided into three basic items: in the first item, in order to provide the reader with background information on the elements which were our source of information, before presenting findings we will present socio-demographic data of victims interviewed as well as information concerning the type of victimization and outcomes of the cases. Second, we will compare certain characteristics of the victims interviewed with the sample of the Swiss Crime Survey. Finally, we will present the outcomes of the interviews conducted in Switzerland, replying to the research questions.

1. Interviews: descriptive and socio-demographic information of participants

As explained in the research design, 35 victims of crime and 37 victimizations were considered for this analysis. Informants had two different profiles and were divided in two groups: justice group and no justice group. Table 2 below shows the distribution of these two groups.

Table 2

Victims who had and who had not have contact with the criminal justice system (N=37)

Victims	Justice group (%)	No justice group (%)
With support LAVI	22 (59.5%)	15 (40.5%)

The justice group was composed of 22 respondents and 15 respondents composed the no justice group. In the following, the reader will be introduced to the description of participants, their socio-demographic characteristics and types of victimization, with a focus on factors which could have an impact in our findings.

1.1. Socio-demographic data of victims⁶⁷

Among the 35 respondents who were considered for analysis, six were men (17.1%) and 29 were women (82.9%). The number of men and women in the justice and no justice groups was similar: there were around 80% of women and 20% of men in each group.

The average age of the sample was 36.5 years. Five respondents were less than 21 years old whereas 17 were within the ages of 22 and 41 and 13 were older than 42 years old. Comparing the justice and no justice groups we observed that the age of the victim is correlated with his/her decision to report the crime to the police. The older the victim, the more likely he/she was to report the offense. Excluding one case ex officio because the victim was younger than 18 at the date of the crime, all victims younger than 21 years old (four respondents) had not reported, whereas 84% of the victims older than 42 years old (11 respondents) had reported the crime to the police. Indeed, according to the Swiss Crime Survey, the age of the victim is one of the most important factors associated with victims' decision whether to report the crime: victims older than 40 years of age are more likely to report crimes (Killias et al, 2007, 67). Therefore we had a greater prevalence of young respondents in the no justice group (four respondents less than 21 years old, seven within the ages of 22 and 41 and two older than 42 years old) and older respondents in the justice group (one respondent less than 21 years old, 10 within the ages of 22 and 41 and 11 older than 42 years old).

Singles and divorced people constituted the majority of the sample (over 72%), followed by married or those in a durable partnership (committed relationship without official marriage), who accounted for approximately 23% of the sample. Married, divorced people and widows had a greater tendency to report the crime in our sample and therefore were the majority in the justice group whereas singles and those in a durable partnership were majority in the no justice group.

The majority of respondents were university degree holders or university students (52%), a result of significant contribution of university students for the completion of this research. Eight respondents had attained a professional level of education, two respondents had attained a high school level and five, a compulsory school level. Two respondents were illiterate. Regarding their working status, 15 respondents or 42% were employed (including

⁶⁷ For the analysis of the socio-demographic data, we considered only the data of 41 respondents, independently of the number of victimizations that they had experienced. In cases when the respondent was the indirect victim, we considered his/her personal data, not the personal data of the direct victim.

self-employed), 11 were students and eight were receiving social aid such as pension or unemployment insurance. One victim was unemployed but was not receiving unemployment insurance because apparently she was an illegal migrant. University degree holders or university students were the majority in the no justice group (15 respondents, 72%).

Most of the participants were Swiss citizens (65.7%) including six with double nationalities. Approximately 70% of these Swiss citizens did not report the crime. The majority of those who had reported the crime and looked for support at the Center LAVI in this sample were foreigners.⁶⁸

1.2. Description of Victimization

Several forms of victimization were described by participants, most of which comprised more than one criminal act. Thus, according to the description that respondents had given to their own victimization as well as based on the relationship between the victim and the offender, we classified the criminal acts into two main categories:⁶⁹

Table 3

Crime category

Violent crimes	for aggravated assault, assault, sexual assault and robbery
Non-violent crimes	for minor offenses, such as simple assault, threat and verbal offenses

Twenty-four victims of violent crimes and 13 victims of non-violent crimes were interviewed. To present the opinion of the victims, their quotes were transcribed in the original language of the interview. Following the quotes there is a number in brackets (e.g. INT 34) that refers to the interview number.⁷⁰

In the first category, direct and indirect victims of violent crimes such as aggravated assault or robbery highlighted the seriousness of the offense measured by the gravity of the physical harm and its consequences or by the intensity of the threat:

⁶⁸ The reader will find tables concerning the distribution of respondents according to their socio-demographic data in appendix X.

⁶⁹ The reader will find an overview of the victimizations in appendices IV and VI (justice group and no justice, respectively).

⁷⁰ Victims' quotes were submitted to language correction (grammar and orthography). Since the original version was respected, some language mistakes which were committed by the interviewees while speaking might happen because we preferred to keep the version as original as possible. The reader can find more details of the interviews in the thematic analysis in appendices V and VII.

“Il était dans un coma pendant presque trois semaines. (...) Moi, j’étais à la maison. J’ai vu deux policiers au salon; je leurs ai demandé: «Qu’est-ce qui s’est passé?» Ils ont dit: «Il faut qu’on ait une photo de votre mari.» J’ai dit: «Mais pourquoi?». Et puis ils ont dit: «Parce qu’il est à l’hôpital.» Moi j’ai dit, «Mais qu’est-ce que s’est passé?». «Il a été agressé.» (...) C’était vraiment la figure qui a été déformée.” (INT 14)

“J’ai eu des blessures aux yeux, trois points de suture au sourcil, suspicion d’élocution de la rétine et mes lunettes cassées. Pendant trois mois je n’étais pas bien dans ma tête.” (INT 38)

Among those there were five victims of partner violence:

“Il m’a traitée de sale musulmane, il m’a menacé de mort, il a menacé mes enfants (...) J’ai été suivie par lui, il m’a tiré par les cheveux, il m’a obligée d’aller chez moi, il m’a mis des coups de poing à la tête. Je me suis enfermée dans la chambre à coucher (...) Il a défoncé la porte. J’étais assise sur la fenêtre, nous nous sommes attrapés et je suis tombée du 1er étage. J’ai eu un écrasement des vertèbres et mon épaule cassé.” (INT 03)

Victims of sexual assaults had given similar description of the crimes they had been through. Most of them were victimized when they were underage and it took them some time to realize that what they had been through was an offense, especially because the offender did not use of physical violence but psychological pressure:

“Ce n’était pas du viol, en fait. Quand j’avais 13 ans j’ai commencé à m’entraîner un peu avec des chats sur l’Internet dans des communautés d’amis communs et j’ai rencontré l’ami d’un ami qui avait 27 ans. Donc, on était en train de boire un verre mais rien spécial. On s’est vu une autre fois, on a fini par s’embrasser (...). A chaque fois ça allait un peu plus loin. La fois suivante il a commencé à me toucher. Puis ça a été plus loin. Si vous voulez (...) ça n’était pas forcé. Mais d’un autre côté il avait quand même une emprise sur moi (...), pour faire ce qu’il voulait.” (INT 31)

“C’est vrai que sur le moment je ne l’ai pas ressenti comme une agression mais ça m’a pris longtemps pour comprendre que cela n’était pas interdit par

la loi pour rien. (...) Il m'a demandé de ne rien dire et puis il a continué à agir normalement. Et moi je ne m'en suis rendue compte que le lendemain. Au début je ne me sentais pas une victime." (INT 33)

Victims in the second category described the victimization as several acts of simple assault, threat, harassment, which had been committed simultaneously or continuously. Nine of those respondents were victims of partner violence:

"Une jarre qui vole dans la maison qui me passe à deux centimètres de la tête; le pile de CD qui vole; me prend par le bras; me sort de la maison et me laisse à la porte avec les enfants à l'intérieur." (INT 27)

"Il y avait des menaces, des poings dans la gueule, de l'intimidation psychologique surtout devant les enfants (...) Lors d'une divergence il m'a mise par terre, je suis tombée sur le dos." (INT 45)

Concerning the distribution of respondents in the justice and no justice groups, the majority of victims of violent crimes were in the justice group (13 respondents, 35% of total). According to Killias et al (2007), based on data of the last Swiss Crime Survey, the seriousness of the offense from the point of view of the victim is the most relevant factor for reporting the crime to the police, except for sexual offenses which are more often not reported. In nine cases, six respondents or 66% of the victims of sexual violence did not report the crime to the police. Among the other three cases, two had been initiated ex officio because the victim was underage at the date of the crime and only one had been spontaneously reported by the victim to the criminal justice system, with those cases representing only 13% of the justice group. Similarly, in the last Swiss Crime Survey, Killias et al (2007) found that only 19% of the cases involving sexual offenses were reported to the police.

Victims of partner violence were also more frequent in the justice group: 71.4%, 10 respondents, among which three were cases which had been initiated ex officio as a result of the changes in the Swiss Criminal Code, stating that partner violence should be prosecuted ex officio.⁷¹ Four respondents, who had been victims of partner violence, did not report the crime.

⁷¹ According to the Swiss Criminal Code, which was amended by the Federal Act of October 3, 2003 and

Also similarly to what was found for the general population in the Swiss Crime Surveys (Berruex & Killias, 1999; Killias et al., 2007), in our sample the relationship between the victim and the offender did not seem to have a substantial influence on the decision whether to report the crime. Indeed, whether the offender is a stranger or a partner, a relative, a friend or a colleague did not influence victims' decision to report the crime to the criminal justice system. Therefore the distribution of victims in the two groups was balanced: there were 17 respondents who had been victimized by a partner, a relative or a friend in the justice group – although three cases were prosecuted ex officio – whereas in the no justice group there were 12. Five respondents had been victimized by a stranger and reported the crime whereas three respondents who had been victimized by strangers did not report the crime to the criminal justice system.

Table 4 gives details of the place where such crimes were committed. As the reader can observe, most of the crimes were committed at home (approximately 65%), data which also confirm the proximity between victims and offenders of our sample. Violent and non-violent crimes were committed at home; no particularity was observed in this regard. What was observed however is that the most common crimes committed at home were partner and sexual violences. Only two cases took place when the victim was on vacation abroad.

Table 4

Place of crime estimated by crime category (N=37)

Place of crime	Violent crimes (%)	Non-violent crimes (%)	Total by place of crime (%)
At home	14 (58.3%)	10 (76.9%)	24 (64.9%)
In a public place	8 (33.3%)	3 (23.1%)	11 (29.7%)
Abroad	2 (8.3%)	----	2 (5.4%)

---- No counts for this cell

All crimes that had been committed abroad were not reported to the police and therefore victims were classified in the no justice group. Crimes that had been committed at home were similarly distributed across the justice and no justice groups: 15 cases in the justice group (68%) and 9 cases in the no justice group (60%). Crimes which had been committed in a public place had been mostly reported and therefore were more frequent in the justice group than in the no justice group (seven and four cases, respectively).

applies to the criminal proceeding in case of partner violence since April 2004, partner violence has become a crime for which prosecution shall be initiated ex officio.

Concerning the date of the victimization, the current study involves mostly offenses that happened in the last five years, according to 30 respondents (81.1%). In two cases (5.4%), victimization had happened more than five years ago and in five cases (13.5%) more than 10 years ago. The justice group was mostly composed of crimes which had recently taken place, less than five years before the date of the interview. Of 22 cases, nine had taken place less than one year before the date of the interview and 13 had taken place between one and five years before the date of the interview. The no justice group was mostly composed of cases which had taken place one to five years before the date of the interview, i.e. seven cases; and crimes which had taken place more than 10 years ago, i.e. five cases. One case had taken place less than one year before the date of the interview and other two cases had taken place more than five years before the date of the interview.

In sum, the justice and no justice groups present certain similarities: both are mostly composed of women and victims of partner violence. These are variables which could affect our results. For example, literature refers to the long term trauma provoked by partner violence (Campbell, J. C., 2002; Pemberton, Karlijn, Winkel & Baldry, 2009). Another issue: women generally have shown to be more distressed than men (Lurigio & Resick, 1990; Tondonato & Erez, 1994). Since distribution of respondents with such socio-demographic characteristics is similar in both groups, there should be a balance which shall not compromise our results.

Concerning victimization, in justice group there is a majority of victims of violent crimes such as assaults and robbery, whereas in no justice group victims of sexual violence are the majority. Both are considered in the literature as crimes with long-term psychological effects: the severity of the violence or injury is related directly to the severity of victim symptoms (Lurigio & Resick, 1990). This means, one more similarity between groups, which provides a balance to results.

However, justice group is characterized in particular by respondents older than 42 years of age and foreigners whereas no justice group in particular is characterized by respondents younger than 21 years old and Swiss citizens. We should acknowledge that those variables may affect our results, as follows. According to Lurigio and Resick (1990) a series of studies has found that victims who are younger are often less traumatized and cope better with the crime. Tondonato and Erez (1994) have also found that vulnerable victims, including elderly, were more likely to indicate a period of distress following the crime. This means, victims of justice group could have more difficulties to put up with the event since they were in the

majority older. On the contrary, victims of no justice group could have coped more effectively with the event since they were in the majority younger.

The same is true for nationality. Often foreigners are more isolated because they do not have friends or family in the hosting country. Maguire (1980) notes that victims who do not have friends or family to look to for support might feel the psychological impacts of crime more acutely. Friedman, Bischoff, Davis and Person (1982) report that victims who have received all the help they needed from family and friends reported fewer problems persisting four months after the crime compared to persons who reported themselves as less successful in getting help from others. As a result, victims of justice group could present more difficulties to put up with the event because they were in majority foreigners and as such, their network of support in the foreign country (particularly family and friends) was restricted or even inexistent. On the other hand, victims of no justice group could have reported fewer difficulties to cope with the event as a result of being able to count with a larger social network of support, although they did not count with the support of Center LAVI.

Although the variables nationality and age may affect our results, as we mentioned before, numbers only show trends. No statistical analysis was employed in the context of this thesis because of the size of the sample and its non-representative nature. Therefore, the reader shall bear in mind that these are variables that could affect our results but are not being considered in the context of this thesis.

1.2.1. Unreported crimes and victims' main reasons

We asked the victims who had not reported the offense, which means victims of the no justice group, to explain the main reasons for not bringing it to the attention of either the police or the judge. For this question, victims had the opportunity to give various replies which were categorized during the content analysis. Five main reasons were more frequently mentioned: police would be unable to solve the case, victims feared the social reaction or lack of social support, victims did not recognize themselves as victims, victims wanted to preserve their family or to protect the offender and self-blame. A summary of the reasons for not having reported the crime can be seen in Table 5:

Table 5

<i>Reasons for not reporting (N = 15)</i>	Frequency
Self-blame	8
Acknowledge the victim status	7
Police would be unable to solve the case	6
Fear of social reaction and support	6
Would not be believed	5
Preserve the family or protect the offender	4
Not so serious	4
Shame	4
Fear the criminal	3
Lack of knowledge concerning judicial proceedings	2

A - Self-blame

The most common reason for not having reported the crime to the authorities was the victims' feelings of guilt. Indeed, self-blame is one of the coping mechanisms which victims develop in order to put up with the victimization (Lurigio, 1987; Lurigio & Resick, 1990). Victims try to find meaning, and to attribute the responsibility of what they have been through to something in themselves, in order to find a cause (Audet & Katz, 1999; Deschamps & Clémence, 1990). These feelings were common among victims of partner violence and sexual assault. Feelings of shame were also highlighted by four respondents. For example:

“J'ai cru que c'était de ma faute car mon mari m'a dit que c'était moi qui l'avais poussé hors de lui. J'avais honte, je n'arrivais pas à mettre des mots sur ce qui s'était passé. (...) Je me suis dit que j'étais vraiment une mauvaise épouse d'amener mon mari à faire de telles choses. (...) J'ai pensé que s'il l'avait fait c'est que je le méritais.” (INT 25)

“Quand je me posais comme victime j'avais peur qu'on m'ironise et qu'on me dise: «La pauvre petite, c'est toi qui es responsable de ta situation (...). Laissons nous occuper des vrais viols et des vraies agressions sexuelles».. Enfin,

j'avais un peu le sentiment que c'était moi la coupable et puis que j'aurais été gonflée en quelque sorte d'aller chercher de l'aide ailleurs.” (INT 33)

“J'avais plutôt honte, je considérais que c'était ma faute et que je ne pouvais pas me plaindre de quelque chose où j'étais coupable (...) Ma mère, je pensais bien qu'elle dirait que c'était de ma faute. Bah, elle l'a dit. C'est un climat de culpabilité.” (INT 44)

B - Am I a victim of crime?

The second common reason for not having reported the crime to the authorities was that some respondents had not acknowledged themselves as victims. They declared that it took some time for them to recognize and understand that they had been victims of crime. Such feelings were more frequent among victims of partner violence and sexual assault.

“Je n'ai pas osé me dire que j'étais une victime. J'ai pensé que s'il l'avait fait c'est que je le méritais. C'est mon mari qui s'est mis dans la position de victime (...) Il a fallu des années pour que je réalise que dans les faits j'avais été battue et qu'il n'avait pas le droit de le faire.” (INT 25)

“Je ne voulais pas tout de suite y aller, je n'arrivais pas tout de suite à mettre des mots donc j'ai laissé passer un peu de temps, avant d'aller chez un psy. Et c'est d'autant plus difficile quand on est dans un couple parce que ce n'est pas forcément reconnu en tant que tel (...) J'ai aussi fermé les yeux pendant un moment (...). Je n'ai pas voulu me voir moi-même. (...) Donc j'ai mis un moment pour poser le mot là dessus et pour accepter qu'il y ait eu une situation qui n'était pas correcte et qui n'était pas tolérable.” (INT 28)

Two had even rejected the idea of being a victim, the status of victim:

“Je ne me reconnaissais pas comme une victime. Je ne pensais pas à la justice. Je n'arrivais pas à me reconnaître. Je ne voulais pas admettre que j'étais une victime”. (INT 36)

“Et il avait encore: est-ce qu'on veut être victime ou pas? Ce qui est très personnel. Après il y a la question de comment, le fait de se considérer, peut-être comme une victime, est représenté dans la société. Ça m'a beaucoup

énervé. (...). D'abord un rejet. J'ai rejeté; je ne veux pas être victime; je déteste." (INT 45)

C - Police would be unable to solve my case

The third common reply was having little to gain by coming to the attention of the authorities because police would be unable to do anything. Nine out of 20 respondents declared that they did not see the benefits of reporting the offense to the criminal justice system.

“Je ne veux pas passer trois heures au commissariat pour rien, ça ne vaut pas la peine. J'ai eu une expérience avec la police avant. Ça m'a pris du temps et ça n'a rien changé.” (INT 30)

“Etant donné que ça s'était passé en Turquie, je n'avais aucune preuve objective. Je ne pensais pas que ça allait aboutir à quoi que ce soit.” (INT 44)

Two rape victims considered the consequences that reporting the crime would have in their lives and perceiving no advantage, they decided not to bring the crime to the attention of the law enforcement agency. They were both teenagers when the crime had occurred.

“Je ne voyais pas où ça allait, si le procès changerait ma vie. Peut-être qu'un jour je le ferai. S'il avait une amende ça ne me ferait rien.” (INT 31)

“Ça ne m'intéresse pas de remuer quelque chose qui est arrivé il y a longtemps. Au bout d'un moment, quand on a passé dessus on se dit, voilà, je suis de l'autre côté. A quoi ça sert de revenir en arrière pour en parler? Je n'ai pas envie de me faire du mal et puis au bout d'un moment il faut aller de l'avant. J'ai l'impression que ça ne m'apporterait rien. Que maintenant, remuer cette histoire après onze ans (...). J'ai le sentiment que cela ne me ferait pas de bien, c'est de l'énergie dépensée inutilement.” (INT 33)

In two cases of partner violence, crime was ruled out. According to law, there would be no suit after victim's complaint.

“L'avocat dans la consultation juridique m'a dit que la plainte serait inutile parce que le cas était prescrit, que je n'aurais ni même une audience. Au

moment où j'ai eu la force de le dénoncer, ma plainte serait inutile. C'est de la justice au point de vue légal mais pas éthique." (INT 35)

D - The social support

Another common reason for not reporting was the reaction that the victim's group of friends, family members or others would have, or indeed actually did have when the victim did request support or ask for advice. In some cases, respondents initially intended to report, however they were not encouraged by their social environment to do so. On the contrary, family, friends, social services and lawyers advised that there would have been no suit in their cases, thus no advantages in reporting. For example:

"Ils ont été très dissuasifs. Ils ont dit: «Mais faites attention, c'est le papa de vos enfants, il est éducateur... sa carrière. Quand on est au début d'une séparation, même si c'est un an, il y a certains gestes qui peuvent être expliqués.» (...). Je suis allée voir un psy, juste une séance, et puis elle m'a dit la même chose: «J'ai dix cas comme ça, vous serez de toute façon déçue de la sentence, vous ne pourriez de toute façon rien faire. Le pire, ils vont lui donner une amende, lui dire d'arrêter, mais il va recommencer d'une autre manière.»" (INT 27)

"Il y a un Serbe qui m'a dit: «Surtout pas la police, parce que la police elle va te traiter de voleur. Ils vont sûrement appeler le propriétaire, ils vont s'arranger entre eux et ils vont dévaliser tout ce que vous avez. La police est extrêmement corrompue ici, il ne faut pas demander qu'ils vous aident». Je ne savais vraiment pas où chercher, je ne savais pas qui pouvait m'aider." (INT 41.1)⁷²

In other cases, victims' fear of blame and incredulity on the part of their friends, etc. had prevented them from reporting the offense.

"L'aversion sociale (...). J'avais le sentiment que c'était ce qui prévalait dans la société quand on entend que: «Cette petite fille de 13 ans qui s'habille en jupe. Il ne faut pas qu'elle s'étonne qu'elle se fasse violer.»" (INT 33)

⁷² This interviewee was not victimized in Switzerland but abroad.

“Mais plus c’est difficile à prouver de manière visible plus c’est difficile à justifier. Je pense que j’aurais eu moins honte d’aller porter plainte chez un juge avec un œil noir parce que je sais qu’il l’aurait vu. J’ai honte qu’il me prenne pour une hystérique qui veut les gamins, la pension. Et on arrive à désirer de la violence physique pour pouvoir aller en justice. Ça me fait un peu bizarre. (...). J’aurais trop peur qu’un juge ne me croit pas. Ça aurait été vraiment le pire qui puisse m’arriver.” (INT 27)

“La famille à côté (...), est-ce qu’on croirait en moi plutôt qu’en lui? Peut-être ce qui m’a traversé l’esprit: la reconnaissance des autres (...) Peut-être aussi parce qu’on dit souvent que les jeunes, ils provoquent leurs parents. Peut-être aussi la peur que, pas les autorités, mais les gens autour aient toujours des doutes.” (INT 29)

E - Preserve the family or protect the offender

Another reason for not having reported the crime to the authorities was to preserve or protect the family or the offender. Three victims declared that since the offender was a relative they did not want to report because it would disrupt their relations with their families. Two victims declared that they did not want to bring more problems to the offender, who were foreigners therefore they would face difficulties with the Swiss police.

“Je pense que depuis longtemps j’avais l’espoir qu’avec l’âge on devienne unis. Et puis si j’avais porté plainte, je n’aurais plus eu la possibilité d’être heureuse ou amie avec eux.” (INT 29)

“Je l’ai longtemps protégé aussi. La principale raison c’était parce qu’il était sans papier ici en Suisse, il avait des problèmes financiers, je savais qu’il aurait été renvoyé tout de suite.” (INT 28)

F – Crime was not so serious

The last common reason for not reporting the crime was that for four respondents, the crimes was not so serious, as follows:

“Après l’incident, j’ai refoulé mes sentiments à l’intérieur de moi. Il a fallu des années pour que je réalise que dans les faits j’avais été battue et qu’il n’avait

pas le droit de le faire. Je me disais que ce n'était pas si grave que cela. ” (INT 25)

“Il y avait même un côté de moi qui me disait «Ce n'est pas assez grave. Qu'est-ce que je vais dire au Juge? 150 SMS qu'il me traite de salope, qu'il me menace de mort». Je suis allée voir le site de Malley-Prairie, mais j'ai chaque fois l'impression que c'est pour des choses un peu plus graves (...). Moi, devant un juge je n'ai pas de courage. Il va dire: «Attendez, ce n'est pas assez grave». Parce que ce n'était pas assez grave. Le plus drôle dans cette situation c'est d'espérer qu'il y ait de la violence physique pour pouvoir faire quelque chose. ” (INT 27)

Other reasons such as “fear of criminal’s reaction” and “lack of knowledge concerning judicial proceedings” had been mentioned by some respondents but with less frequency.

1.3. Outcome of the Criminal Lawsuits

The question concerning the outcome of the criminal lawsuit was only asked to the participants who had had contact with the criminal justice system. Therefore this item concerns only the information given by the victims of the justice group.

In our sample, six cases were initiated ex officio and 16 with the victim’s complaint. Five cases were decided by the trial court: three cases of sexual assault, one aggravated assault and one simple assault, a minor offense but one in which conciliation was not achieved. Other 17 cases were ruled on by an examining magistrate who then prepared an *ordonnance pénale* or a decision which is not definitive because the parties still have the right to appeal. In all cases, the victim did not appeal.

Of the 12 decisions taken, six lawsuits resulted in conviction: three in prison and three in probationary sentences, among which was one case of repeated sexual assault against a minor. In two cases of simple assault, the victims had withdrawn their complaints under certain conditions: in one, the offender should pay 1500 Swiss Francs as compensation to the victim; in the other, the offender should contribute with an amount of 300 Swiss Francs to a shelter for women. In three cases of partner violence, the judge proposed a probationary period of six months. During this period, the lawsuit is suspended and if the offender does not reiterate the offense against the victim and the victim does not reiterate the complaint, the

case is automatically dismissed.⁷³ One case of assault was filed for lack of proof. Ten cases were still pending at the time of the interview.

Of the defendants involved in these 12 decisions, five had also received an order to pay a compensation for restitution of damages or mental harm to the victim. Table 6 gives the details of the decisions per crime type:

Table 6

Judge or court's decision estimated by crime type (N=22)

Sentence	Aggravated Assault/ Assault	Sexual violence	Minor offenses	Total per type of decision
Decision pending	6	----	4	10
Convicted to prison with probation	1	1	1	3
Convicted to prison Six months probation (exceptionally for partner violence)	1	2	----	3
Complaint withdraw with condition	----	----	2	2
Filed for lack of proof	1	----	----	1

2. Comparability of the sample to the Swiss Crime Survey

In order to determine whether the characteristics of our sample were comparable to the characteristics of victims in general, we compared our sample to the last Crime Victims Survey (ICVS) conducted in Switzerland.⁷⁴ This is also important to demonstrate that, although the selection of this sample was not random, its characteristics, at least as regards

⁷³ According to the Swiss Criminal Code, art. 55a, amended by the Federal Act of October 03, 2003, this is an exceptional measure for cases of partner violence. Since April 2004, partner violence has become a crime for which prosecution shall be initiated ex officio. Thus police officers are compelled to send the victim's report of offense to an examining magistrate. When the victim attends the hearing, and in case of certain minor offenses – minor assault, verbal offenses, threat or coercion – the judge shall ask if he/she would like to suspend the proceeding by imposing certain obligations to the defendant. Therefore, the defendant shall fulfill these obligations and stay in a probationary period of six months, during which he/she shall not reiterate the acts of violence against the victim. Otherwise, the victim may ask the judge to reopen the case and continue on with the lawsuit.

⁷⁴ The same type of comparison can be found in a study which was conducted in the Netherlands, namely Victims in the Criminal Justice System (Wemmers, 1996).

gender and victimization, are not different from a representative and random sample such as the group of respondents of the ICVS 2005 thus it is a reliable sample and of quality.

For background information, the last ICVS in Switzerland was conducted between 2004 and 2005; the number of respondents was 3898, among whom 802 declared to have suffered at least one type of victimization in the last five years.

According to the ICVS, victimization categories were assaults and threats, sexual violence and robbery.⁷⁵ For comparison, respondents of this study were reclassified according to these same categories.

Table 7

Victims of different types of crime interviewed for this study and for the ICVS 2005

Type of crime	Pedra (%) N=37	ICVS 2005* (%) N=802
Assaults and threats	25 (67.6%)	433 (54.0%)
Sexual violence	10 (27%)	254 (31.7%)
Robbery	2 (5.4%)	115 (14.3%)

* Source: Data base Institut de Criminologie et de Droit Pénal, Université de Lausanne.

Table 7 above demonstrates that respondents in this study as well as in the ICVS 2005 were mostly victims of assaults and threats (67.6% and 54%, respectively). Prevalence of sexual violence was also similar (27% and 31.7%, respectively). Only in the case of robbery was the percentage of respondents of this study significantly different from the ICVS 2005: in the first, the prevalence was 5.4% and in the second, 14.3%. This might be due to the fact that, as the reader can see in Table 8 below, more women than men were interviewed for this study whereas men are more frequently victims of robbery than women.

⁷⁵ According to the ICVS, assaults and threats include aggravated assault, assault and threat. Sexual assaults are crimes such as rape (forced sexual intercourse) and sexual assault (a wide range of victimizations including attacks or attempts involving unwanted sexual contact). Robbery is any attempt against the property of the victim by the means of threat or physical violence. As the reader can see in chapter three, table 1, there are other categories such as theft of cars, theft from or out of car, motorcycle theft, bicycle theft, burglary with entry, theft of personal property and pickpocketing. However since we had not interviewed victims of any of these crimes, comparison is not possible.

Table 8

Victims of different types of crime interviewed for this study (N=37) and for the ICVS 2005(N=802) estimated by Gender*

Type of crime / Gender	Pedra (%) N=37		ICVS 2005* (%) N=802	
	Men	Women	Men	Women
Assaults and threats	5 (20%)	20 (80%)	183 (42.2%)	250 (57.8%)
Sexual violence	----	10 (100.0%)	45 (17.7%)	209 (82.3%)
Robbery	2 (100%)	----	65 (56.5%)	50 (43.5%)

* Source: Data base Institut de Criminologie et de Droit Pénal, Université de Lausanne.

According to the ICVS 2005 and to this study, victims of robbery were mainly men whereas victims of assaults and threats were mainly women. However, compared to the national data, female victims of assaults and threats are overrepresented in the present sample (80% versus 58%). These are mostly victims of domestic violence.⁷⁶

In case of sexual violence, the ICVS 2005 showed a higher prevalence of sexual victimization among women (82.3% versus 17.7% male victims). The victims of sexual assault who participated in the study were only women (100%).

In sum, we can conclude that this sample, although not random, has characteristics similar to the victims in general in Switzerland, at least in terms of type of crime and gender.

⁷⁶ Killias, Haymoz & Lamon (2005) also supports this reasoning by confirming that the high prevalence of partner violence among women explains the high prevalence of violent crimes among women.

3. Replying to the Research Questions

3.1. Are victims satisfied with the performance of the criminal justice system and with the support offered by victim assistance centers?

According to our research questions, the victims who had contact with the criminal justice system, including police, judge and court, were asked whether they were satisfied with the performance and the treatment they had received. This same group was also asked about the support they had received in the Center LAVI; whether they were satisfied with it and if it had helped in their process of rehabilitation. In this chapter we will present the opinions of victims from the justice group (who had had contact with police and a judge or court, as well as with center LAVI). We should highlight that victims could give more than one opinion about these institutions, which were categorized during the content analysis. Moreover, because of the size of the sample and its non-representative nature, numbers and percentages only show a tendency or trend and represent background information. The most important aspect of the presentation of results is victims' opinions.

Since no clinical diagnosis was applied and findings are based on victims' opinions and self-evaluation of their well-being, they may be affected by hindsight bias. Moreover, we are unable to attribute any observed changes with certainty to victims' experiences in the criminal justice system.⁷⁷

3.1.1. Victims' satisfaction with the police

Authors such as Waller (1990), Wemmers (1999) and Shapland et al (1985) affirm that victims tend to be satisfied with the police in 60 to 70% of the cases.

In Switzerland, satisfaction with police performance is relatively high. Seventy one percent of victims of burglary with entry and 65.9% of victims of assaults and threats claimed to be satisfied with police performance (Killias et al, 2007) although these are limited results because they concerned victims of specific crimes.

During our interviews, of 22 respondents, 13 (59.1%) declared that they were satisfied with police performance and agreed that the police showed interest in their cases. Informants highlighted two main reasons for satisfaction: the practical and immediate support which was

⁷⁷ This applies throughout this chapter. The limitations of this study were however already explained in the methodology.

given in a moment of need (for five respondents) and the demonstration of care towards the victim (also for five respondents).

“Ils ont calmé la violence quand ils sont intervenus. Je me suis sentie soutenue.” (INT 10)

“Ils m’ont accompagnée pour chercher mes affaires et ils l’ont mis en prison.” (INT 11)

“Oui, ils ont insisté pour que je porte plainte. Ils ont dit que ce n’était pas à laisser passer.” (INT 15)

Three victims highlighted the fact that it was helpful to have a female police officer dealing with their case. In their opinion, the gender of the police officers made a difference in the quality of the intervention.

“C’était un peu vite pour moi. Ils ont posé des questions bizarres, ils ont besoin de détails mais l’inspectrice me mettait en confiance. Ils étaient cool.” (INT 13)

“Ils posent des questions qui sont trop (...) indiscrettes (...) qui sont offensives pour nous les femmes, si bien que c’était une femme qui est venu à la maison. Par contre, pour déposer plainte il faudrait aller à l’hôtel de police et là bas il n’y a pas des femmes.” (INT 21)⁷⁸

Six victims were not satisfied with police performance for three main reasons: disregard, discrimination and secondary victimization. Indeed, the last Swiss Crime Survey confirms this data since, for example, in case of assaults and threats, the reason for dissatisfaction of 70% of the victims was “the police did not do enough” or in other words, the lack of a thorough investigation (Killias et al, 2007). In this study, victims highlighted the indifference for the case, as well as the disregard with which they had been treated. Yet, four respondents who were not satisfied agreed that the police treated them gently and friendly.

⁷⁸ Original version: “E depois fazem perguntas um bocado (...) indiscretas que são ultrajantes pra nós, embora quando vieram a casa veio uma mulher. Mas para eu portar plainte tinha que ir ao bureau e no bureau não há mulheres”

Although in another study conducted in Lausanne, Switzerland, we had observed that mostly victims of partner violence were disappointed with the police because of disregard to their cases (Pedra Jorge, 2005b) during this study findings were slightly different. Most of the victims of partner violence were satisfied with police performance, except three:

“Ils n’étaient pas sympathiques. Ils ont dit: «Les histoires de couples on n’aime pas». (...) Je voyais ce qu’ils pensaient: la petite blonde. Ils n’ont pas montré d’intérêt dans mon cas. Quand ils ont vu que j’ai demandé une mesure protectrice de l’union conjugale et que le juge était au courant, c’est seulement à ce moment là qu’ils m’ont bien traité.” (INT 06)

“Donc la police est partie et nous sommes restés les deux ensembles. Lui a continué à être violent quand la police est partie. (...) Ils font leur travail. Quand il y a du danger, ils sont toujours là mais comme je les appelais souvent, à la fin ils étaient fatigués. Ils m’ont dit: «Madame on a d’autres choses à faire».” (INT 9)

“Chaque fois que je fais venir le 117, la police, elle s’en fiche de moi. Ils disent que je les dérange (...) pour rien.” (INT 20)

Sixteen 16 respondents (72%) declared that they were not treated with prejudice, although three respondents, all foreigners, had experienced discrimination or prejudice in the attitudes of police officers. For example, two respondents had the feeling that their cases had not been taken seriously because they were foreigners.

“La police m’a dit: «On n’est pas au Maroc, on ne met pas les gens en prison comme ça». Ils ne l’ont même pas amené au poste de police pour poser des questions (...) Si c’était le contraire moi européen et lui arabe, ça serait différent. Pour les étrangers ils grandissent les choses.” (INT 16)

“J’ai dit au policier: «Il m’a traitée de pute”. Il m’a dit: «Mais vous avez déjà travaillé dans un cabaret ça veut dire que vous êtes pute.» (...) C’était aussi dégueulasse avec la police. Ce sont des juges, qui me jugent, qui ne me connaissent pas.” (INT 18)

Another respondent was devastated because, although she had been assaulted and strangled by her husband, the police had sent her a notice to inform her that in case she does not find another reason or motive to stay in Switzerland, she will be sent back to her country of origin. She felt she was being punished for being a foreigner, because of the risk of being deported whereas her husband who had committed a crime and thus violated the law would be able to stay in the country because he is a citizen of the European Union.

“Ils m’ont menacée d’expulsion. Si je quitte le domicile conjugal je n’ai plus le droit au permis. Je pense qu’ils ont déconsidéré toute la violence que j’ai subie car je n’ai pas de papier; le papier est plus important pour eux. La police m’a convoquée pour dire que si je ne trouve pas une raison pour rester, comme un travail, je dois quitter la Suisse. Par contre, comme C. est européen, français, lui peut rester même après tout ce qu’il a fait envers moi. C’est moi qui suis punie car peut-être je devrais retourner en Afrique.” (INT 01)

Three respondents did not reply to this question but stated that “the police had done their job.”

3.1.2. Victims’ satisfaction with the judge or the court

In this subsample, concerning the work of the judge or the court⁷⁹, although 16 respondents (72%) believed that the judge treated them gently and friendly, of 22 respondents, 10 (45.5%) were satisfied with the judge’s performance. Seven victims highlighted the fact that the judge had been supportive and had shown her/himself to be on their side.

“Le fait de savoir que la justice était là pour les protéger. Les enfants avaient l’impression que la justice les écoutait. Il était concerné par mon cas. Je pouvais appeler le Juge quand j’avais besoin.” (INT 06)

“Il a nié les menaces chez le juge mais la juge a bien compris (...). La justice lui a montré qu’il y a des lois et qu’il faut les respecter. C’était parfait.” (INT 07)

⁷⁹ In this chapter, “judge” refers to “the judge or the court” who had handled the case. We inform the reader that the majority of cases were handled by a single judge while seven respondents had their cases handled by the trial court. Only one respondent had been to court of appeal thus his opinions concerning both the single judge and the court of appeal were considered under this section.

“Le juge n’a pas posé beaucoup de questions, mais des questions bêtes. Mais avec le prévenu, s’il ne répondait pas correctement le juge était fâché.” (INT 13)

Other 10 respondents (45.5%) were dissatisfied with the judge’s performance. Dissatisfaction with judges and criminal proceedings is not a new topic. Judges are in general not as well evaluated as the police. For example, the 1984 Swiss Crime Survey which took place before Act LAVI came into effect, revealed that on a scale of 1 to 10 (very bad to very good), 55% of the victims would attribute on average seven to 10 to the criminal justice system, a good rating (Killias, 1989). After Act LAVI came into effect, another study conducted on the effectiveness of Act LAVI during criminal proceedings revealed that victims were dissatisfied because the system is extremely slow and there is a lack of information (Boggio et al., 1995).

Table 9 summarizes victims’ reasons for dissatisfaction:

Table 9

<i>Reasons for dissatisfaction (N=22)</i>	Frequency
Judge treated me as though I was the guilty party	9
Judge was not friendly	5
There was lack of interest, disregard, or lack of a thorough investigation	3
Lack of participation	2
Felt discrimination	2
Emotionless	1

Nine victims declared that they felt that they were treated as though they were the guilty party:

“Ils m’ont traitée comme une prévenue et même avec toutes les preuves des agressions, il me semble que la Juge prononcera un non- lieu.” (INT 01)

“La juge, comme elle m’a traitée c’était je ne sais pas quoi. C’était comme si c’étais moi la fautive, pas lui. Ça me rend triste. Il n’y a pas la justice.” (INT 18)

Similarly, an ongoing study in Switzerland reports that victims felt that the defendants were being given more attention than they were, and that they were being treated as though they were the guilty party (Languin & Robert, 2008).

Eight respondents declared that the judge did not show interest in their case, three of which complained of disregard, lack of listening skills and opportunity to express their points of view:

“Pour moi c’est comme d’habitude après que je dépose plainte il convoque mon mari et après nos deux ensemble. Chaque fois il repousse. Il n’y a pas une décision. Celui qui a pris note de mes plaintes (...) Il a dit: «Ah il a recommencé mais qu’est-ce que vous voulez que je fasse». Il prend des notes et puis voilà. Moi, je ne demande pas qu’il me plaigne mais on voit qu’il n’a pas d’intérêt. Il marque: «Il a fait ça, ça, et ça.». On signe et au revoir.” (INT 20)

“J’ai voulu parler et ils m’ont dit: «Madame taisez-vous. (...) vous aurez à votre tour le droit de parler». Je n’ai pas pu dire quoi que ce soit (...) Ah pas du tout, alors, pas du tout satisfaite. La deuxième fois c’était pire. Un, ce n’était pas drôle, la deuxième fois c’était épouvantable parce que je n’ai même pas pu parler (...) Il m’a dit de me boucler. Il ne m’a pas laissée m’exprimer.” (INT 15)

“Avec moi elle n’a pas parlé! Je n’ai toujours pu l’avalé (...) Je voulais dire: «Et les 1000 CHF que j’ai eu de frais, qui paie?» Même pas ça. «La séance, est levée la séance». (...). Ouste, dehors.” (INT 19)

Languin & Robert (2008) found similar results in an ongoing study in Switzerland: victims complained of not being able to explain their stories or points of view concerning the crime and of a lack of understanding and mistrust.

Two foreigners had also complained about feelings of discrimination during the hearing. One respondent had felt discrimination because of her origin although she has been living in Switzerland for more than 20 years.

“Je ne peux pas dire qu’il n’était pas gentil mais on sentait qu’il me prenait pour la (...) les italiens qui n’ont rien à foutre ici.” (INT 15)

The second respondent had the feeling that, as a result of being a foreigner, her case had not been taken seriously and the judge was on the defendant's side:

“Le juge a dit: «Le prévenu a des problèmes avec les musulmans, les arabes». Le juge l'a défendu. Il a dit qu'il est malade. Mais si je tape un Suisse il y a la police qui vient tout de suite.” (INT 16)

One respondent had complained that the treatment was indifferent, emotionless:

“La froideur, oui. Ce n'est pas très agréable Il a posé deux ou trois questions et c'est tout. (...) C'était froid, il n'y a pas eu de contact humain.” (INT 17)

The impartiality of the judges was not well appreciated in other two studies conducted in Switzerland (Boggio et al., 1995; Pedra Jorge, 2005b). For example, victims had declared that they had been pushed to withdraw the complaint and that the judge was biased and had supported the offender (Pedra Jorge, 2005b). However, in this study, two victims found correct that the judge was neutral, unbiased and had done his/her job, although they did not declare whether they were satisfied or dissatisfied:

“Ça c'est le travail de la justice. Je ne peux pas condamner parce qu'on est des humains. Nous, on a pardonné (...). En tout cas le juge a fait son travail.” (INT 14)

3.1.3. Victims' satisfaction with the Center LAVI

The services offered by the Center LAVI concerned counseling and moral support (19 respondents, 82%), psychological support (16 respondents, 69%), legal support (10 respondents, 56%), an accompanying person or *personne de confiance*⁸⁰ (9 respondents, 39%) and financial aid (five respondents, 21%).

Of the respondents who had requested such support, 20 respondents (90%) were satisfied with the assistance offered. This finding concurs with existing research: according to the literature reviewed, most of the victims are satisfied with the services offered by victim support services (Boggio et al, 1995; Killias & Berruex, 2000; Pedra Jorge, 2005b; Sims,

⁸⁰ This means a counselor working for the Center LAVI who not only provides information and legal advice, but also accompanies the victim during hearings and/or court trials. For more on the subject, see chapter three.

Yost & Abbott, 2006). The most common reason for satisfaction, highlighted by 14 respondents, was the benefits of counseling and talking to someone who actively listened:

“Quelqu’un qui m’a écoutée. La LAVI m’a aidée à me sentir mieux, à résoudre le problème.” (INT 02)

“Quand j’avais quelques doutes, je pouvais toujours téléphoner. L’écoute, j’ai toujours été entendue.” (INT 06)

“C’est très chaleureux. On voit qu’ils sont des gens qui prennent l’affaire, les victimes au sérieux.” (INT 19)

Legal advice and information on victims’ rights as well as information concerning the criminal proceedings in general and the support to prepare the complaints were highlighted as relevant for the satisfaction of 10 respondents.

“Savoir quoi faire, écrire les documents nécessaires.” (INT 10)

“Ils m’ont pris un avocat, ils m’ont expliqué comment se passait la procédure, comment, qu’est que je devrais faire.” (INT 17)

These are not different from the findings of other studies conducted in Switzerland such as Boggio et al (1995); Killias and Berruex (2000); Pedra Jorge (2005b). Usually, victims tend to be satisfied with the services offered by victim support centers and among the reasons for satisfaction, they highlight the listening skills of the professionals working in those centers as well as the demonstration of concern towards the victim.

Killias and Berruex (2000) analyzed victims’ reasons for dissatisfaction and concluded that mostly the victims who are dissatisfied highlight the fact that “they did not do enough” or “they were not concerned.” In this study two victims who were not satisfied with Center LAVI’s services replied that the support offered had not met their needs.

“Parce que depuis l’année dernière que j’ai besoin d’aide financière et ils m’ont pas aidée. (...). J’ai d’autres besoins qui n’ont pas été compris.” (INT 05)

“Je ne suis pas très contente avec la personne qui travaillait là-bas (...). Ce sont des bureaucrates.” (INT 20)

3.1.4. Preliminary conclusion on research question 3.1

In sum, victims interviewed tend to be more satisfied with the performance of the police than with that of the judges. Police were positively evaluated for their immediate support and care and judges for being supportive and showing themselves to be on the victim's side. Disregard, indifference, and in some cases, secondary victimization and prejudice were highlighted as the main reasons for dissatisfaction with police and judge's performance. Concerning the Center LAVI, most of the victims are satisfied with their performance. The majority had declared themselves to be satisfied with the support given by the Center LAVI, highlighting the benefits of opening up and of receiving legal advice and general information about the criminal proceedings.

3.2. What are the consequences of the intervention of the criminal justice system and support services in the healing process of victims? Do they effectively help victims to recover?

We wanted to learn from victims who had been in contact with the criminal justice system and the Center LAVI if they had recovered from the emotional distress and whether going through the criminal proceedings or the support program of the Center LAVI had influenced their emotional healing process.

Two major questions were asked. First, we asked victims to think about their emotional status before and after going through the criminal proceedings and to explain if they felt better, worse or whether there was no significant change in their lives. As far as “feeling better” does not mean “having recovered from trauma”, the second question was whether victims were still distressed as a result of the offense: if they still remember the offense and how often, if they have problems sleeping or nightmares and if they experience any kind of fear that might be related to the crime. Concerning the Center LAVI, we asked victims if the support that they had received had helped in their recovery.

In the following we will present the opinions of victims from the justice group, meaning those who had had contact with police, judge or court and Center LAVI. We should highlight that victims could give more than one reply, which were categorized during the content analysis.

3.2.1. The effectiveness of the criminal justice system

On the one hand, half of respondents (11 victims) who had been through criminal proceedings replied that their state of well-being had improved and they felt better after the criminal lawsuit. In particular, three victims declared that they felt self-confident, two victims had the feeling that justice had been served and one victim claimed to feel more tranquil.

“Je me sens plus forte, plus confiante. Pour moi, au départ c’est dur, prendre la décision, mais après c’est comme une machine qui se lance et qui continue à suivre.” (INT 03)

“Je me sens plus libre, plus tranquille, plus à l’aise.” (INT 07)

Six victims declared that they felt worse. Respondents declared feeling anger, fear of what the future would bring, frustration, as well as feeling disregarded and that the offender had not been sufficiently punished.

“La démarche est trop longue, ils ont traité l’affaire de façon très légère.” (INT 05)

“J’étais en colère contre moi-même et ça ne m’a pas passé. Je suis tellement en colère (...) Avant ce n’était pas drôle, mais maintenant c’est devenu l’enfer.” (INT 15)

“Je peux dire pire. Parce que je pense comment ça va finir cette histoire. Peut-être que ça ne va jamais finir.” (INT 18)

“Ça donne envie de taper quelqu’un. De toute façon, je ne paie rien. Ça donne envie de se venger. Oui (...) d’aller taper quelqu’un, on n’est pas puni.” (INT 19)

For other five victims nothing had changed. Most were disappointed, discontented and defeated.

“Je regrette. Ça ne vaut pas la peine d’aller en justice.” (INT 16)

“Pour moi c’est la même chose, j’ai fait les devoirs de toute personne qui est passé par là. [Interviewer: Donc vous pensez que c’est un devoir, porter plainte?] Oui (...). C’est pour ça que je suis un peu déçu de la justice. Moi j’ai fait ce qui me semblait correct de faire mais la justice n’a pas suivi. Tant que la justice ne fait pas son travail, il n’y a pas de chance.” (INT 38)

On the other hand, even though the majority of respondents had declared that they felt better, 72.7% (16 respondents) had also declared that they had not yet recovered. Victims still think about the criminal event: nine respondents declared that the aggression is still too present and that they remember it very often, and another seven claimed to remember the offense sometimes.

The most common factors for recalling the event to mind were participation during the criminal proceedings (according to five victims) and the consequences of the violence, for example, scars as well as disabilities that they had acquired (according to three victims).

Ordinary activities such as watching movies with violent images on TV and sessions with therapy groups or psychologists were also highlighted by three victims as a cause of remembering the offense.⁸¹

“De temps en temps (...) plutôt quand je suis seule ou quand je suis convoquée par la justice, police”. (INT 01)

“Une fois par semaine, dès que je me vois avec des cicatrices (...). La douleur que je sens au dos. Mon corps a changé à cause de la violence.” (INT 03)

“Quand je reçois des convocations du Juge. Une semaine avant l’audience, je ne dors pas bien, je fais des cauchemars.” (INT 11)

Even the participation in this study was mentioned as a reason for remembering the offense by three respondents:

“J’ai accepté aussi de venir parce que c’est le Centre LAVI qui nous a envoyés parce que je n’aime pas non plus parler.” (INT 14)

“Aujourd’hui, c’est jeudi. Le mercredi, parce qu’on a rendez-vous le jour d’après et que je devrais parler sur le sujet, je n’ai pu pas dormir.” (INT 21)⁸²

Problems sleeping and nightmares were not frequent complaints from victims, only from four respondents, whereas fear of retaliation from the criminal and feelings of insecurity were. Of the 16 respondents who had not recovered yet, 11 had feelings of fear that seemed to be related to the victimization, for example, fear of the offender (eight respondents) and feelings of insecurity (four respondents):

“J’ai peur de lui. Je suis devenue méfiante. Je pense que ce serait difficile pour moi d’avoir une autre relation.” (INT 03)

“J’ai peur de lui, de le croiser. Quand quelqu’un sonne à la porte, je regarde avec attention pour voir si ce n’est pas lui.” (INT 11)

⁸¹ Not all victims replied to this question and some had given more than one reason for remembering the offense.

⁸² Original version: “É quinta-feira, eu já na quarta só pelo motivo de termos o rendez-vous que eu vinha falar, reviver um pouco, eu já não dormi”.

“Dans l'immeuble bien sûr. J'attends toujours (...), avant de sortir, qu'il n'y ait personne et j'évite de sortir le matin. Ou je sors avant qu'il se lève.” (INT 15)

3.2.2. The effectiveness of Center LAVI

Although the majority of respondents of the justice group had not recovered yet, they acknowledged the benefits of having received support from the Center LAVI. According to 19 respondents, this support has been essential for their recovery process. Among the benefits of the support offered, 15 respondents highlighted counseling and active listening as important for improving their well-being. In particular, five respondents highlighted the fact that the support had helped to increase their self-confidence.

“La LAVI m'a rendue plus confiante par rapport à moi, aujourd'hui je me sens plus forte. C'est comme une aide psychologique qui démontre qu'il faut continuer, il faut se battre.” (INT 03)

“Ils m'ont fait quand même comprendre (...) Je ne peux pas dire que je suis guérie mais ils m'ont beaucoup aidée, oui. Je pense que ça a aurait été pire si je n'avais pas passé par eux.” (INT 15)

Sharing experiences, talking about the victimization with someone or opening up had also helped in the recovery process of five victims.

“Ils m'ont aidée à avancer. Le fait de savoir qu'il y a des gens comme nous qui nous aident, on se sent à l'aise de parler.” (INT 10)

“Le fait de partager l'expérience avec d'autres filles qui ont eu le même problème, qui ont un vécu similaire, le soutien des animateurs (...) ça m'a fait du bien. (INT 13)

Three respondents declared that LAVI helped them to manage the violence:

“La LAVI nous aide à gérer la violence. L'appui psychologique m'a fait comprendre que je dois dire stop tout de suite à la violence. Si je n'avais pas l'appui LAVI, je serais encore dedans.” (INT 11)

3.2.3. Preliminary conclusion on research question 3.2.

The findings suggest that the experience with the criminal justice system and LAVI had positive consequences for the emotional healing process of victims. According to self-evaluation, victims felt better as a result of these experiences. However, it was not effective enough to help with recovery. On the contrary, the majority of victims declared that they had not recovered. Victims remember the offense often, some cannot forget it and the criminal justice system itself provokes these memories. Though the majority of victims declared that they felt better, they still have feelings of insecurity, fear of the criminal and that they have not completely moved on with their lives. The offense is still all too present.

3.3. Do victims who participate in criminal proceedings or who are supported by victim services have better chances of recovering than victims who do not participate or who are not supported?

According to the literature reviewed in chapter one, the justice system should be supportive and therapeutic and Center LAVI should help victims to heal. Indeed, in the victim's view the healing role of the criminal justice system is more relevant than the sanctioning role (Shapland et al., 1985; Wemmers, 1996). Particularly those victims who report the crime to the criminal justice system are seeking justice, but justice in other terms. The victim has expectations that the criminal justice system will be supportive. Von-Sauberzweig (1997) states that the justice system could consider taking into account as a challenge providing the parties with the possibility of solving their problems in a constructive way. Justice therefore could be an instrument of healing and rehabilitation (Wexler & Winick, 1991; Winick, 2008).

In order to observe the experience that victims had with the criminal justice system and Center LAVI and the consequences of such experience in their well-being, we compared the opinions of victims of the justice group with those of the no justice group. We wanted to learn if the victims who had reported the crime and who were supported by victim services LAVI, according to self-evaluation, had better chances of recovering than the others.

As explained before, two major questions were asked to the victims in order to gather this information. We asked victims of the justice group whether they were still distressed as a result of the offense; if they still remembered the offense and how often; if they had problems sleeping or nightmares and if they experienced any kind of fear that might be related to the crime. Then, we asked them to think about their emotional status before and after going through the criminal proceedings and to explain if they felt better, worse or whether there were no significant changes in their lives.

For the victims in the no justice group, the same two questions were asked, but they were formulated differently. First we asked victims in the no justice group whether they were still distressed as a result of the offense; if they still thought about the offense and how often; if they have problems sleeping or nightmares and if they experienced any kind of fear that might be related to the crime. Following, we asked them to think about their emotional status after the crime and nowadays, and to consider whether they feel better, worse or whether there was no significant change in their lives as a result of healing with time.

In the following we will present victims' replies.

Table 10***Victims' recovery according to crime reporting (N=37)***

	Justice group (%)	No justice group (%)
Victims	N=22	N=15
Recovered	6 (27.3%)	3 (20.0%)
Non Recovered	16 (72.7%)	12 (80.0%)

The reader can observe in Table 10 that in both groups, the number of troubled victims is very similar. Of 22 victims of justice group, 16 are still disturbed because of the offense. Of 15 victims of no justice group, 12 are still disturbed. Differences between both groups were minor. Based on this data, we think that the contact with the criminal justice system and the Center LAVI did not influence the victims' level of distress or recovery. The next comparison in Table 11 reinforces this conclusion:

Table 11***Victims' emotional status according to crime reporting (N=37)***

	Justice group (n)	No justice group (n)
Emotional status	N=22	N=15
Better	11 (50%)	10 (66.7%)
Worse	6 (27.3%)	1 (6.7%)
Nothing had changed	5 (22.7%)	4 (26.7%)

According to respondents' opinions the majority of victims of the no justice group feels better and half of the victims of the justice group feel better. Comparison between groups indicates that both victims who had participated in the criminal proceedings or who had requested support from Center LAVI (justice group) and victims who had neither contact with the criminal justice system nor had requested the support of Center LAVI (no justice group) are emotionally distressed, although there are more victims distressed in the justice group.

Findings are not much different than what the literature has been pointing out: the psychological impacts of crime in particular are the most difficult to heal and the most extensive, lasting even years after the crime was committed (Lurigio & Resick, 1990; Newburn, 1993; Wemmers, 2003).

In the following sub-items, we will divide the groups and analyze the crime type and its influence in the well-being of crime victims.

3.3.1. Well-being of victims estimated by crime type.

Studies suggest that victim's distress is influenced by the seriousness of the offense (Maguire, 1991; Tondonato & Erez, 1994; Sims, Yost & Abbott, 2006). Therefore, in order to understand whether it was the experience with the criminal justice system and support services or the type of crime which was more likely to influence recovery, we decided to change the strategy of comparison and to divide the groups further into victims of violent and non violent crimes. Besides the division into groups justice and no justice, according to table 3 the four crime types – aggravated assault, sexual assault, property crimes and minor offenses – were classified in:

- Violent crimes: for aggravated assault, assault, sexual assault and robbery;
- Non-violent crimes: for minor offenses, such as simple assault, threat and verbal offenses.

A - Victims of Violent Crimes

This item includes the analysis of victims of crimes such as aggravated assault and assault, sexual assault and robbery, 24 victims in total. Of these victims, 13 had reported the crime to the criminal justice system and requested support at the Center LAVI (justice group). Ten were victims of aggravated assault and assault and three of sexual assault.

The other 11 had not reported the crime or asked for support at the Center LAVI (no justice group). In this case, most respondents were victims of sexual assault (seven); two were victims of robbery and the other two were victims of assault. Although these were crimes for which criminal lawsuits should have been initiated ex officio, the victim did not bring the case to the attention of the police or judge, and the police did not learn about the case by other means, thus they went unreported.

Table 12 demonstrates a comparison of violent crime victims of the justice group and no justice regarding their emotional well-being. Having asked whether they were still distressed as a result of the offense, if they still remember the offense and how often, victims in both groups provided similar replies. Of 24 respondents, 10 in the justice group and nine in the no justice group declared that they felt traumatized and that they had not put the event behind them.

Table 12***Recovery from violent crimes according to crime reporting (N=24)***

	Justice group (%)	No justice group (%)
Violent crime victims	N=13	N=11
Recovered	3 (23.1%)	2 (18.2%)
Non Recovered	10 (76.9%)	9 (81.8%)

Extracts of victims' interviews highlight some aspects of their emotional status. For example, victims highlighted particular situations which may trigger memories of the criminal event. Victims of the justice group were reminded of the offense as a result of the participation in the criminal proceedings whereas victims of the no justice group remember the offense mostly when they feel powerless or fragile.

“De temps en temps. Les premiers trois mois tous les jours. Aujourd’hui plutôt quand je suis seule ou quand je suis convoquée.” (INT 01)

“Toujours. (...) Quand je reçois des convocations où je dois aller au Tribunal, je ne peux pas bien dormir.” (INT 02)

“Quand je reçois des convocations du Juge. Une semaine avant l’audience], je ne dors pas bien, je fais des cauchemars.” (INT 11)

“Oui, il y a des flashes. Parfois ce n’est pas tellement chronologique. Il y a des moments où je n’y pense pas, où je suis très occupée. Par contre, il y a des fois où je peux avoir deux ou trois flashes par jour, par matinée même. Ça dépend si je suis plus fragile, plus triste. Ça dépend de mon état d’esprit mais ça revient assez régulièrement.” (INT 28)

“C’est tous les jours. Justement parce que je suis en train de travailler dessus encore. C’est très long. Prendre conscience de ce qui est arrivé (...). Au moment où on prend conscience il faut pouvoir élaborer (...). J’avais refoulé le souvenir. Du moment qu’on arrive à prendre vraiment conscience de ce que c’est, c’est tout le temps là.” (INT 42)

Particularly among those who had not recovered, problems sleeping were not a major

complaint (three respondents, two in the justice group and one in the no justice group) but fear of retaliation by the criminal or other fears and feelings of insecurity were declared by 10 respondents, among which seven were in the justice group.

“Surtout là quand je travaille parfois en ville, je me dis: «Si je sors, peut-être que je le rencontre» (...). Je sais qu’il n’est pas là mais je l’ai toujours dans ma tête, je n’arrive pas à oublier.” (INT 18)

“En fait j’ai peur de ma réaction en disant que ces dernières années tout ce que je sentais (...) s’est vraiment accéléré et je sens de plus en plus de la haine, ce que je ne ressentais pas avant. Et si je le croise, j’ai envie de le frapper. Je peux m’énerver.” (INT 31)

“J’ai peur de vivre tout simplement en fait, mais je n’ai pas forcément peur des autres, de moi-même.” (INT 42)

Although the majority of victims of violent crimes claimed not to have recovered, they did claim to feel better. However, reasons for feeling better are different in each group. Victims of the justice group claimed to feel better after having reported the crime and participated in the criminal proceedings whereas victims of the no justice group claimed to feel better because of the support they received from their families/friends. Some also stated that “time does its work,” meaning that as days pass it becomes easier to put the event behind them. However, as it was already observed in Table 11, most of the victims who declared that they felt better are the victims of the no justice group, as the reader can see in Table 13:

Table 13

Emotional status of violent crime victims according to crime reporting (N=24)

	Justice group (%)	No justice group (%)
Emotional status	N=13	N=11
Better	7 (53.8%)	9 (81.8%)
Worse	3 (23.1%)	1 (9.1%)
Nothing had changed	3 (23.1%)	1 (9.1%)

Due to the gravity of the cases, it was expected that victims of violent crimes would demonstrate high levels of distress. We did not expect however that the victims of the justice group would report the same levels of distress as the victims of the no justice group. In addition, more victims of the justice group than of the no justice group reported feeling worse

although numbers are still too few to ascertain this observation and results were based on victims' opinions of their well-being, not on clinical diagnosis.

B - Victims of Non-Violent Crimes

The classification of minor offenses or non-violent crimes included criminal acts such as simple assault, threat, harassment and verbal offenses (insults, defamation), affecting a total of 16 victims. Of these, the majority (62.5%) had had contact with the criminal justice system and Center LAVI.

Table 14 demonstrates the emotional well-being of victims of the justice group and no justice. Once again, the majority of victims of the justice group (6 respondents) and no justice (four respondents) claimed to feel traumatized and had not put the event behind them, meaning that there is no significant difference between the groups.

Table 14

Coping with non-violent crimes (N=13)

	Justice group (%)	No justice group (%)
Victims	N=9	N=4
Recovered	3 (33.3%)	1 (25%)
Non Recovered	6 (66.7%)	3 (75%)

In both groups, victims think often about the offense. Among those who had not recovered, four respondents declared that they have problems sleeping (two in each group) and eight respondents fear the criminal (four in the justice group and three in the no justice group):

“J’ai peur qu’il revienne une deuxième fois, surtout parce que le Juge m’a dit qu’il est malade. J’ai peur quand je sors. Je marche et je regarde partout.”
(INT 16)

“Je risque ma peau tous les jours. Pour eux c’est normal. Quand je vais au Tribunal ils disent: «Oui, vous avez des hématomes mais c’est rien, c’est de la bagatelle.» (...). Mais vous savez quand on est sous pression et vous devez rentrer à la maison. Moi, je dois m’enfermer dans la chambre parce que j’ai peur. Je ne rentre pas tout de suite, pour me protéger, j’attends qu’il dorme.”
(INT 20)

Concerning their well-being after all, most of the victims of non-violent crimes in the justice group (four respondents) claimed to feel better whereas most of the victims of non-violent crimes in the no justice group claimed that nothing had changed. In this regard, numbers are too few to ascertain whether there is or not any influence of the contact with the criminal justice system in victims' well-being. Yet, there are three victims of non-violent crimes who feel worse in the justice group and none in the no justice group, as in Table 15:.

Table 15

The emotional status of non-violent crime victims (N=13)

	Justice group (%)	No justice group (%)
Emotional status	N=9	N=4
Better	4 (44.4%)	1 (25.0%)
Worse	3 (33.3%)	---
Nothing had changed	2 (22.2%)	3 (75.0%)

C – Comparing the well-being of victims of Violent Crimes with victims of Non-Violent Crimes

Finally we should compare the well-being of victims of violent and non-violent crimes in order to understand whether the type of crime influences it. According to victims' quotes the type of crime seemed to trigger different reactions and reasons to remember the offense but victims' well-being did not differ much. For example, one victim of robbery, instead of experiencing fear or feeling unsafe, had changed his/her habits or his/her way of relating to others:

“Je me sens généralement en sécurité, peut-être un peu trop, je fais trop confiance (...) En Suisse je n'ai pas de peine. Mais je dirais qu'il y a des comportements dont je me méfie. Si on est trop sympa, si on me rend service, ce genre de chose, maintenant je regarde deux fois.” (INT 41.1)

Victims of sexual assault experienced difficulties acknowledging the victimization. Three respondents, who had been victimized when they were underage, declared that it took a while for them to recognize that they had been victims of a crime. We think that the modus operandi might have had an influence here because offenders had not used physical violence but psychological pressure and threat.

“J’avais 13 ans, donc à l’époque, pour moi, c’était mon copain. On se voyait. Mais après il y a eu quand même des choses que, sur le moment, je n’ai pas vécu comme ça (...) Je ne voyais pas que c’était vraiment du viol, un abus. Dans ma tête, ça n’était pas une agression parce qu’il n’y a pas eu de la violence physique, mais plutôt psychologique (...) J’ai pris plus de temps à m’en rendre compte. Sur le moment, c’était mon copain mais j’ai de plus de plus des sentiments assez terribles à son égard.” (INT 31)

Victims of partner violence, although in the main victims of non-violent crimes, seemed to have more difficulties with moving on with their lives, to fear the criminal and to present problems sleeping, as a result of being constantly under stress and threat.

“J’ai peur de lui. Je suis devenue méfiante. Je pense que ce serait difficile pour moi d’avoir une autre relation. ” (INT 03)

“Tous les jours à cause des dettes qu’il m’a laissées. Je prends toujours des médicaments pour dormir. ”(INT 04)

“Ça vient toujours (...). Les gens demandent: «Comment ça va?». Je ne peux plus cacher. Les amies, au travail, partout. Ça ne va pas. Je ne me sens pas soutenue. Je ne peux pas oublier tant que ce n’est pas fini, et même quand c’est fini il y a le divorce, il va m’embêter. Il a dit: «Si tu pars ça va aller plus loin.» Justement, jusqu’à là, tout ce qu’il a dit il l’a fait. Je prends des calmants. Je suis à la limite. ” (INT 20)

“Je repense à l’événement plusieurs fois par année encore aujourd’hui. Presque 20 ans après, je peux encore ressentir la souffrance physique et psychique que j’ai subie à l’époque. ” (INT 25)

3.3.2. Preliminary conclusion on research question 3.3.

Victims’ opinions presented in this item demonstrated that the ones who had participated in the criminal proceedings or who had requested support from Center LAVI (justice group) and the ones who had neither contact with the criminal justice system nor had requested the support of Center LAVI (no justice group) were both disturbed. Even though victims had

been further divided into two groups – victims of violent and non-violent crimes – the majority claimed not to have recovered and to remember the criminal event often.

However, the prevalence of respondents who feel worse is higher among the victims of the justice group. In addition, the victims in the justice group have more feelings of fear of retaliation by the criminal or other fears and feelings of insecurity than the victims in the no justice group.

Another interesting aspect that we observed is that depending on the type of crime, whether it be a sexual assault, a robbery, or partner violence, victims showed different reactions to violence. For example, victims of sexual assault had more difficulties to acknowledge victimization whereas victims of robbery changed their habits after the crime. Victims of partner violence seemed to have more difficulties with moving on with their lives, to fear the criminal and to present problems sleeping, as a result of being constantly under stress and threat.

Therefore findings based on victims' quotes suggest that the criminal justice system and LAVI had neither therapeutic nor anti-therapeutic effects in the well-being of violent or non-violent crime victims. The type of crime however seemed to trigger different forms of reaction.

3.4. Does the participation of victims in criminal proceedings affect their satisfaction or dissatisfaction with the criminal justice system and their level of distress?

We wanted to learn from the victims who had experienced a criminal proceeding and who had participated during it whether their level of participation had had any effect on their satisfaction with the judge's performance and healing process. According to Erez (1994), there may be a direct correlation between victims' satisfaction or dissatisfaction with the criminal justice system and their level of participation during the criminal proceedings. "Victims who believed they were able to speak to prosecutors and judges were more satisfied with the criminal justice system than those who believed they were not able to do so (Kelly, 1990, 175). For example, Shapland et al (1985) observed that as the prosecution process moved from the investigation to the prosecution in courts, the proportion of satisfied victims started dropping. And "this was almost entirely due to a lack of knowledge of what was happening to the case."(p. 85). This means, victims expect to be respected, informed and to participate (Languin & Robert, 2008).

In order to distinguish between victims who had participated more effectively or less effectively, we assigned degrees of participation to each case in the justice group. We could have followed the criteria of active or passive participation introduced in chapter three.⁸³ However, it would not describe how they had actually participated in the criminal justice system but rather only the "label", plaintiff or civil claimant, that they had been attributed depending on their role in the criminal lawsuit.

Therefore, we established criteria. High participation was assigned to victims who:

- Had reported the offense to police and/or judge, although not necessarily as the plaintiff;
- Had followed the progress of the proceeding and/or had been represented by a lawyer;
- Had given their testimony in pre-trial hearings more than once, or in court during the trial.

Moderate or low participation was assigned to cases where victims' participation was dependent on the criminal justice system's initiative, although some of these victims had constituted a lawyer for the case. Those were victims who had participated only when

⁸³ According to these criteria, the term "active participation" is applied to victims who take on the role of plaintiff. In other words, the lawsuit depends on their motivation or participation to proceed. "Passive participation" is attributed to victims who have the role of civil claimant. This means that the criminal lawsuit is independent of their desire to prosecute the offender. For more on this subject, see chapter three.

requested by the judges; otherwise they had waited for the outcome and had not followed the progress of the proceeding. It is though important to highlight that of 23 respondents of the justice group, 10 had constituted a lawyer, among whom 70% had actively participated during the criminal proceedings. This suggests that when victims are represented by a lawyer they have more opportunities for participation.

Table 16 shows that most of the victims who had participated moderately or low during the criminal proceedings were dissatisfied with the judge’s performance. On the contrary, victims who had participated highly tended to be more satisfied with judge’s performance.

Table 16

Victims’ satisfaction with judge’s performance estimated by participation in the criminal proceedings (N=22)

Victims ...	Participation		
	High (%)	Moderate (%)	Low (%)
Satisfied with judge’s performance	9 (64.3%)	1 (25%)	----
Dissatisfied with judge’s performance	5 (35.7%)	3 (75%)	2 (50%)
Have other opinion	----	----	2 (50%)

Although it is not possible to establish whether victims are more satisfied because they participate more or victims participate more because they are more satisfied, an analysis of victims’ replies can shed some light on this relationship.

Concerning victims’ participation during proceedings, respondents complained about the length and slowness of the proceeding and, most important, the lack of information about the case.⁸⁴ Indeed, information about the case is a crucial for participation. Otherwise the victim has no knowledge about what is happening, for example regarding which step or phase is the proceeding into, and consequently cannot follow, cannot give any input or participate.

“La chose qui a manqué aussi c’est qu’on n’est pas informé sur la procédure. On a l’impression d’être oublié. Je comprends parce que c’est seulement mon cas, mais quand même...et moi je suis bien entourée, j’ai ma famille, mes

⁸⁴ Participants could have given more than one reply.

amis et je me sens des fois, oubliée, dans un coin (...) J'aimerais bien recevoir des informations.” (INT 08)

“C’est lent. On a l’impression que la victime a été oubliée. En plus on passe du temps sans recevoir de nouvelles. Ils devraient envoyer une lettre de temps en temps pour dire ce qu’il se passe avec la procédure.” (INT 13)

“Je trouve que la justice est trop lente. Et c’est souvent ça. Parce que si la justice traitait les cas beaucoup plus vite peut-être qu’il y aurait des gens qui chercheraient plus, et moins de gens qui se permettraient de faire ça comme ce Monsieur. C’est la lenteur (...) Après c’est renvoyé (...) Vous vivez ce cauchemar (...). Avec l’âge on est beaucoup plus vulnérable. Et avec les personnes de mon âge et surtout quand ils savent qu’il y a un avocat ils devraient aller beaucoup plus vite.” (INT 15)

“J’ai reçu une lettre du Juge comme quoi il avait classé l’affaire et je lui ai envoyé une lettre en disant que j’étais déçu de la justice. Ils ont rien fait, rien du tout, ils n’ont pas fait de recherche, d’investigations (...) Et la lettre que moi j’ai envoyée après, je n’ai jamais eu de réponse. C’est petit, donc on laisse tomber.” (INT 38)

Four respondents complained that they had been unable to ask questions or to present their views, meaning they had been unable to participate actively.

“C’était pire après. J’étais là et je voulais demander pourquoi il m’a tapé, chose que je ne sais pas (...) «Vous avez demandé ça au juge?». Je n’ai pas pu.” (INT 15)

“La deuxième fois, Monsieur M., le prévenu, n’est pas venu non plus. Vu que Monsieur M. n’est pas venu, il a tranché comme ça. J’ai l’impression d’être un peu l’autre, comme je dirai, négligeable.” (INT 19)

Two respondents preferred not to express their opinions or declared that the judge was neutral and had done his/her job.

In addition, Table 17 shows that among 22 respondents, 10 who had actively participated believed that their rights had been respected.

Table 17***Respect to victims' rights estimated by participation in the criminal proceedings (N=21)****

Victims' rights ...	Participation		
	High (%)	Moderate (%)	Low (%)
Respected	10 (76.9%)	2 (50%)	3 (75%)
Not respected	3 (23.1%)	2 (50%)	1 (25%)

* N < 22 (sample justice group) because not all victims replied to this question.

In this regard, victims' replies suggest that participation enhances not only the satisfaction of the victim but also the feeling that rights have been respected. Indeed, mostly the victims who had participated actively had declared that they have received the rights which they were entitled to. For example, asked if they believed that their rights had been respected, victims declared:

“Il a nié les menaces chez le juge mais la juge a bien compris (...). La justice lui a montré qu'il y a des lois et qu'il faut les respecter. C'était parfait. (...) J'ai eu tout l'appui dont j'avais besoin.” (INT 07)

“Ils m'ont donné tout ce qu'il fallait.” (INT 10)

Finally, victims' quotes suggest that participation contributes to the emotional well-being of the victim. The more the victims had participated in the criminal proceedings, the more satisfied they were with the judge's performance. They were more likely to believe that their rights had been respected. The victims who claimed to be satisfied with the justice system and who believed that their rights had been respected had also claimed to feel better. In more objective terms, all the victims who had declared that they were satisfied with the judge (10 respondents) had also claimed to feel better. In addition, of 15 respondents who had declared that their rights have been respected, 10 had also claimed to feel better. Therefore, we observed that the more the victim had participated in the criminal proceedings, the better he/she felt, as shown in Table 18.

Table 18*Victims' emotional status estimated by participation in the criminal proceedings (N=22)*

Emotional status of victims	Participation		
	High (%)	Moderate (%)	Low (%)
Better	9 (64.3%)	2 (50%)	----
Worse	4 (28.6%)	1 (25%)	1 (25%)
Nothing has changed	1 (7.1%)	1 (25%)	3 (75%)

In sum, content analysis of victims' quotes gives an indication that victim's participation during the criminal proceedings may affect his/her satisfaction with the criminal justice system. The more participation, the more satisfaction and the better he/she feels. However this correlation does not necessarily imply a causal link. Indeed, it is not possible to establish if satisfaction is due to the participation in the criminal proceedings or viceversa.

In this regard, the findings of this study are consistent with the literature. Participation usually also has consequences for the emotional well-being of crime victims. It may help to heal and enhance recovery, influencing in their level of distress (Erez, 1994). Certainly, as far as victims are not only allowed to participate but have also their rights respected and are properly treated during the criminal proceedings.

3.5. *How does criminal justice system's performance affect victims' relationship with the criminal justice system?*

In order to learn whether victims' satisfaction with the judge or the court who had treated his/her case influences their interaction with the criminal justice system, we asked participants whether they would report an offense in a future situation or recommend to their family and friends to report. We also asked the participants whether they would collaborate with the criminal justice system in the future.

Table 19 suggests that among victims of the justice group the ones who declared to be satisfied (90%) are more likely to report an offense in case of revictimization and would collaborate with the criminal justice system in a future situation.

Table 19

*Crime reporting in the future estimated by victims' satisfaction with judge (N=19)**

Victims ...	Dissatisfied with judge's performance (%)	Satisfied with judge's performance (%)
Would Report	2 (20%)	9 (90.0%)
Would not Report	3 (30%)	----
Undecided	4 (40%)	1 (10.0%)

* N < 22 (sample justice group) because not all victims replied to this question.

As one would expect, some respondents who claimed to be dissatisfied with the judge's performance would not come to the attention of the criminal justice system to report an offense in case of revictimization.

“Non. La police elle ne veut pas qu'on les dérange. Ça ne vaut pas la peine d'aller en justice.” (INT 16)

“J'ai de moins en moins envie (...) Ça rentre dans les statistiques. Également la politique de certains partis qui sont très axés sur le côté sécuritaire et qui joue beaucoup aussi sur les infractions (...) Sachant que ça rentre dans les statistiques, je n'ai pas envie.” (INT 41.1)

However, two respondents, although dissatisfied with the judge's performance proceeding, would come to the attention of the criminal justice system in case of revictimization. They believe it is a duty as citizens, and although disappointed with the criminal proceedings they believe that the criminal justice system should be here with the

purpose to protect.

“La police, on doit quand même prendre contact avec (...) Mais la police elle est là pour nous défendre, malgré tout. Si moi j’avais porté plainte la première fois, je n’aurais pas été tabassée la deuxième fois. Parce que la première fois il m’a tapé, la deuxième fois j’étais tabassée, c’était différent. (...) On ne devrait pas dire ça fait des années et tout ça.” (INT 15)

“Ils sont là pour ça. Mais peut-être que moi, je suis tombée sur des gens qui ne font pas leur travail et qui ne sont pas honnêtes. Absolument. Il faut changer ce système qu’il y a ici en Suisse.” (INT 20)

Four victims who were dissatisfied and one victim, although satisfied, were doubtful whether they would come to the attention of the authorities in case of revictimization. They were unable to reply how they would react.

Victims of the no justice group were also asked if they would come to the attention of police or judge in case of revictimization. Victims’ replies in Table 20 show that there is a tendency for reporting and a slight change of attitude in the victims who had not reported the crime before: of twenty respondents who did not report, 10 would report an offense in the future in case of revictimization.

Table 20

*Crime reporting in case of revictimization (N=35)**

Victims ...	Justice group (%)	No justice group (%)
Would not Report	3 (14.3%)	4 (28.6%)
Would Report	13 (61.9%)	6 (42.9%)
Undecided	5 (23.8%)	4 (28.6%)

* N < 37 (samples justice group and no justice) because not all victims replied to this question.

Therefore victims’ replies suggest that satisfaction with the judge’s performance is a factor which enhances the likelihood that the victims would report a crime in case of revictimization whereas dissatisfaction contributes to uncertainty and decreases the probability of crime reporting. In addition, there is a chance that victims who had not reported before would change their attitude and report in the future.

Dissatisfaction with judge’s performance could lead victims to desire revenge against the perpetrator and to look for private justice or to take justice into their own hands. Asked if it

was the case, the great majority of respondents replied that they have had no feelings of revenge and they would not perform private justice, as the reader can see in Table 21:

Table 21

*Victims' feelings of revenge estimated by crime reporting (N=36)**

Victims ...	Justice group (%)	No justice group (%)
Without feelings of Revenge (<i>n</i>)	18 (85.7%)	8 (53.3%)
With feelings of Revenge (<i>n</i>)	3 (14.3%)	7 (46.7%)

* N < 37 (samples justice group and no justice) because not all victims replied to this question.

While comparing victims of groups justice and no justice, most of victims of the former had not felt a desire for revenge against the perpetrator, likewise the victims of the latter. However, among the victims who had experienced feelings of revenge, the majority was in the no justice group. The experience with the criminal justice system and the fact that a criminal lawsuit is proceeding seems to reduce the impetus to private justice.

4. Other cases

As explained in the methodology, seven respondents did not fit the expected profile of the justice and no justice groups. Two of them, who had been to the criminal justice system, had not requested the support of the Center LAVI and other five respondents, who had not been to the criminal justice system, had requested the support of the Center LAVI. For methodological reasons they were not included in groups justice or no justice. Their replies were analysed with the same method applied to the others and will be considered separately under this item.

In the following we will summarize those victims' opinions.

First of all, it is important to inform that among those seven respondents, three were victims of sexual violences, three were victims of minor offenses and one was victim of robbery. In three cases, offense had been committed by the partner, two by strangers, one by a relative and one by a friend.

In five cases, crime had taken place between one to five years before the date of the interview. In one case, crime had taken place more than five years ago and in another case, more than 10 years ago.

Among the two victims who had made a complaint at the criminal justice system but had not requested the assistance of the center LAVI, one was victim of robbery and the other, victim of assault.

Concerning their opinion about the criminal justice system, they both declared to be dissatisfied with the police and the judge. Particularly concerning the treatment of the police, they had feelings of secondary victimization, as follows:

“Au début ils étaient assez rassurants (...) .Ils sont venus avec des chiens pour relever des traces, toute cette agitation m’a un peu rassurée. Et à la fin je ne voulais évidemment pas me déplacer. Et puis ils m’ont dit: «On vous promet qu’on va vous ramener à la maison en voiture de police (...) à la fin de l’interrogatoire (...) dépôt de plainte». Et après le dépôt de plainte, les policiers m’ont dit «On vous a dit ça? C’est qui qui vous a dit ça?». Ils étaient tout étonnés, tous négligents, froids, c’était comme une deuxième agression pour moi. C’était horrible.” (INT 40)

“Ça a pris deux, trois jours, on a dû porter plainte, moi et mes amis, faire les témoignages, les accusations, ça a foutu tout le week-end. Pas très agréable. Je dirais que mon sentiment profond, j’étais autant agressée entre guillemets de la lâcheté des agents de police locale que parce que c’était passé.” (INT 41)

The victim of assault declared to have overcome the trauma and that he/she felt better after having reported the crime to the justice system whereas the victim of robbery declared to be troubled by the offense and to remember it often. However, he/she declared to feel in harmony:

“En harmonie, ça m’est arrivé, j’ai vécu, c’était dur, j’ai beaucoup souffert, le temps a fait son travail, le psy a fait son travail (...). Je me sens marquée à vie mais je n’en souffre plus de manière aussi aigüe.” (INT 40)

The victim of assault although feeling better after having reported the crime to the justice system, would not report the offense in a future situation whereas the victim of robbery, although dissatisfied with the police and the judge, would report the crime or collaborate with the justice system in a future situation for the reason below:

“Et déjà l’agression nous sort du système en tant que victime. Ça nous permet de rentrer dans le système. L’agression nous banalise. L’agresseur nous “viandise”: un morceau de viande, un objet, une victime. Porter plainte, ça me fait rentrer dans le système. On redevient un peu plus un individu. C’est symbolique (...) Et c’est un pas vers la guérison, porter plainte.” (INT 40)

Among the five victims who had not made a complaint to the criminal justice system but had requested the assistance of center LAVI, three were victims of sexual assault and two, victims of minor offenses. These respondents, although they had been to LAVI and had been informed about their rights, decided not to report the offense because “police would be unable to solve the case”, as follows:

“J’avais besoin d’une reconnaissance mais l’avocat dans la consultation juridique m’a dit que la plainte serait inutile parce que le cas était prescrit, que je n’aurais ni même une audience.” (INT 35)

“Parce que mon avocat m’a dit qu’il vaut mieux demander la séparation tout de suite. Ça ne sert à rien de porter plainte (...) parce que de toute façon, ça n’a aucune importance pour elle [l’acusée]. Elle s’en fout complètement (...) J’aurais pu porter plainte mais ça n’aurait pas de suite.” (INT 36)

“Non, parce que c’était trop tard. Peut-être que je l’aurais fait mais ils m’ont dit que c’était trop tard.” (INT 37)

One respondent declared that he/she could not acknowledge the victim status:

“Je ne me reconnaissais pas comme une victime. Je ne pensais pas à la justice. Je n’arrivais pas à me reconnaître. Je ne voulais pas admettre que j’étais une victime.” (INT 35)

Other two respondents did not report the offense because they wanted to protect the offender or to preserve their families:

“En plus il est italien, si je l’avais dénoncé il aurait eu beaucoup de problème parce qu’il n’a pas la nationalité suisse (...). Peut-être qu’il y a quelque chose d’autre (...). Oui, mes parents. Je ne voulais pas leur donner ce poids. Ils ont déjà une situation difficile avec mes frères et je ne voulais pas leur donner ça encore en plus. Je n’ai jamais dit, ils auraient été trop mal. ” (INT 37)

“Moi je pouvais poser plainte et ma fille n’a pas voulu. Parce qu’en fait il n’y avait rien eu. Il n’y a pas eu de concrétisation, heureusement. Il n’y a eu que des tentatives. Elle n’a pas voulu déposer plainte parce qu’elle ne voulait pas faire du mal à sa femme, au reste de la famille. Aux enfants et à sa femme.” (INT 39)

They were all satisfied with the assistance provided by Center LAVI.

Concerning their well-being, three declared to feel troubled about the offense and to remember it often:

“On revit les événements très fort, même si c’est 6 ans après ou 40 ans après, c’est incroyable... le sentiment, les blessures, elles sont là, quand on les ressort vraiment du fond, ça fait mal.” (INT 23.1)

They all declared to feel better because “time does its work”.

Concerning reporting in the future, four would make a complaint to the police in a future situation and one was undecided.

As the reader can see from victims’ quotes above, although these respondents had a different profile than what was expected, they demonstrated to have the same expectations as the respondents who composed groups justice and no justice. Their emotional status was also similar to the other respondents in groups justice and no justice. In sum, those two respondents who had contacted the criminal justice system to report the crime but had not requested assistance at the victim service LAVI – thus they had not received legal advice or counseling – were conscious about their rights LAVI; were dissatisfied with the criminal justice system and were still troubled by the offense although they had participated during the criminal proceedings. Those five respondents who had requested support at the Center LAVI but had not reported the crime to the criminal justice system declared similar reasons for not having reported the crime; they were satisfied with the assistance provided by center LAVI but were still troubled by the offense. This means, for those seven respondents, the contact with the criminal justice system or with center LAVI had neither therapeutic nor anti-therapeutic effects.

5. Synthesis

In this chapter, we presented the findings of the interviews conducted in Switzerland. By dividing the sample in two groups (victims who had contact with the criminal justice system and LAVI and victims who had not) we answered our research questions and analysed the relationship of criminal justice system and Center LAVI with victims, particularly concerning their well-being.

In sum, according to victims' opinions we concluded that:

- The type of crime and the degree of violence with which it was committed influences the victims' decision to report or not the crime to the authorities since violent crimes were more often reported.
- The more frequent reasons for not reporting a crime were: self-blame and shame, victims do not recognize themselves as victims, victims believed that police would be unable to solve their case, victims fear the social reaction or the lack of social support, victims prefer to preserve their family or to protect the offender, and that from victims' point of view crime was not serious enough to report.
- The majority of the victims were satisfied with the performance of the police whereas the performance of judges and courts was less well evaluated. The reasons for dissatisfaction were indifference and disregard, and particularly, in regards to the judge, the feeling that they were treated as though they were the guilty party.
- Most of the victims were satisfied with the support given by Center LAVI. Among the reasons for satisfaction, victims highlighted active listening, opening up, legal advice and information.
- Although positive, the experience with the criminal justice system and Center LAVI is not effective enough to help the victim to recover or to decrease feelings of fear or recalling the event.
- Indeed, this conclusion was reinforced by the comparison between victims of justice group and no justice. For both groups, the experience with the criminal justice system and Center LAVI had neither a positive nor a negative effect on the victims' well-being.
- A higher, adequate, level of participation in the criminal proceedings may enhance recovery. Victims who had participated more actively in the criminal proceedings were more satisfied with the judge's performance, were more likely to believe that

their rights had been respected and claimed to feel better.

- The experience with the criminal justice system has consequences to the future interaction of the victim with the system. Satisfaction with the judge's performance is a factor which enhances the likelihood that victims would report a crime in case of revictimization, whereas dissatisfaction contributes to uncertainty and decreases the probability of crime reporting.
- Finally, victims interviewed do not have feelings of revenge against their perpetrators. In addition, the experience with the criminal justice system seems to reduce the impetus to private justice because those who had had contact were less likely to experience a desire for revenge.

CHAPTER FIVE - FINDINGS IN SWITZERLAND

DOCUMENT ANALYSIS AND HEARING ATTENDANCE

In this chapter the reader will be introduced to the outcomes of the document research and hearing attendance conducted in Switzerland. However, as background information, in the first item of this chapter we will present descriptive information of the documents analyzed. In the second item, we will present the findings of the document research with a view to reply to our research questions. In the third item, in the form of case stories, we will provide a brief description of the victims involved in the hearings, the forms of victimization, and finally we will describe our experiences attending criminal hearings with a view to reply to the research questions.

1. Document analysis - Descriptive information of Criminal Lawsuits

The objective of the document analysis was to look into law in practice and learn if victims actually have access to their formal rights, as well as to look into the interaction between victims and the judge or trial court, using our findings as a source of information complimentary to the interviews. As explained in the research design, during a two month internship at the Bureau of the Examining Magistrate of Lausanne, we analyzed 28 archived criminal lawsuits, involving 32 victims LAVI.⁸⁵ It is however important to highlight that none of the victims involved in those criminal lawsuits were interviewed. For privacy reasons, the judge responsible for the Bureau of the Examining Magistrate did not allow any contact with those victims. Likewise, as we have mentioned before, we analyzed archived criminal lawsuits and therefore we had not attended to hearings of these particular cases. The hearings which we had attended to and which will be explained in item three of this chapter concerned different criminal lawsuits. This means that any information which we will provide to the reader concerning the criminal lawsuits was contained in written proceedings.

What follows is a summary of the information acquired with an emphasis on data that answer our research questions and confirm the outcomes of the interviews.

1.1. Plaintiffs and forms of victimization

In the archived criminal lawsuits analyzed, there were 32 plaintiffs. Ten were men (31.3%) and 22 were women (68.8%) ranging in age from 4 to 78 years old. At the time of

⁸⁵ In four of these lawsuits there were two plaintiffs each.

the complaint, nine plaintiffs were younger than 21 years old, 18 plaintiffs were between the ages of 22 and 41, and five plaintiffs were older than 42. The average age of the sample was 29.2.

Concerning nationality, 15 plaintiffs were Swiss and 15 were foreigners, coming mostly from other countries in Europe (11 plaintiffs), Africa (three plaintiffs) and Latin America (one plaintiff). The nationality of two victims was not recorded in the files.⁸⁶

Regarding victimization, cases were grouped according to the crime category⁸⁷ estimated by the frequency of offenses that victims had been through. The criminal lawsuits concerned in the main cases of violent crimes (50.0%), followed by cases of sexual violence (28.1%) and partner violence (21.9%). All victims of partner violence and 62% of victims of violent crimes suffered “more than one offense” whereas “one offense” was more commonly observed among victims of sexual assault, as the reader can see in Table 22:

Table 22

Frequency of offenses estimated by crime category (N=32)

Frequency	Partner violence (n)	Violent crimes (n)	Sexual violence (n)
One offense	----	37.5% (6)	77.8% (7)
More than one / Continuous offense	100.0% (7)	62.5% (10)	22.2% (2)

The lawsuits analyzed concerned mostly victimizations that had happened in the last five years. According to 20 plaintiffs (62.5%), the offense had happened between one and five years ago. In 10 cases (31.3%), victimization had recently happened, less than one year ago.

In sum, the plaintiffs concerned in these criminal lawsuits had similar characteristics to the victims who were interviewed for this study, i.e. a majority of females — although there were more men involved in the lawsuits than in the interviews — aged between 22 and 41, of Swiss nationality and who had been victimized from one to five years ago. As for the crime category, prevalence was approximate, except for violent crimes which were more frequent among the criminal lawsuits than partner violence and sexual crimes. This difference might be explained by the high number of male plaintiffs who are more frequently victims of violent crimes.

⁸⁶ The reader will find tables concerning the distribution of gender, age and nationality of plaintiffs in appendix XI.

⁸⁷ The reader can find the description of crime categories in chapter four, table 3.

2. Does the participation of victims in criminal lawsuits affect their satisfaction or dissatisfaction with the criminal justice system and their level of distress?

With a view to replying to this particular research question, we tried to look into the criminal lawsuits' data which could probably help us to understand, first of all, what the interaction between the victims and the criminal justice system is like and how effective victim's participation in practice is. Second we tried to observe in the files whether the participation has any consequence for the level of satisfaction of the victim with the criminal justice system and to his/her level of distress.⁸⁸ Findings were a source of information complimentary to the interviews.

The criminal lawsuits analyzed consisted of basically two phases: first the complaint at the police station where police officers were responsible for collecting the victim's, the offender's and the witnesses' statements as well as attaching to the file other sources of evidence such as letters, pictures, etc. However, in cases where the police had not intervened during or after the offense, the victim may write a complaint directly to the judge. The second phase was handled by the judge who may notify the victim and the defendant to appear for a hearing, together or at different times, or may notify only one of those. The judge, according to the investigation conducted at the police station, as well as to the victim's complaint will decide whether to invite both at the same time, or only the victim, or only the defendant for a hearing.

Of 28 criminal lawsuits, 23 were initiated by the victim's complaint: 15 at the police station and eight which were written by the victim and sent by mail to the judge. The strength of this practice is that the victim does not necessarily have to go first to the police station or to be represented by a lawyer in order to have access to justice. He/she can prepare a complaint and send it directly to the judge. We think that this practice may contribute to the victim's rehabilitation because he/she is not obliged to pass through different stages and tell the story several times. The drawback of this practice is that, concerning evidence, victims may not be aware of what information they should send to the judge – e.g. names of witnesses, pictures of injuries committed by the offender, medical reports, etc. – and therefore the victim's complaint may lack the necessary information to proceed.

Other five cases of partner violence or violence against children were initiated ex officio by the police. This means that 20 cases were initiated at the police station. Among these, not

⁸⁸ In order to filter information which was relevant to the research questions, as it was explained in chapter two we followed a form. A copy of this form is in appendix III.

all but 11 victims were informed of their rights, although according to Act LAVI, Art. 6, it is the duty of the police officer responsible for the case to inform the victim on his/her rights and to refer her/him to a consultation center.⁸⁹ We think that knowledge about rights as well as information on how to proceed or for example, where to look for support is essential for the victim's rehabilitation. It enhances control over the case and acknowledgment. Therefore, police officers should inform victims of their rights.

Following, in the second phase which takes place at court, of 28 lawsuits, in 17 cases the examining magistrate had called the victim to a hearing. As explained before, a hearing is a judicial session where the victim and/or the offender present their arguments to the examining magistrate. The examining magistrate does not decide but only hear the parties. During these hearings, only two victims exercised their right to be accompanied by a *personne de confiance* and for this purpose they had requested assistance at the Center LAVI.⁹⁰ Certainly, to be accompanied to the hearing by a *personne de confiance* is the victim's choice; however the presence of a *personne de confiance* during the hearing may help the victim to feel more secure and increase his/her self-confidence.

We also observed that among the criminal lawsuits, only seven victims had been advised by a lawyer. Those lawyers had helped the victim to write the complaint and had pleaded for certain rights, such as compensation, although they are not allowed to participate in the hearings that are held at the Bureau of the Examining Magistrate. Again, being advised by a lawyer may also contribute to a victim's rehabilitation for the same reason that being informed about his/her rights may, and therefore enhance self-confidence.

During hearings, victims were face-to-face with the defendant in court in seven cases: four cases of simple assault, two of aggravated assault committed by the partner and one of sexual harassment. We observed that judges avoid this practice as far as possible preventing the victim from distress while meeting with the offender, should the meeting not be a wish of the victim or should the victim not be previously psychologically prepared for the meeting.⁹¹

⁸⁹ We were able to obtain this information while reading the lawsuits because when the police officer informs the victim about his/her rights, he/she must fill in a form which states that the information was provided and that the victim allows (or does not allow) the police officer to forward his/her personal details to Center LAVI. The victim must sign this form, which is attached to the victim's complaint and sent to the judge, meaning that if the victim was informed on his/her rights, such a form signed by him/her will be attached to the archived criminal lawsuit.

⁹⁰ As explained in chapter three, *personne de confiance* is a person that the victim chooses to be accompanied with during hearings and/or court trials. In case the victim comes to the hearing accompanied by a *personne de confiance* the judge writes down this information in the file and warns the *personne de confiance* that he/she is not supposed to interfere during the hearing.

⁹¹ Act LAVI, Art.5 (4) states that under the victim's request, authorities should prevent the victim from

Thus, hearings where victim and offender were face-to-face had happened only in cases where there was doubt or not enough evidence in the file, for example in one criminal lawsuit which concerned a sexual harassment.⁹² It had also happened in other three cases where conciliation between victim and defendant was foreseen as possible by the judge, for example, in four cases of simple assault and two cases of aggravated assault committed by the partner.

As for the other lawsuits, in 10 cases the victim gave the deposition at the police station and the judge made the decision exclusively based on the police's investigation and the victim's complaint. Those cases involved for example, four child victims of assault who had given their deposition at the police station to a psychologist. The strength of this practice is that it prevents the victim from telling the same story several times and from recalling the event, as it is a reminder of pain. Particularly in the case of children who are crime victims, it is important not to expose or submit the child to the distress of a hearing. Moreover psychologists have special skills which enable the children to speak about the victimization clearly and to filter the facts from their emotional distress, as well as to ease psychological stress and anxiety.

One plaintiff who had sent a written complaint to the judge was not notified for deposition, neither by the police nor by the judge, although the case had been ruled and decided based on his written complaint.

Concerning the decisions⁹³, most of the lawsuits analyzed (22 proceedings, 68.8%) were decided within maximum one year after the receipt of the complaint. The other 10 cases (31.3%) were decided in a timeframe of one to two years. The distribution of outcomes is explained in Table 23.

meeting the offender during the criminal proceeding. During the internship at the Bureau of the Examining Magistrate we observed that hearings with the offender or the victim are fixed on different days or at different times so the risk of a meeting is avoided. Coming face-to-face with the accused however may be determined by the judge if it is in interest of the criminal proceeding, for example, if there is not enough evidence and the judge needs to see both face-to-face in order to understand who is telling the truth.

⁹² In this case, the judge had a first hearing with the victim, then a second hearing only with the accused and a third hearing with both because he had doubts about the victim's complaint. Finally he concluded that the victim was psychologically disturbed because her statement was contradictory and not reliable whereas the defendant's statement was more credible.

⁹³ We should again highlight that parties can appeal of this decision to the court, therefore it is not definitive.

Table 23***Outcome distributed by crime type (N=32)***

Sentence	Aggravated assault / Assault	Minor offenses	Sexual violence	Total per type of decision (n)
Convicted to Prison	2	----	2	12.5% (4)
Convicted to Prison with probation	5	2	2	28.1% (9)
Conciliation between victim and defendant	2	1	----	9.4% (3)
Files dismissed by the judge	8	3	5	50.0% (16)

---- No counts for this cell.

We analyzed 16 proceedings which resulted in an outcome, either a conviction or conciliation. The most common penalty was prison with a probation period of two years (nine convictions, 56.3%). Exceptionally, three defendants (25% of lawsuits) were sentenced to prison: 10 days for assaulting a woman in a pub; 30 days for sexually assaulting two female victims while they were jogging by the lake; and two months in prison for having seriously assaulted the current partner.

Conciliation was only attempted in four lawsuits and it failed in one. In two lawsuits, the victim accepted to withdraw the complaint under the condition that the defendant should pay compensation. In one case of partner violence, with the acceptance of the victim, the judge suspended the proceeding and assigned to the defendant a probation period of six months.⁹⁴

Apart from prison and probation, five defendants were sentenced to pay compensation for damages and/or mental harm to the victim.

The other 16 proceedings were filed or dismissed by the judge. The most common arguments⁹⁵ for this decision were the contradiction between the victim and the defendant's deposition (nine cases), the defendant had denied the charges (seven cases), there were not

⁹⁴ According to the Swiss Criminal Code, Art. 55a, amended by the Federal Act of October 03, 2003, in effect since April 2004, in case of certain minor offenses committed by partners – minor assault, verbal offenses, threat or coercion – during hearing with the victim the judge may ask if he/she would like to suspend the proceeding by imposing certain obligations to the defendant. Therefore, the defendant shall fulfill these obligations and stay in a probationary period of six months, during which he/she shall not reiterate the acts of violence against the victim. Otherwise, the victim may ask the judge to reopen the case and continue on with the lawsuit.

⁹⁵ Those arguments do not add up because usually the judge files the case based in more than one argument.

enough evidences to continue with the lawsuit (six cases), therefore “in doubt pro defendant”, and the victim had withdrawn the complaint (five cases).⁹⁶

2.1. Discussion

Based on the analysis of criminal lawsuits, we could look into the interaction between the victims and the criminal justice system and how effective victim’s participation in practice is. The downside of this analysis was that it did not provide much information on whether the victim’s participation has any consequence for the level of satisfaction of the victim with the criminal justice system and to his/her level of distress. As we have mentioned, we were not allowed to contact any of the victims involved in the proceeding and therefore we were not able to gather information on their levels of distress or satisfaction with the criminal justice system.

However, there are certain practices which were observed during this analysis that we think could enhance victim’s recovery.

For example, providing the victim with information on his/her rights and referring the victim to a consultation service while still at the police station may enhance the victim’s control of the case and therefore recovery. As we mentioned in chapter two, victims need to gain back the control over their lives and learning what to do and where to go means control. Although this has not happened in all the cases which we have analyzed, this should be mentioned as good practice.

The choice that certain victims have to write a complaint to the judge, instead of submitting a verbal complaint at the police station is another practice which can contribute to recovery. It avoids the necessity of recalling the event and repeating the story several times, which is highlighted in the literature as distressful and painful to certain victims (Boggio et al, 1995). Likewise, we observed that certain victims had only given their deposition once at the police station, obviating the need of the victim to tell the same story several times.

Another good practice: judges avoided calling victims to hearings together with the defendant avoiding the distress of such a meeting.

However, there are other rights which seemed not to be promoted. For example, the right to be accompanied by a *personne de confiance* to a hearing may help the victim to feel more secure and increase his/her self-confidence. Certainly, to be accompanied to the hearing by a

⁹⁶ Indeed, victims do not withdraw complaints very often, doing it mostly when they know or they have a relationship with the offender. In this sample, among 26 cases triggered by victim’s complaint, only seven were withdrawn and six were cases of partner violence.

personne de confiance is the victim's choice; however some might prefer to go alone and others might not even know that they have such a right. This right should be further promoted.

Similarly, the right to be advised by a lawyer should also be promoted. Although they are not allowed to participate in the hearings that are held at the Bureau of the Examining Magistrate, they may provide the victim with information on his/her rights which may improve self-confidence and control, both important for the victim's recovery.

3. Observation: the Interaction Between Victims and the Criminal Justice System During Pre-Trial Hearings and Trial Court

Attendance to hearings/trials was a complementary source of information for this study, as explained in chapter two. In the following section, we will describe this experience, reporting on the interaction between victims and judges or members of a trial court. We will also highlight the episodes that confirm the findings from the interviews and therefore try to reply to certain research questions, that is to say: What are the consequences of the intervention of the criminal justice system in the healing process of victims? Do they effectively help victims to recover? Does the participation of victims in criminal proceedings affect their satisfaction or dissatisfaction with the criminal justice system and their level of distress? It is however important to highlight that we attended to some of these hearings as *personne de confiance*. Certainly we tried to be as neutral and as unbiased as possible while taking notes during these hearings. However we should acknowledge the risk of being biased.

For illustration, notes that were taken during hearing/court attendance will be transcribed and reported as case histories, as well as parts of judge's inquiries and victim's statements.⁹⁷ For the sake of privacy, we will give pseudonyms to the victims involved.

3.1. Good and bad practice: judges attempt conciliation

In some hearings we observed the care for the victim and the concern that the judge had with his/her well-being. Judges had asked questions about victim's health and had informed victims on his/her rights of participation and compensation by the state. In this regard, the way with which victims were treated seemed to be important for the victim's recovery. However, in other occasions the manner in which the judge had conducted the hearing seemed in our opinion to have determined the success or the failure of the conciliation.

Paolo was a victim of aggravated assault committed by a stranger. During the hearing, the judge seemed to interact with the victim and to be concerned with his recovery. At the beginning of the hearing, the judge asked the victim whether he was feeling better and if he had recovered from the injury. The victim replied positively. Then the judge tried to achieve conciliation between the parties. For this reason, he asked whether the victim would like to withdraw the complaint in case the defendant reimburses his medical expenses. Although the

⁹⁷ Although I had attended 12 hearings and two court trials, only the episodes which are relevant to the research questions will be described in this section.

victim did not appear to feel comfortable in the presence of the defendant in the beginning, it seemed that the fashion with which the judge conducted the hearing helped the victim to release his tension and to agree to conciliation. Indeed, the judge was very calm and polite while speaking with both victim and defendant and we think that this contributed to pacifying the conflict.

The case of Madonna, a 65 years old lady, was different. She had been assaulted by the caretaker of the building she lives in. We followed this case as *personne de confiance*. Before the hearing, the victim, although very resentful, seemed to be interested in the possibility of conciliation with the defendant if he were to apologize.

The judge opened the hearing and told the victim that the defendant was being charged of simple assault. Then the judge asked the victim if there was a possibility of conciliation and if she would like to impose a condition for complaint withdrawal. Instead of replying to the judge's question, she declared that she doubted if the assault was simple. In her understanding the "label" of simple assault assigned by the judge in the criminal lawsuit was diminishing her suffering. The judge interrupted victim's statement and said: "it is the law and I who have the authority to evaluate the extent of your harm; all I want to know is whether you agree to conciliate with the defendant."

The victim did not agree to conciliate. We think that this could have been achieved however; the way in which the judge conducted the hearing reduced the likelihood of conciliation, and the case was sent to court for trial.

3.2. *Victims as defendants*

In three hearings that we had attended, a complaint was lodged against the victim by the offender. Therefore, when the victim received the notice from the judge to appear in court, it was stated that she should appear at certain time and date to present her arguments to the examining magistrate, not only as victim but also as defendant. This was a cause of distress for those three victims because the notice to appear did not describe the offender's complaint or the crime that they had been accused of; they were only able to learn this information at the hearing.

Mary was one of the victims who had received such a notice. She had been assaulted by her husband. The judge started the hearing by asking the following: «Is it true that you tried to throw your baby from the window?» The victim was surprised and did not understand the question. The judge explained that the defendant, during his inquiry, explained that he had

assaulted her because she had attempted to throw their two year old daughter from the window. He pleaded defense of a third person and lodged a complaint against her.

The second was Alice. She had also been assaulted by her partner. He tried to strangle her three times and to force her into prostitution. During the hearing, the judge asked the victim some questions about her victimization and at the end explained that the defendant had lodged a complaint of assault against her, which is why she had been labeled as the defendant in the notice to appear.

In a third case history, the victim, Karine, was in the city center when suddenly her hair was pulled and was punched on the face. She recognized the offender as a customer of the brothel where she used to work. She called the police, made a complaint to the judge and requested support at the Center LAVI. During the hearing, the judge explained to the victim that the defendant had made a complaint of theft against her. He had justified the aggression by blaming the victim of having stolen one ring that he possessed. The victim denied. The judge then asked the victim to describe the aggression and whether she had any evidence of it. The victim showed a medical report with details and photos of her injuries; however, the date of the report was different from that of the aggression. Apparently the judge was not convinced by the evidence brought by the victim and told the victim that if she could not bring more evidence, she would dismiss the case.

3.3. Secondary victimization and lack of proof

Occasionally, the experience with the criminal justice system is unpleasant. Deposition is mentioned in the literature as a moment that should help the victim to open up. However, having to give a deposition more than once and to explain the case over and over may contribute to the victim's distress. Confrontation with the defendant can also be traumatic to the victim.

This is what had happened with Patricia. She had been assaulted, threatened and humiliated by her boyfriend. The last time it happened, the defendant had followed the victim home, threatened her and pushed her from the window of her first floor apartment. She broke her spine and stayed in the hospital for three months. The investigation had begun ex officio, but, because she was afraid of reprisals, the victim declared to the police that it had been an accident.

The case was closed. Six months later, the defendant continued to harass and assault the victim, and so she decided to tell the truth and went to the police to reopen the case.

She was notified three times for deposition. In addition, the judge invited her to a confrontation with the defendant who declared that it had been an accident. It was the victim's word against defendant's. During a fourth hearing, the judge explained to the victim that there was not enough proof against the accused and considering the principle of "in doubt pro defendant", she would not convict him. The victim was distressed and disappointed with the criminal justice system and while we were leaving the judge's office she said: "as the defendant once had said, in the end, I will laugh at you".

3.4. Blaming the victim but convicting the defendant

The last case history was a court trial. Rebecca had been sexually assaulted by her neighbor. During the defendant's trial for another case of rape, while Rebeca was giving her deposition as witness, she declared she had been raped by the defendant as well. As a result of her deposition, another criminal lawsuit against him was initiated ex officio.

During the trial, the court's president asked the victim to describe the offense. Then he asked why she had waited so long to report the crime. The victim said that she was emotionally unstable and afraid of her husband's reaction. Then, he said that he could not comprehend her reaction because "it takes only half an hour to report a rape." We found this to be an insensitive remark. The court's president should be aware that in most cases of rape the victim experiences shame and fears the reaction of her social network. Moreover, a half an hour spent discussing the event is sufficient to worsen the victim's distress.

Later, it was the defendant's attorney turn to ask the victim questions and to the witnesses. He tried to discredit the victim's image by saying that she had had extramarital affairs and that she was falsely accusing the defendant because he did not want to have intercourse with her. Almost no questions were asked of the defendant, neither by the court, nor by the lawyers. We had the impression that the trial was focused on the victim's behavior and not on the defendant's criminal act. The victim was nervous and distressed during the two day trial.

Contrary to our expectation in an atmosphere that we felt as hostile, the court convicted the defendant to prison. According to the decision that was read by the court's president after the trial, the basis for conviction was that the victim claimed to have experienced typical feelings of a rape victim (shameful and sordidness) and her deposition sounded credible because she had spoken very clearly and with confidence. Moreover, because the victim had declared she would donate any compensation for the mental harm to a foundation should the

defendant be convicted, the court concluded that she had no pecuniary interests in prosecuting the criminal and was therefore telling the truth.

3.5. Discussion

Based on these case histories, we can infer that the experience with the criminal justice system may be helpful to the victim's recovery or unpleasant.

We observed certain good practices which may be helpful: informing the victim about his/her rights, the sensitivity of some judges and the concern with the victim's well-being. However, there are still further steps to be taken if the goal of the criminal justice system is to meet victims' needs and to help them to recover.

As we have seen, in some cases defendants reacted by accusing the victim of an offence. As a consequence, the phenomenon of dual charges was installed and victims had received a notice to appear and present his/her arguments as victims as well as defendant. Such a notification can provoke emotional distress to the victim. The victims who had experienced dual charges could not comprehend why they were labeled *prévenu*.⁹⁸

Concerning conciliation, it is the art of negotiating. It depends more on the negotiator's skills than on the parties' interest in – or lack of interest in – conciliating, meaning that the way in which the judge deals with the parties will determine whether conciliation will be achieved or not. There are some techniques in negotiating which might help judges to improve their skills while performing conciliation. Although the Code of Penal Procedure of the Canton of Vaud does not adopt mediation as a proceeding, judges attempt conciliation during hearings and therefore it would be helpful if they could receive training in mediation or negotiating skills. According to Von-Sauberzweig (1997, 95) “il serait bien entendu souhaitable de pouvoir prendre le chemin inverse et fournir aux juges d'abord les compétences psychologiques et méthodiques nécessaires pour travailler efficacement de manière « médiateive ».” A lack of skill might undermine a conciliation that would otherwise be possible, and from which the victim, defendant and criminal justice system would benefit, insofar as these cases do not last longer and consume further time and resources.

As for the lack of proof, particularly in case of partner violence, the crime is usually committed “between four walls.” For this reason, evidence against the offender is very limited, basically the victim's deposition and in some cases the deposition of neighbors or other relatives of the couple who had witnessed the aggression. On the one hand, we

⁹⁸ This is the French word for “defendant.”

acknowledge that it is a difficult task for the judge to convict the offender based solely on the victim's testimony when there is no other evidence. On the other hand, the criminal justice system could go further with the investigation, for example by the means of a public prosecutor, or allow the victim to constitute an advocate who would be responsible for gathering evidence against the defendant. This task should not be left to the victim in cases of crimes which require public prosecution.

4. Synthesis

The document analysis and the hearing attendance were intended to observe victims' rights in practice and to look into the interaction between victims, defendants and criminal justice (judges or members of a penal court). The focus of those sources of information was on observing the participation of victims in criminal proceedings and looking into the consequences of the intervention of the criminal justice system for the healing process of victims.

From the document analysis, we particularly observed that:

- On the one hand, certain rights LAVI are being respected and this promotes the victim's recovery. For example, the victim coming face-to-face with the accused in court is avoided whenever possible. In addition, victims are not obliged to provide their statements more than once, avoiding the necessity of recalling the event to mind. Yet, children received special treatment and were able to give their deposition to a psychologist, thereby avoiding the distress of hearings.
- On the other hand, although it was their duty, police officers did not always inform victims of their rights LAVI. In addition, a low number of victims exercised their right LAVI to have a *personne de confiance* accompanying them during the hearing. Yet, some victims were advised by lawyers, but these were not more than 20% of the sample.

During our attendance at hearings, we particularly observed that:

- In some cases, judges seemed to care for the victim and to be concerned about his/her well-being.
- In other cases, since the defendant had also lodged a complaint, the judge had sent to the victim a notice to appear, stating that he/she was also being accused at the same proceeding. This situation created more distress to the victim.

- On the one hand, the principle of “in doubt pro defendant” was applied in case of a lack of evidence. On the other hand, in one case of sexual violence, the victim’s deposition was of major importance to the defendant’s conviction, as was the prior misconduct of the defendant, who had previously been convicted for another sexual crime.
- Conciliation can be achieved insofar as judges have the skills necessary to mediate both parties.
- Finally, secondary victimization may occur during hearings and court trial. Victims may find themselves in a supportive environment where they can open up but they may also find themselves in a combat situation where they have to accuse and bring evidence against the defendant and to maintain their testimony, even though under the influence of distress.

CHAPTER SIX

COMPARISON OF FINDINGS: BRAZIL AND SWITZERLAND

We have seen that the victims' movement encouraged changes in the criminal justice systems throughout the world. In Switzerland, a Victim Support Act was adopted and victims have recourse to rights of participation in the criminal proceedings and support whereas in Brazil victims do not have recourse to a Victim Support Act safeguarding such rights, although support is offered by the government in certain states. In other words, we observed that the outcomes of the victims' movement in Switzerland were different and more perceptible than in Brazil.

The differences in the criminal justice systems and in the support offered by the governments raise two questions: knowing whether crime victims are facing the same issues and whether they are being treated similarly in these countries.

In order to answer these questions, we conducted interviews with crime victims in Brazil and compared their opinions about the criminal justice system and the support centers with the opinions of crime victims interviewed in Switzerland. Indeed, we think that the existence of a Victim Support Act influences the respect or the importance that the criminal justice system attributes to the victims. It empowers crime victims and forces governments to provide greater investment in the victims' cause.

Thus, the comparison of the two countries that will be presented in this chapter allowed us to test whether in Switzerland victims are more satisfied with the criminal justice system than in Brazil. It also allowed us to test if victims in Switzerland are more likely to be respected than those in Brazil as a consequence of the support of the criminal justice and victim services.

Therefore, the group of victims who had reported the crime to the criminal justice system in Switzerland, hereafter referred to as Swiss victims, was compared to victims who likewise had reported the crime to the criminal justice system in Brazil, hereafter referred to as Brazilian victims.

In this chapter we will present the outcomes of the interviews conducted in Brazil compared to the outcomes of the interviews conducted in Switzerland as we try to reply to the research questions. This chapter is therefore divided in three basic items: in the first item, before presenting findings and in order to provide the reader with background information on the elements which were our main source of information, we will present the socio-demographic data of victims interviewed in Brazil as well as information concerning the type

of victimization and the outcomes of the cases. Then, we will present the outcomes of the interviews conducted in Brazil and compare them to those from Switzerland. Finally, we will try to give an answer to the research questions.

The group of Swiss victims was composed of 22 informants whereas the group of Brazilian victims was composed of 19 informants. Victims' discourses were the main basis for our conclusions, even though we were able to transform certain qualitative information in categories and codes in order to simplify the reading and the interpretation of the results.

The quotes from Brazilian victims were translated into English and the original language of the interview is in the footnotes.⁹⁹ Following the quotes there is a number in brackets (e.g. INTB 34) that refers to the interview number.¹⁰⁰

1. Descriptive and socio-demographic information of Brazilian victims

Nineteen victims were interviewed in Brazil. Among those, two were men and the majority women (17 respondents). Five respondents (26.3%) were less than 21 years old whereas six (31.6%) were within the ages of 22 and 41 and eight (42.1%) were older than 42 years old. The average age of the sample was 34.4 years old.

Singles constituted the major proportion of the sample (68.4%), followed by those married or in a durable partnership (committed relationship without official marriage) at 26.3% and one widow.

Nine respondents (47%) had a high school degree. Other six (31.6%) had attended compulsory school and four (21%) university studies. Regarding their working status, seven respondents (36.8%) were unemployed, seven (36.8%) were employed, three (15.8%) were students and two (10.5%) were retired.¹⁰¹

To remind the reader, the most frequent socio-demographic characteristics of Swiss victims were: women, 22-41 years old, single or divorced, employed or pursuing university studies. From this profile, except for gender and civil status which were similar, it is clear that victims interviewed in Brazil and in Switzerland have different socio-demographic characteristics.

⁹⁹ The quotes of Swiss victims will not be mentioned in this chapter because their opinions were already extensively explained in chapter four.

¹⁰⁰ Victims' quotes were submitted to language correction (grammar and orthography). Since the original version was respected, some language mistakes which were committed by the interviewees while speaking might happen because we preferred to keep the version as original as possible. The reader can find more details of the interviews in the content analysis in appendix IX.

¹⁰¹ The reader will find in appendix XII tables concerning the distribution of respondents according to their socio-demographic data.

2. Description of Victimization

Following the same reasoning explained in chapter four we classified the criminal acts in three main categories: partner violence, assaults, threats and homicide, and sexual crimes.¹⁰²

The distribution of respondents in these three categories was as follows: 52.6% were victims of partner violence, 31.6% were victims of violent crimes and 15.8% were victims of sexual crimes. As opposed to the Swiss victims where the distribution was more balanced, the majority of respondents among the Brazilian respondents were victims of partner violence.

Table 24 shows that among the Brazilian victims, physical violence was more frequent and serious than among Swiss victims. In particular, the prevalence of aggravated assault was much higher among the former than the latter, and there were even four cases of homicide among Brazilian victims. In such cases, we interviewed the indirect victims.¹⁰³ They were the wife of a victim of a robbery followed by homicide, the brother-in-law of a woman who had been raped and murdered by her husband in the presence of their child, the mother of a 12 year old child who had survived an attempted murder and the son of a woman who had been murdered by her partner, his father.¹⁰⁴

Table 24

Type of offense

Type of crime	Swiss victims (%) (N=22)	Brazilian victims (%) (N=19)
Robbery	----	1 (5.3%)
Assaults and homicide	10 (45.5%)	13 (68.4%)
Sexual violence	3 (13.6%)	2 (10.5%)
Minor offenses	9 (40.9%)	3 (15.8%)

Concerning the date of the victimization, similarly to the Swiss victims, the group of Brazilian victims involved mostly offenses that had happened in the last five years. According to 14 respondents (73.7%) the offense had happened between one to five years ago. In the other five cases (26.3%), victimization had recently happened, less than one year ago.

¹⁰² The reader can find the description of crime categories in chapter four, table 3.

¹⁰³ As explained in chapter three, indirect victims are relatives, partners or parents of people who had been victimized.

¹⁰⁴ The reader will find an overview of the victimizations in appendix VIII.

3. Replying to the Research Questions

3.1. Are victims satisfied with the performance of the criminal justice system and with the support offered by victim assistance centers?

According to our research questions, the victims who had contact with the criminal justice system, including police, judge and court, were asked whether they were satisfied with the performance and the treatment they had received. This same group was also asked about the support they had received in the Center CEAV¹⁰⁵; whether they were satisfied with it and if it had helped in their process of rehabilitation. In the following items we will present the opinions of Brazilian victims and compare them to the Swiss victims of the justice group. We should though highlight that quantitative data is nothing else than background information and numbers only show a tendency. It is also important to highlight that results are only based on victims' self-evaluation. No clinical diagnosis was performed by the researcher.¹⁰⁶

3.1.1. Victims' satisfaction with the police

According to Table 25, most of the Brazilian victims declared themselves to be dissatisfied with police performance whereas Swiss victims were more likely to be satisfied.

Table 25

Victims' satisfaction with police

	Swiss victims (%) (N=22)	Brazilian victims (%) (N=19)
Satisfied with police	13 (59.1%)	7 (36.8%)
Dissatisfied with police	6 (27.3%)	11 (57.9%)
Other	3 (13.6%)	1 (5.3%)

Contrary to the opinion that Swiss victims have of the police, Brazilian victims in most of the cases do not think that the police showed interest in the case, although the majority think that they had been treated gently. Prejudice is not a matter which concerned Brazilian victims: in only one case did the victim claim to feel treated with prejudice. However, as is shown in Table 26, it concerned three of the Swiss victims, all foreigners:

¹⁰⁵ As explained in chapter three CEAV is the name given to the victim support centers in Brazil.

¹⁰⁶ This applies throughout this chapter and is a limitation of our study that was explained in the section on methodology (see chapter two).

Table 26***Victims' opinions about police performance****

Victims agreed with	Swiss victims (%)	Brazilian victims (%)
The police showed interest in my case	13 (59.1%)	9 (47.4%)
The police treated me gently, friendly	17 (77.3%)	11 (57.9%)
The police treated me with prejudice	3 (13.6%)	1 (5.3%)

* Victims could give more than one reply.

In the content analysis we observed that the Brazilian victims who were least satisfied were the indirect victims of serious offenses such as aggravated assault, homicide and rape followed by homicide. As we saw in chapter three, the criminal lawsuit for these crimes may be initiated regardless of the victim's complaint. Though the indirect victims could be a source of evidence, their participation is not required by law and thus they were neglected. A lack of support and disrespect was accordingly highlighted by 10 victims:

“I was not satisfied. I think they treated the case with disregard. I was at the police station, injured. I could neither sit nor stand. They did not ask what had happened, what crime I was the victim of, or offered to take me to a more private room...They put me together with the other women who were assaulted by their partners.”(INTB 24)¹⁰⁷

“Dissatisfaction. The feeling that justice had not been served. We went to the special police station for women and the chief investigator told me that he [the accused] would be released soon because we did not have enough evidence against him. There we felt dissatisfied. My family was devastated; everyone had this feeling that justice had not been served. How could a person; it was sure that he had murdered my mother, there were witnesses; still the chief investigator told us he would be released.” (INTB 26)¹⁰⁸

¹⁰⁷ “Eu não fiquei não satisfeita, eu acho que eles tratam com muito descaso (...) Eu estava lá toda machucada, não podia sentar, nem ficar em pé (...) Eu acho que foi descaso mesmo. Eles não tiveram nenhuma preocupação de saber o que era que tinha acontecido, o que tinha sido o caso para me separar, me colocar em outra área, me colocaram lá junto com as mulheres que tinham sido agredida pelos maridos.” (INTB 24)

¹⁰⁸ “Insatisfação, a sensação de impunidade. Fomos a Delegacia das Mulheres e essa delegada falou que em pouco tempo ele estaria solto, porque nos não tínhamos provas suficientes que tinha sido ele que tinha feito aquilo, aí veio a insatisfação (...) A minha família ficou em depressão, todo mundo sentindo a sensação de

Five Brazilian victims complained that the police had underestimated the violence. In other words, the police had ignored victims' suffering and had apparently minimized the consequences of the violence. According to the victims, the police officers were so used to seeing violence that they seemed not to care anymore.

“The chief investigator told me that no investigation had been initiated and I should be patient because he was not only taking care of my husband’s murder...Another day, he was so wound up with me that he yelled like crazy at me.” (INTB 03)¹⁰⁹

“I think people get used to violence, everyday something happens. So the impression that she made was that everyday a woman is the victim of violence and this is ordinary, this is it, it happens.” (INTB 02)¹¹⁰

“The officer who came was so used to seeing so many female victims of partner violence that he thought I was just one more.” (INTB 24)¹¹¹

Four Brazilian victims complained of a lack of a thorough investigation:

“When they arrived at home, they did not bother to enter. I was tied up, he had threatened me and punched me in the face. The police officer talked to my husband who said that it might have been a misunderstanding. After that, he was furious and assaulted me more severely, besides the threats to my family.” (INTB 0)¹¹²

Two Brazilian victims complained of corruption. Although these victims felt that they had collected enough evidence, since the offender had “friends” among the police officers, according to their opinion, he/she were favored or protected and was released from detention.

impunidade, os vizinhos (...) porque como uma pessoa (...) estava na cara que tinha sido ele, tinha testemunhas, mesmo assim a delegada disse que ele ia ser solto.” (INTB 26)

¹⁰⁹ “Ele disse que não havia nem inquérito e que eu deveria ter paciência que ele não cuidava só do meu caso (...) Outro dia, ele se exaltou, que gritou tanto que parecia um louco.” (INTB 03)

¹¹⁰ “Acho que as pessoas, na verdade estão muito acostumadas (...) que todo dia acontece alguma coisa. Então a impressão que ela passou foi que todo dia uma mulher sofre uma violência e isso é constante, pronto, aconteceu.” (INTB 02)

¹¹¹ “A pessoa que recebeu já estava tão acostumada a ver um monte de mulher, acho que ela pensou que era meu marido que tinha me agredido.” (INTB 24)

¹¹² “A polícia não se deu ao trabalho de investigar, ou se quer entrar na minha casa, eu estava amarrada, ameaçada e ainda tinha o rosto cheio de marcas de pancadas. O policial falou com ele que disse que deveria ter havido um engano, fingindo que nada estava acontecendo. Ele ficou mais nervoso ainda e eu apanhei, além da ameaça a minha família.” (INTB 0)

“You may be victim of any crime but if the offender has a friend/family working at the police station, he is protected.” (INTB 18)¹¹³

3.1.2. Victims’ satisfaction with the judge

According to Table 27, most of Brazilian victims said that they were satisfied with the judge or the court¹¹⁴ who had handled their cases whereas Swiss victims were more likely to be dissatisfied.

Table 27

Victims’ satisfaction with judge’s performance

	Swiss victims (%) (N=22)	Brazilian victims (%) (N=19)
Satisfied with judge	10 (45.5%)	10 (52.6%)
Dissatisfied with judge	10 (45.5%)	6 (31.6%)
No response/Other	2 (9.1%)	3 (15.8%)

Among the Brazilian victims who were satisfied, six victims highlighted that the judge had been supportive and had shown her/himself to be on their side:

“I was well treated. Because of his manner, I was very relaxed while giving my deposition. When I started to cry, he gave me a glass of water and waited till I was able to continue.” (INTB 24)¹¹⁵

One of the victims was very satisfied because the judge had avoided his/her to come face-to-face with the accused in court.

The minority of the Brazilian victims who were dissatisfied complained about the similar issues that the Swiss victims had complained about. For example, three victims had complained of lack of a thorough investigation and interest in their case and two had complained that they had not being kept sufficiently informed. Brazilian victims though had

¹¹³ “Você pode sofrer o que for, mas se aquela pessoa que lhe agrediu tiver um conhecido dentro daquela delegacia (...) ele é acobertado.” (INTB 18)

¹¹⁴ Hereafter, “judge” refers to “the judge or the court” who had handled the respondent’s case. We inform the reader that the majority of the Swiss respondents’ cases were handled by a single judge while seven Swiss respondents’ cases were handled by the trial court. Regarding the Brazilian respondents, the majority’s cases were handled by a single judge, except for four cases of homicide which according to law, should be handled by a single judge and ruled on by a popular jury.

¹¹⁵ “Tratou bem. Até me deixou muito à vontade para eu falar. Quando eu começava a chorar ele aguardava, pedia para eu tomar água, para eu poder continuar o depoimento.” (INTB 24)

severe complaints about the lack of respect and disregard that they had been treated by the judges:

“She did not treat us well. She was very impolite. We could not talk, she did not listen, and she did not give us the chance to speak-up. She gave more rights to the defendant than to us who were the victims.” (INTB 04)¹¹⁶

“One day, I was going out of the court room, after my deposition. I met the criminal at the front door. He told me that «the power of a loaded gun was above the judge.» I turned back to tell the judge that he had threatened me. The judge answered with a loud tone and in front of everybody that I was putting too much pressure on him. I was disappointed.” (INTB 06)¹¹⁷

Three Brazilian victims preferred not to declare if they were satisfied or dissatisfied but they complained of the lack of interest or the lack of a thorough investigation.

3.1.3. Victims’ satisfaction with the Victim Support Services

The services offered by the Center CEAV in Brazil included counseling, moral support and lawyer (all respondents), psychologist (14 respondents, 73.7%) and financial aid (three respondents, 15.8%).

While comparing the groups, we observed that in both groups, most of the victims were satisfied with the assistance offered. Even though the victim center in Brazil offered limited support as a result of a lack of funding, victims seem to be very satisfied with what was offered. Almost all respondents (95%) declared that the support offered had helped them to put the event behind them, as shown in Table 28:

¹¹⁶ “Ela não tratou a gente bem. Tratou a gente com ignorância. A gente não podia falar nada, ela não escutava a gente, ela não dava o direito da gente de falar, dava direito mais ao agressor do que para a gente que foi vítima.” (INTB 04)

¹¹⁷ “Mas um dia quando eu saía do Fórum, encontrei na porta com ele, ele disse que “acima do juiz estava a lei da bala”. Eu voltei pro Juiz para dizer o que tinha acontecido. O juiz de maneira ríspida, falando alto e na frente de todo mundo me acusou de tentar pressioná-lo, forçando a situação, o que me deixou terrivelmente decepcionada.” (INTB 06)

Table 28***Victims' satisfaction with LAVI/CEAV***

	Swiss victims (%) (N=22)	Brazilian victims (%) (N=19)
Satisfied with LAVI/CEAV	20 (90.9%)	17 (89.5%)
Dissatisfied with LAVI/CEAV	2 (9.1%)	----
Partially satisfied/No response	----	2 (10.5%)

---- No counts for this cell.

As with the Swiss victims, the most common reason for satisfaction was the benefits of counseling, which were highlighted by 13 respondents. Victims stated that:

“I could not imagine that I would be so well treated, since it is a governmental institution and we are not paying for their services. On the contrary, they were always there for us, they called to learn to inform us that «there will be a pre-trial hearing, if you need we can go together with you, we can offer you a psychologist, etc.».” (INTB 25)¹¹⁸

Legal advice and information on victims' rights as well as information concerning the criminal proceedings in general and the support to prepare the complaints were highlighted as relevant to the satisfaction of six Brazilian victims.

“The lawyer told me how should I behave at the police station, what should I say, what I should not say, even if I hear something unpleasant.” (INTB 03)¹¹⁹

For five Brazilian victims, support had helped to increase their self-confidence.

“I was afraid to go out because he could send someone to harm me or my family, so I was afraid to leave home. With the support, I felt relieved”. (INTB 17)¹²⁰

¹¹⁸ “Não imaginava que ia ser tanto, por ser uma entidade pública, e a gente não está pagando pelo serviço deles, e pelo contrário, eles sempre estavam ali, quando menos esperava ligavam [Olhe, vai ter audiência (...) se você precisar a gente vai estar aqui esperando você, oferecendo psicóloga.]” (INTB 25)

¹¹⁹ “O advogado ficava me orientando como eu devia me comportar dentro da delegacia, o que eu podia dizer, o que eu não deveria, mesmo que eu ouvisse uma coisa que me desagradasse.” (INTB 03)

¹²⁰ “Eu estava com medo até de sair na rua e tudo, e do jeito que ele é poderia mandar alguém fazer alguma coisa comigo, com minha família, aí eu tinha medo de sair na rua, só vivia dentro de casa, aí eu senti uma melhora muito grande.” (INTB 17)

Two Brazilian victims complained about the services, meaning that they did not receive enough information concerning the case from their lawyers and therefore were not fully satisfied.

Swiss victims (82.6%) as well as Brazilian victims (94.7%) had agreed that the support offered by the victim centers LAVI or CEAV was important for their recovery.

3.2. What are the consequences of the intervention of the criminal justice system and support services in the healing process of victims? Do they effectively help victims to recover?

In order to observe whether there was a difference in the effect of the experience with the criminal justice system and the victim centers LAVI or CEAV in the well-being of victims of both countries, we now proceed to a comparison of this issue. Considering that victims' experiences with the criminal justice system were different in these two countries, we wanted to learn if the Swiss victims or the Brazilian victims had better chances of recovering. Table 29 presents victims' replies:

Table 29

Victims' coping with violence

	Swiss victims (%) (N=22)	Brazilian victims (%) (N=18)*
Recovered	6 (27.3%)	2 (11.1%)
Non Recovered	16 (72.3%)	16 (88.9%)

* N < 19 (sample Brazilian Victims) because one victim did not reply to this question.

From Table 29 one can conclude that most of the Swiss victims, as well as most of the Brazilian victims did not recover from the trauma. Problems sleeping were not very common among Swiss victims, but more than a half of the Brazilian victims (53.3%) had claimed to have such problems. Fear was common among both groups but more important in Brazil: 50% and 86.7% of Swiss and Brazilian victims, respectively, claimed to fear the criminal. The higher prevalence of fear among Brazilian victims could be explained by their experience with the criminal justice system, particularly with the police which does not provide neither protection nor security to the victim, as well as "the feeling that justice had not been served", as declared by one of the Brazilian victims.

Similar to the Swiss victims, the majority of Brazilian victims declared to feel better after having initiated the criminal lawsuit and the support offered by the victim support services LAVI/CEAV, as shown in Table 30.

Table 30***Victims' emotional status***

	Swiss victims (%)	Brazilian victims (%)
Emotional status	(N=22)	(N=18)*
Better	11 (50%)	11 (61.1%)
Worse	6 (27.3%)	4 (22.2%)
Nothing had changed	5 (22.7%)	3 (16.7%)

* N < 19 (sample Brazilian Victims) because one victim did not reply to this question.

3.3. Does the participation of victims in criminal proceedings affect their satisfaction or dissatisfaction with the criminal justice system and their level of distress?

We wanted to learn which group (Brazilian or Swiss victims) had participated more actively in the criminal proceedings as well whether their participation had had any relevance to their satisfaction with the judge's performance and healing process. Following the same reasoning presented in chapter four, degrees of participation were assigned. High participation was assigned to victims who had reported the offense to the police and followed the progress of the proceeding, while being represented by a lawyer. Moderate or low participation was assigned to cases where victims' participation was dependent on the judge's request.

First of all, there was no significant difference between the victims' degree of participation in the criminal proceedings either in Switzerland or in Brazil, as can be seen in Table 31.

Table 31***Victims' participation in the criminal proceedings***

	Swiss victims (%)	Brazilian victims (%)
Participation	(N=22)	(N=19)
High (<i>n</i>)	14 (63.6%)	13 (68.4%)
Moderate (<i>n</i>)	4 (18.2%)	4 (21.1%)
Low (<i>n</i>)	4 (18.2%)	2 (10.5%)

Most of the Swiss and Brazilian victims had a high degree of participation in the criminal proceedings. Indeed, we expected that the Swiss victims would participate more in the criminal proceedings as a result of the Act LAVI. However, we should highlight that, as we saw in chapter three, Brazilian victims must be represented by a lawyer in order to participate in the criminal proceedings. In the context of this study, all victims were represented by a

lawyer assigned for the case by the Center CEAV, which assured the high degree of participation.¹²¹

Moreover, we observed during the attendance at hearings and document analysis that crime victims in Switzerland participate actively, although they are very rarely represented by lawyers in the criminal lawsuits. Perhaps it is because during pre-trial hearings they do not have the right to be accompanied by a lawyer but by a *personne de confiance*, usually a counselor working for the Center LAVI. In other words, they have more access to justice and may prepare the complaint and follow the progress of the case themselves, except for civil claims in court. On the contrary, victims in Brazil must be represented by a lawyer in order to have access to justice, except for minor offenses which are under the jurisdiction of the “special criminal justice,” as explained in chapter three.

Even though represented by lawyers, three Brazilian victims complained about the lack of information during the criminal proceedings. For example:

“After four years in jail, because of good behavior he served only one third of the initial prison-term to which he has been sentenced and was released. Recently we learned that he was released and he must return to prison only in the evening, to sleep. No one told us before...So if he was thinking about reprisals...Since he had threatened me when he was in prison...When we learned he had already been released. I think the criminal justice system should have informed us.” (INTB 18)¹²²

Another four victims complained about the length of the criminal proceedings, for example:

¹²¹ As explained in chapter three, legal assistance is one of the most requested services at the Center CEAV. Victims seek support because their former experience with the criminal justice system was already unpleasant. Sometimes the presence of a lawyer is even essential for their cases to be considered by the police and to be forwarded to court. It seems that the presence of a lawyer gives the police an indication that the case was serious and should be considered. Therefore, when the case goes to court, a lawyer had already assigned at the time the complaint was filed at the police station.

¹²² “Depois de quase 4 anos, por bom comportamento, ele cumpriu um terço da pena e saiu. E agora é que a gente está sabendo que ele está naquele que você passa o dia e volta só pra dormir. Ninguém informou a gente, quer dizer que se ele estiver com um mau pensamento, como ele me ameaçou quando estava preso. O que a gente já ouviu falar foi que ele já saiu. Eu acho que a Justiça deveria entrar em contato com a família e avisar.” (INTB 18)

“When you are the victim everything seems to be longer. People call you, you feel psychologically under pressure. The justice system is too slow.” (INTB 11)¹²³

Second, we compared victims’ satisfaction with the criminal justice system in both countries and its relation with their level of participation. Findings are presented in Table 32.

Table 32

Victims’ satisfaction with judge’s performance estimated by participation in the criminal proceedings

	Swiss victims (N=22)			Brazilian victims (N=19)		
	Participation			Participation		
	High (%)	Moderate (%)	Low (%)	High (%)	Moderate (%)	Low (%)
Satisfied with judge’s performance	9 (64.3%)	1 (25%)	----	7 (53.8%)	2 (100%)	1 (25%)
Dissatisfied with judge’s performance	5 (35.7%)	3 (75%)	2 (50%)	5 (38.5%)	----	1 (25%)
Have other opinion	----	----	2 (50%)	1 (7.7%)	----	2 (50%)

Among Swiss victims, most of those who had participated moderately during the criminal proceedings were dissatisfied with the judge’s performance, while those who had participated highly tended to be more satisfied with the judge’s performance. On the contrary, among Brazilian victims, participation did not seem to enhance satisfaction. Brazilian victims were in general satisfied with the judge’s performance regardless of their degree of participation during the criminal proceedings. Therefore our hypothesis stating that participation could enhance satisfaction was not corroborated in the case of Brazilian victims, although the sample is not big enough to ascertain this result.

A third question would be to learn if participation in the criminal proceedings had contributed to the victim’s well-being. We saw that for the Swiss victims, the more the

¹²³ “Olha, como depende muito de tempo, de prazo, e quando você é vítima tudo é muito longo, porque a pessoa fica ligando, tem a pressão psicológica por telefone (...) a Justiça tem uma lentidão.” (INTB 11)

victims had participated the better they felt. For the Brazilian victims this was also true. Nine victims who had actively participated had declared to feel better, as the reader can see in Table 33, although the sample is not big enough to ascertain this information.

Table 33

Victims' satisfaction with judge's performance estimated by participation in the criminal proceedings

Emotional status of victims ...	Swiss victims (N=22)			Brazilian victims (N=18)		
	Participation			Participation		
	High (%)	Moderate (%)	Low (%)	High (%)	Moderate (%)	Low (%)
Better	9 (64.3%)	2 (50%)	----	9 (75%)	1 (50%)	1 (25%)
Worse	4 (28.6%)	1 (25%)	1 (25%)	2 (16.7%)	1 (50%)	1 (25%)
Nothing has changed	1 (7.1%)	1 (25%)	3 (75%)	1 (8.3%)	----	2 (50%)

* N < 19 (sample Brazilian Victims) because one victim did not reply to this question.

Therefore, replying to our research question, in the case of the Swiss victims, participation in the criminal proceedings affected their satisfaction with judge's performance and enhanced recovery whereas for the Brazilian victims, satisfaction was not necessarily affected by participation also because they were in great majority satisfied with the judge's performance, however, the Brazilian victims' well-being seemed to be affected by their level of participation during the criminal proceedings.

4. Does the existence of a Victim Support Act may influence the manner in which the members of the criminal justice system treat the victim? – Discussion and Synthesis

According to our hypothesis, the existence of a Victim Support Act influences the respect or the importance that the criminal justice system attributes to the victims. In order to answer this question, we conducted interviews with crime victims in Brazil and compared their opinions about the criminal justice system and the support centers with the opinions of crime victims interviewed in Switzerland. The comparison enabled this researcher to observe that:

- In both groups, around 90% of the victims were satisfied with the support offered by the victim centers, even though the assistance offered in Brazil is very limited in terms of resources, as we saw in chapter three.
- Brazilian victims are more likely to be dissatisfied with police performance and satisfied with the judge's performance. On the contrary, Swiss victims are more likely to be satisfied with police performance and dissatisfied with the judge's performance.
- Since all Brazilian victims had been represented by a lawyer during the criminal lawsuits, their participation and the respect for their rights may have been guaranteed by this fact. The presence of a lawyer might have had a certain influence on the performance of the judge. In contrast, Swiss victims did not need to be represented by a lawyer in most of the cases. Indeed, their cases were handled similarly, whether represented by a lawyer or not.
- The degree of participation in the criminal proceedings was similar in both groups. However, among Swiss victims, those who had participated more actively in the criminal proceedings were more satisfied with judge's performance whereas among Brazilian victims, participation had no major effect in the level of satisfaction of the victims. In both groups, however, the more the victims have participated, the better they declared to feel, meaning that participation may contribute to the victim's recovery, although the sample is not big enough to ascertain this information.

In sum, we can conclude from victims' opinions that the existence of a Victim Support Act - among other reasons that we will mention in the following chapter - may influence the manner in which police officers treat the victim. As mentioned, Swiss victims are more satisfied with police than Brazilian victims are. As for the performance of the judges, Brazilian victims were more likely to be satisfied with the performance of the judge than Swiss victims. Since Brazilian victims were represented by lawyers during the criminal

lawsuit, we think that this might have improved the treatment that those victims have received in the criminal justice system, meaning that the presence of a lawyer may enhance respect and therefore victim's satisfaction.

As far as it concerns victims' opinions about the victim support services, they seem to be satisfied with what is offered in both countries. It seems that the existence of a Victim Support Act influences the amount of resources which is provided by the government to such centers, as we mentioned in chapter three, but not necessarily the quality of their services.

Finally, the victims' well being in both countries seemed to be similar. The majority declared that they did not recover, that they think about the offense often and they fear the criminal, although the prevalence of fear was higher among Brazilian victims.

CHAPTER SEVEN

DISCUSSION OF FINDINGS AND CONCLUSION

Crime is more than breaking a law. It is damage or harm to the physical or psychological integrity of a person and to the belief of security and control that people think they have over their lives.

In our opinion, the ideal criminal justice should reestablish order, – by punishing those who violate the criminal law – and provide support for the victims. In that perspective, the criminal justice system should be therapeutic and healing for the victims. The same is expected from victim support services. Cognitive restructuring may be enhanced with such support by helping the victim to get the answers to his/her questions and to understand the event. In addition, the same institutions may contribute to a decrease self-blame by finding someone else guilty, namely the offender.

Therefore, by understanding the event and reducing self-blame, the victim may regain control over his/her life, restore his/her feelings of order and security and eventually recover.

However, do victims effectively benefit from their experiences with the criminal justice system and their contact with the victim support centers? Or, on the contrary, does the influence of these institutions increase their suffering?

Although important for a victim's recovery, almost thirty years later from the very beginning of the victims' movement and after all the reforms that it created within the criminal justice system, we are still not sure what kind of consequences the criminal justice system and victim support services have on the well-being of crime victims. According to studies, justice and victim support services may be therapeutic, anti-therapeutic or even neutral. In addition, very few studies had compared the effectiveness of both institutions on the emotional well-being of crime victims who had requested the support of the criminal justice system and victim services and those who had not.

Whether victims effectively benefit from their experiences with the criminal justice system and their contact with victim support centers was the question answered by this study. Furthermore, it aimed to explore whether the existence of a Victim Support Act would change the treatment that the victim receives in the criminal justice system, by comparing the legal systems and practices in Switzerland and Brazil.

Thus, by conducting interviews with crime victims, as well as by observing hearings and analyzing archived criminal lawsuits, we were able to investigate the consequences of participation in the criminal justice system and receiving victim support on the emotional

well-being of victims. In particular, the comparison of two groups, the justice group and the no justice group (chapter four), enabled this study to investigate the effectiveness of such interventions. In addition, the comparison between the groups Swiss victims and Brazilian victims (chapter six) enabled this research to test whether the existence of a Victim Support Act changes the treatment that victims receive in the criminal justice system.

Having said that, in the following we will revisit the initial hypotheses of this study by discussing the findings presented in chapters four to six. Given that this study's hypotheses were under construction and provisional, we will reformulate those and present our conclusions. Although due to lack of resources the research in Brazil was limited to interviews, those findings will also be considered in order to reformulate the hypotheses, draw up the discussion and the conclusion.

Finally, we will suggest what may work for the emotional well-being of crime victims and explain the implications of this study to practitioners or to future criminal justice policy.

1. Discussion: Initial Hypotheses Revisited

1.1. First hypothesis

Victims who have contact with the criminal justice system (police and judges) feel better after reporting the crime and giving their deposition. However, while compared to victims who did not have contact with the criminal justice system, they are more likely to suffer secondary victimization or trauma due to the criminal justice system's performance.

Some authors (Wemmers, 2007; Winick, 2008) affirm that opening up can be beneficial to crime victims. Indeed, victims interviewed had declared that talking about the event and sharing experiences with others help them to heal and to put the event behind them.

However such feelings were not observed after reporting the crime or giving a deposition. In general Swiss and Brazilian victims declared that they felt better, although according to their quotes, the experience with the criminal justice system may provoke secondary victimization. Secondary victimization was also observed during the hearings and the court trial to which we attended, although we had acknowledged the risk of being biased during hearing attendance as *personne de confiance*. Victims may find themselves in a supportive environment where they can open up but they may also find themselves in a combat situation where they have to accuse and bring evidence against the defendant and to maintain their

testimony, even though under the influence of distress. Indeed, we saw that criminal justice authorities request information from victims but with certain limitations. They do not expect the victims to tell their stories but rather to summarize the facts and to reply objectively to their questions. The workload of police officers as well as the judge's fear of being biased may sometimes prevent them from being more sensitive to certain needs of the victims. Particularly among Brazilian victims, secondary victimization had often happened at the police stations, among other reasons, because police officers seemed not to care about victims' cases, a fact which explains the high prevalence of dissatisfaction.

In addition, the manner of communicating with the victim or the criminal justice system's performance may also provoke or enhance feelings of guilt, which were often observed among the victims who had reported the crime. As a consequence of reporting the crime, victims expose themselves to criticism and negative comments. By acknowledging the victimization, the criminal justice system attributes a label – victim – which converts the offended into a target. Questions such as “why did it happen to her/him” or “what did he/she do to deserve this” are raised by others including those in the victim's social network and the criminal justice authorities.

This means victims' private lives and actions, relationships and other personnel characteristics are exposed to judgment. The “victimogenic” nature of such questions or comments was explained by the attribution theory and the just world concept in chapter one. As we saw, people get what they are entitled to or deserve on the basis of who they are and what they have done, given that the world is just (Lerner, 1980). People attribute to others the benefits or the responsibility of the experiences that they had been through (Deschamps & Clémence, 1990).

In sum, the experience with the criminal justice system, whether victims are satisfied or not with the performance of police, judge or court who had handled their cases, may provoke secondary victimization and cause or enhance feelings of self-blame. We expected that the experience with the criminal justice system would be more therapeutic to the victims but the results of our study suggest that this does not comply with reality.

This is confirmed, in the case of Switzerland, through the comparison of the well-being of the victims of the justice group with the victims of the no justice group. Regardless of whether victims had experienced contact with the criminal justice system, they showed the same levels of distress.

In order to observe whether it was the experience with the criminal justice system or other variables such as the type of crime, which were more likely to influence the victims' distress

or recovery, we divided the groups in victims of violent and non-violent crimes. Yet, there was no substantial difference between groups. The type of crime however seemed to have more influence in the well-being of victims, triggering different reactions, some of which demonstrating that victims were not recovered as a result of the seriousness of the crime.

Therefore findings suggest that the criminal justice system has neither a therapeutic nor anti-therapeutic consequences to the well-being of crime victims. Instead there are other factors, i.e. type of crime, which influence recovery. The effects of the experience with the criminal justice system seemed to be rather neutral, than beneficial, or in some cases, detrimental. Victims who have contact with the criminal justice system are not more likely to recover than those who had no contact. Moreover, they are more likely to suffer secondary victimization due to exposure.

1.2. Second hypothesis

Victims who are assisted by victim services cope better with the victimization than victims who have no access or who have waived their rights to support.

Approximately 90% of victims who had been assisted by the Center LAVI in Switzerland or CEAV in Brazil replied that the support helped in their recovery. Furthermore, 90% of the victims claimed to be satisfied with the support offered by those centers. Although acknowledging the victims' opinions on this matter, particularly in the case of Swiss victims, we observed that the emotional well-being of victims who had access to such support and those who had not was similar. In both justice and no justice groups, the support offered had no major consequences to the process of rehabilitation of the victims interviewed. That is to say, the victims who had recourse to such support thought that it helped and were satisfied with it; however, the victims who did not have recourse to such support were as distressed as those who did.

It is possible that there is a mistake in the way with which this support is being offered, which is why we did not observe differences in the well-beings of victims in groups justice or no justice; or crime is such a traumatizing event that many other variables have to be considered while we talk about recovery. Indeed, literature suggests that there are other factors such as coping skills, self-esteem, self-confidence, age and other socio-demographic attributes which have more relevance to victims' recovery than the work of the victim support schemas such as the Center LAVI. We will discuss this issue under item 2.4 of this chapter.

However, it is important to highlight the drawback of this research which focus was much more on the effects of the contact with the justice on the victims' well-being than the effects of the contact with center LAVI or CEAV. The method and the questions asked to the victims were not the most appropriate to observe whether the assistance of victims services such as LAVI and CEAV would influence in the victims' well-being. Further research on this topic is recommended, specially observing victims who had had contact with victim services as the main variable.

Although our findings suggest that there were no differences in the well-being of victims who were assisted and who were not assisted, we acknowledge the importance of the work of victim support centers. Such a work is important particularly to the victims who do not have other sources of support or are considered in the literature as vulnerable, namely migrants who are not fully integrated into the society or who are in process of integration, or victims with low income. For example, in Switzerland we observed that in the main, foreigners tend to look for such support. This means that, because their social network – family, friends – is more restricted than that of the Swiss, they need to search for support from one of the social institutions offered by the State whereas Swiss victims have other sources of support. In Brazil, we observed that generally people with low income and/or level of education, or “the neediest ones”, tend to look for such support.

1.3. Third hypothesis

Some victims are not satisfied with the performance of criminal justice authorities and victims services. In other words, the needs of some victims are not being respected but disregarded.

We saw that in Switzerland there are more victims satisfied with the police (around 60%) than with the judge (41%). Police were positively evaluated for their immediate support and care and judges for being supportive and showing themselves to be on the victim's side. Disregard, indifference, and in some cases, secondary victimization and prejudice were highlighted as the main reasons for dissatisfaction with both. On the contrary, Brazilian victims are more satisfied with the judge's performance (52.6%) than with police's performance (37%).

Concerning the victim support centers, approximately 90% of the victims declared that they were satisfied with the performance of the Centers LAVI in Switzerland or CEAV in

Brazil, highlighting the benefits of opening up, receiving legal advices and general information about the criminal proceedings.

In sum the majority of the victims seem to be satisfied with the services that the State offers to them and to feel that their rights have been respected.

However, satisfaction with the judge's performance is lower in the case of Switzerland. In order to understand the reasons for such a difference, we also analyzed the participation of the victim during the criminal proceedings. We observed that the more the victim had participated in the criminal proceedings, the more he/she was satisfied with the criminal justice system. Participation in the criminal proceedings enhances the feeling that rights have been respected as well as the chances of recovering.

Thus we think that promoting the victim's participation within the litigation process would enhance satisfaction with the criminal justice system, and therefore also satisfaction with the judge's performance. The findings in Brazil reinforce this conclusion. Brazilian victims, although represented by an attorney, had participated more actively in the criminal proceedings and therefore, were more satisfied with the judge's performance than Swiss victims.

In other words, victims are generally satisfied with the police and victim services but they are less satisfied with the judge. Such dissatisfaction seems to be triggered by the lack of participation in the criminal proceedings. In this respect, the victim's need to participate is somehow disregarded.

1.4. Fourth hypothesis

Victims are more respected in the countries where the Law lays down their rights. The existence of a Victim Support Act may influence the manner with which the members of the criminal justice system treat the victim.

While comparing victims' satisfaction in Switzerland and Brazil we observed that victims felt much more satisfied with the police performance in Switzerland (around 60%) than in Brazil (around 37%). In addition, in Brazil victims had complained of the lack of interest on the part of the police in their cases and even of their disregard to their suffering. Some victims felt that the police had treated their cases as "just one more" among the many other cases that they have to deal with every day.

These suggest that a Victim Support Act such as LAVI may contribute to improve the police's treatment of the victims and police performance. However, we should also

acknowledge that the more crimes committed in a society or the greater the workload of police officers, the less sensitive they are to victims' complaints. This seemed to be the case in Brazil. The daily contact that Brazilian police officers have with crimes and accidents involving seriously injured persons may trivialize to them cases which may be quite severe in the eye's of the victim. It can also be a mechanism of defence in order to cope better with their daily work, promoting detachment and avoiding burnout. Furthermore, without proper training in victims' needs, it is more likely that police officers will be less sensitive to victims' emotional reactions and needs.

In addition, there are other several issues which interfere with the work of the police particularly in Brazil. The high rates of victimization which were presented in chapter three of this thesis, not to mention the figure of 22 homicides per 100,000 habitants (Ministério da Justiça, 2006); the mistrust in the police as an institution as a result of their corruption, violence committed by the police, involvement of the police in organized crime, all contribute to the lack of respect with which victims are treated at the police stations. A Victim Support Act may however promote respect and awareness of the importance of the victims to the criminal justice system.

Another issue is police compliance to law LAVI. During document research we observed that although the Act LAVI lays down the right of the victim to be informed of his/her rights at the police station, police officers did not always provided victims with such information. This means, the existence of a Victim Support Act is important but it is not enough and even 16 years after it came into effect, it should still be promoted among the officers of the criminal justice system.

As for the performance of the judges, there was no substantial difference between the opinions of Brazilian victims and Swiss victims. Participation in the criminal proceedings and satisfaction with the judge were similar.

On the contrary, according to hearing attendance in Switzerland as well as document research, Swiss victims seemed to have more access to justice than Brazilian victims because they may prepare the complaint and follow the progress of the case without assigning a lawyer to the case. Some Swiss victims exercised their right LAVI to have a *personne de confiance* accompanying them during the hearing instead of assigning a lawyer to their cases and were also able to follow the proceeding. As for the Brazilian victims they must be represented by a lawyer during the criminal lawsuit in order to participate and there is no such *personne de confiance* to support them during hearing.

However, the satisfaction with the judge's performance was higher among the Brazilian

victims. It seems that it is not only the Victim Support Act which might improve the treatment that the victim receives in court but also the presence of a lawyer representing the victim in the criminal lawsuit. As a result, we think that the presence of a lawyer during the criminal proceedings may influence the judge's performance, improving the treatment that the victim receives in the criminal justice system, particularly in the courts. We would therefore suggest the active participation of a lawyer representing the victim in court in Switzerland in order to improve victims' treatment and therefore satisfaction.¹²⁴

Finally, as far as victims' opinions about the victim support services are concerned, they seem to be satisfied with what is offered in both countries. It seems that the existence of a Victim Support Act influences the amount of resources which is provided by the governments to such centers, but not necessarily the quality of their services. As we saw in chapter three, victim support centers in Brazil have very limited resources.

In sum, we think that a Victim Support Act is an important tool for providing victims with certain rights of participation. However it is also important to promote victims' rights and to provoke the government to invest in policies for the benefit of crime victims. Yet, it is not enough and there is a need for a reform in the current criminal justice system. In the following section, we consider this issue and explain the implications of this study to practitioners or to future criminal justice policy.

2. Conclusion: What Works for Victims' Rehabilitation

2.1. Participation, cognitive restructuring and returning control

Crime is an unexpected, uncontrollable and inexplicable event. As we saw in chapter one, it disrupts the victim's belief in a just world and the sense of control over one's life. The classic model of criminal justice is another experience in someone's life which tends to reinforce this feeling of a lack of control and explanation. It prevents and sometimes even disclaims victim's participation. As soon as the victim decides to report the crime to the police he/she loses the ownership of the case (Christie, 1977; Hulsman & Célis, 1997) and the control over the case whereas the crime is transformed into a symbolic and bilateral formal conflict between the state and the criminal, excluding the victim.

¹²⁴ In that context, it would be interesting to investigate whether the presence of a *personne de confiance* during the hearing promotes the respect to victims' rights or whether it does not change the way in which victims are treated by judges.

With the victims' movement, this vision started to change and criminal justice systems throughout the world started to accept the participation of the victim in criminal proceedings. For example, we saw in chapter three that in Switzerland, with the Act LAVI, the role of the victim in the criminal proceedings has improved. They have recourse to certain rights of participation and may even have control over the case, meaning that they are responsible for initiating the criminal lawsuit against the offender. Whereas in Brazil - among other reasons - as a consequence of the lack of a Victim Support Act, victims have almost the same role as witnesses and have recourse to no particular rights.

Certainly, Victim Support Acts enhance and improve the quality of the victim's participation in the criminal proceedings. However its provisions for participation are not sufficient.

We saw that when the victim reports a crime, he/she is looking for support; he/she sees in the criminal justice system the possibility of recovering and restoring his/her life. Healing is accomplished by understanding the event, recovering the control over one's life and restoring feelings of security. Victims need to understand the event in order to regain a sense of order and control over their lives and to restore their sense of justice. Understanding the reasons behind events helps the victim to feel that things are not random and unpredictable, thereby regaining control over his/her life (Tondonato & Erez, 1994). They need to reestablish the just world concept which seems to be essential for restoring their feelings of security and to move on. As mentioned by a student of psychology who was one of the victims interviewed:

“On doit chercher des explications au monde qui nous entoure, à ce qu'il nous arrive. S'il nous arrive quelque chose d'injuste, on a besoin de comprendre. Aussi les victimes ont envie de se laver de toute sorte de culpabilité. C'est-à-dire, s'il y a eu quelque chose, on est habitué à ce que ce soit lié à une culpabilité, à une erreur commise. C'est qu'on pense que si on n'a jamais fait du mal, on ne mérite pas (...) On essaie de mettre la faute sur quelqu'un d'autre”. (INT 41.1)

As long as the criminal justice system does not provide an adequate or therapeutic treatment, it only reinforces a lack of understanding concerning the event, a lack of control over the victim's life and feelings of guilt or self-blame. It is not only a matter of recognizing the role of the victim and accepting his/her participation but it is a matter of whether the current model of criminal justice is beneficial to the victim. Participation is important but if it

takes place in a system which gives importance to other issues, meaning punishing the offender and compensating the damage, then it may meet some of the victim's needs but does not provide for the victims' recovery. Therefore a Victims Support Act such as LAVI, whether it is supposed to be applied within the "same" criminal justice system which gives importance to sanctioning the offender rather than alleviating trauma and being therapeutic may not function efficiently for the victim.

In other words, although the Act LAVI promotes acknowledgement, participation and compensation to the victims, it does not change the fact that the criminal justice system has certain characteristics which avoid emotions and do not contribute to the victim's recovery. Indeed, this study showed that the criminal justice system is not therapeutic because it had no further consequences to the emotional recovery of the victims interviewed.

Agreeing with Norris and Thompson (1993), we think the focus should be on the aspects of the system that promote the alienation of the victim from it. The main focus should be on reforming the system along with providing rights to the victims.

2.2. Justice should be healing

Alternatively, justice could be an instrument of healing and rehabilitation (Wexler & Winick, 1991; Winick, 2008). For this purpose, justice should consider and work more with emotions as they are the essence of human beings (Sherman, 2003; Umbreit, Bradshaw & Coates, 1999). The criminal justice system should embrace a humanistic approach according to which the proceeding would involve the different parts of the conflict – offender, victim and state – with the aim of finding explanations and restoring emotional losses.

Would restorative justice be an alternative to the classic model of criminal justice? The classic model of criminal justice takes into account mainly, the damage that crime provokes to the social and legal order whereas the restorative justice brings to the center of the discussion the harm which crime had inflicted upon the direct or indirect victims (Walgrave, 1999). Mario Thomas Gaboury¹²⁵ affirms that restorative justice brings people together to solve the conflict and by this means, provides a range of opportunity for dialogue and for reestablishment of emotional and material losses. The key element is interaction between the participants in a safe environment, focusing on acknowledging the past hurt and the emotions it has generated, disabusing stereotypes of each other and providing a future orientation

¹²⁵ During lecture "Corrections-Based Victim Services and Victim Awareness Programs" at the 2nd North American Post Graduate Course on Victimology and Victim Assistance, World Society of Victimology and University of Central Florida, 13-25 August, 2006.

which is mutually discussed and agreed upon (Shapland et al., 2006). Resolution is therefore achieved by the mutual agreement of the two parties. Strang (2002) affirms that restorative settings or relational justice more often provides the opportunity to confront one another directly and thus for synergy of emotion than traditional courtroom justice. The purposes of this interaction would be to contribute to the victims' understanding of the event and to give both offender and victim an opportunity to discuss their feelings towards each other, thus resolving the conflict and contributing to their healing process (Pedra Jorge-B. & Aebi, 2009).

The reader might be wondering whether victims are really looking forward to have more contact with the offender. Although this question was not asked of the victims interviewed in this study, other studies already conducted on the topic of restorative justice have demonstrated that many victims are indeed willing to have further contact with their offenders, although this willingness is highly influenced by the type of crime.

For example, according to Umbreit et al (1999) 60% to 70% of the victims of property crimes and minor assaults wanted to have contact with the offender. In the same study, victims of attempted homicide, sexual assault and survivors of murder had also requested the opportunity to meet the offender, although in a lower prevalence and many years after the crime. Likewise, the second British Crime Survey revealed that 49% of victims would have accepted to meet the offender, one third of whom were victims of violent crimes (Reeves, 1989). The 1999 Canadian Social Survey also revealed that 51% of the victims would be interested in participating in restorative justice programs (Wemmers, 2003) although victims of property crime are more interested than victims of personal crimes.

Not only many victims but also the majority of the general population agrees with alternative forms of solving conflicts. For example in Switzerland, a survey about the objectives of the penalty revealed that 84% of the general population agrees with the intervention of a mediator in the criminal justice system in order to solve minor offenses and conflicts and to promote an agreement between victim and offender (Languin, Kellerhals & Robert 2006).

Indeed, the contact with the offender means having the possibility to ask questions, understand the event and analyze the criminal event from a rational point of view. Learning the reasons behind the criminal event, hearing a sincere admission of responsibility, observing remorse in the offender and receiving apologies are possibilities raised by restorative justice which often have a positive impact in the healing experience of the victims (Bazemore, 1999; Dignan, 1992). It is important for the victim to learn more about the

offender and to learn how the crime came about (Reeves, 1989; Wright, 2003), things that are unlikely to happen in the classic model of criminal justice. Often, it is more important than substantial or financial reparation (Van Dijk, 1986; Marshall & Merry, 1990).

The function of forgiveness in particular has been studied and while anger often remains even after economic reparations and punishment, forgiveness is gaining recognition as a powerful therapeutic tool for releasing anger and resentment (Gehm, 1987). Harris, Walgrave and Braithwaite (2004) note that an apology can sometimes represent the turning point. By asking for forgiveness, the offender recognizes the victim as a bearer of rights while recognizing his/her own guilt and wrong doing. The roles are thereby reversed: “whereas the offender exercised power over the victim in the offense it is now the victim who has the more decisive power” (p. 202, 203), to accept or refuse the apology. This empowers the victim who may feel restored in dignity and citizenship, contributing to his/her well-being.

Moreover, to decrease feelings of fear and enhance feelings of security, the myth of the criminal as a powerful or threatening person should be dismissed. Meeting the offender in a safe atmosphere can enable the victim to see the criminal as an ordinary person.

The therapeutic effects of mediation between victims and young offenders (as one of the approaches of the restorative justice) were studied by Wemmers and Cyr (2005). According to these authors the majority of victims involved in the program (54.5%) declared that the participation helped them to put the event behind them: 64.1% declared they felt better after having met the offender and most victims declared that they had benefited psychologically from the meeting. Sherman et al. (2005) also studied the effects of face-to-face restorative justice. The authors observed that conferencing also “succeeds in ‘normalizing’ victim contact with an offender, as required by Cognitive Behavioural Theory in order to make the discussion of the crime and the nature of the criminal a topic less threatening by virtue of becoming more familiar.” (p. 391)

These findings enhance the argument according to which victims meeting offenders may be a source of benefit to the victim, rather than a further exposition to trauma or secondary victimization. We think that the personalization of the conflict is not harmful to the victim. As far as both victim and offender agree to meet and this confrontation is organized in advance, both being prepared and the victim supported during the meeting, the risk of secondary victimization is not higher than in the classic model of criminal justice. After all, confrontation between the victim and the offender also happens in the classic proceedings of

the court.¹²⁶ Victims and offenders should also receive proper debriefing after such a meeting. Certainly, if victim and offender are equally unprepared for mediation, the meeting could be traumatic rather than therapeutic (Lindner, 1996).

Yet, the dynamics of the restorative justice model provide more opportunities than the traditional court system for both parties to win (Strang, 2002). It provides a benefit to the victim because it enhances the possibility of recovery (Wemmers, 2003). It also increases the chance of rehabilitation for the criminal, providing “accountability because it creates awareness in offenders of the harmful consequences of their actions for victims” (Friday, 2003, no page number), encouraging them to think about the event.

For a victim’s rehabilitation, however, it seems important that the model of restorative justice applied is not offender-centered (Johnstone, 2002). This means that it should not function mainly in order to enhance the offender’s rehabilitation or in order to reduce his/her charges. Indeed, this is a risk that exists because restorative justice stems not only from the victims’ movement for the reorientation of the criminal justice system towards the victim (Zedner, 2002) but also from the abolitionist movement¹²⁷ (Wemmers, 2003). Restorative justice should aim to resolve the conflict, which means finding a balance between offenders’ and victims’ needs and expectations. “It cannot be part of a standard sanction because it can be offensive to the victim, or the victim can believe that the offender excused himself for the purpose of receiving some benefits, or a lesser charge, from criminal justice” (Bazemore, 1999, 311).

Wemmers (2007) says that there is no evidence that the structure of the criminal justice system needs to be changed before it can become therapeutic. On the contrary, Robert (1997) pleads for reform and for the “reprivatisation du droit pénal” (p. 328). According to the author, the main objectives of the criminal justice system should be, whenever possible, to repair relations between the victim and the offender, by restoring the victim to the original situation or compensating the harm; as well as to assign penalties which do not hazard defendant’s acknowledgment towards the victim.

This study has shown that the criminal justice system, in the models in which it is currently offered, although providing opportunities for victim’s participation, has neither therapeutic nor anti-therapeutic consequences. Therefore, we think that it is time for reform

¹²⁶ Although lately judges have been trying to avoid it, mostly in the case of sexual offenses.

¹²⁷ The abolitionist movement proposes the abolition of the prison system and the criminal justice system. For more on this topic, see Hulsman & Célis, 1982.

and for trying alternatives in a more humanistic approach, with a major focus on healing and restoration, thereby making the system therapeutic.

Although the benefits of a restorative approach and particularly of mediation were not investigated in this study, according to the literature reviewed the approach of restorative justice would be more therapeutic to the victim. Therefore we suggest the adoption of the basis of restorative justice in the current criminal justice system, not to replace one with the other. We saw that the adversarial model of criminal justice, although it does not help the victim to recover, acknowledges the victimization and attributes the label “victim” to the person. This label can have negative consequences because it turns the person into a target for comments and secondary victimization; however it can also be important to the victim’s rehabilitation because it helps to reduce self-blame. Therefore, the model of restorative justice should be integrated into the traditional model of criminal justice.

Adopting the restorative justice model in the same system would mean adopting a humanistic approach where emotions would be considered. Should the victim and/or the offender agree to the principles of restorative justice, judges and prosecutors would take mediation into their own hands (Killias, 1990). Their roles would be those of mediators and pacifiers, meaning that they would be sensitive to the parties’ needs and be specially trained for this purpose. This approach would promote the realization of the goal of restorative or therapeutic justice, acknowledging the victim and guaranteeing respect for the defendant’s rights.

“Comme toute chose dans la vie, la médiation s'apprend, mais elle nécessite pour le moins une certaine prédisposition. La médiation est avant tout une attitude personnelle qui repose sur l'empathie, l'intégration et le respect de l'autre, plutôt que sur sa mise à l'écart. Celui qui ne voit dans la médiation qu'un instrument de plus pour mettre fin à des conflits a tort. La médiation conçoit les conflits comme consubstantiels à la vie humaine. Elle ne souhaite pas y mettre fin à n'importe quel prix, mais s'efforce de permettre aux personnes qui vivent des situations conflictuelles de les traiter de manière constructive. Cet objectif ne serait-il pas également un défi attrayant pour la justice?” (Von-Sauberzweig, 1997, 99)

What about the costs of such a reform? Would criminal justice authorities, judges and prosecutors, have enough time to deal with all the cases? Aren't criminal justice systems

already busy enough? The same amount of time and resources that are presently applied in the classic model of criminal justice in order to find the truth by means of pre-court hearings, court trial, and investigation procedures with the employment of sophisticated methods, could be applied for the purpose of mediating between the parties and trying to resolve the conflict in a different way. Human resources properly trained and sensitive enough to engage in another approach would be at the core of the reform. Obviously, to achieve its goals restorative justice depends on the degree of staff commitment to a new philosophy of justice (Levrant, Cullen, Fulton & Wozniak, 2003). “The controversy, then, is a question of implementation of restorative justice within pre-existing paradigm of retributive justice.” (Decker, Alarid & Katz, 2003, 272).

As for the cases in which victims and/or offenders do not agree, or for the most violent offenses, because victims are least likely to participate (Reeves, 1989; Umbreit, 1994; Umbreit et al, 1999) the adversarial criminal justice system would be applied, although respecting the victim’s rights of participation. Yet the criminal justice system in this case should still adopt a more humanistic and sensitive approach. Since victims of serious offenses may take longer to come to a point where they are ready to participate in a meeting with the offender, Wright (2002) and Shapland et al. (2006) suggest that restorative justice could be offered after the offender was found guilty or even at several points subsequent to the offense so victim and offender would still be able to profit from its principles.

After all what should the purpose of justice be? It should be worth for the solution of the conflict, for healing the trauma and for crime control and prevention, the punishment being accessorial to the other three objectives. Agreeing with Fattah (2000), the purpose of justice’s intervention is to “restore peace, redress harm, heal injury, and prevent repetition of the offense, then it is easy to foresee application of the restorative justice paradigm, with its constructive elements: mediation, reconciliation, restitution and compensation, as the way of the future.” (p. 43).

Yet, restorative justice, particularly mediation are topics under discussion concerning its effectiveness. Indeed, authors such as Levrant et al. (2003) note that restorative justice may not achieve its progressive goals because it has certain limitations concerning victims’ restitution. First, even if the victim receives financial satisfaction, if the offender remains hostile toward the victim, the latter may remain emotionally dissatisfied. Second, it is a limited form of justice because victims and offenders are most likely to appear at mediations for minor personal and property crimes and least likely to appear for serious personal crimes (Umbreit, 1994, Umbreit et al, 1999 & Levrant et al., 2003) as already mentioned in this item,

“although a growing number of victims of severe violence, and at times offenders, are requesting a mediated dialogue to talk about the impact of the crime and seek a greater sense of healing.” (Umbreit, 1998, 15).

Furthermore, offenders may lose certain rights and privileges that they are granted through the current adversarial process; they may be coerced into participating in restorative justice programs because of formal pressures from practitioners within the criminal justice system and restorative justice may be applied only in case of minor offenses (Levrant et al., 2003). Thus any change in the current criminal justice system should be studied before large application.

2.3. Victim services should be reconsidered

According to our findings, the support offered by the Center LAVI does not have any major consequences to the victims’ rehabilitation process, either negative or positive. Victim services, although well evaluated by the victims, might be missing other important aspects which may have more relevance to the victim’s well-being and rehabilitation. Based on professional experience and in the literature reviewed, we have some suggestions on this matter.

The focus on mental and emotional needs might leave aside, for example, the victim’s financial needs. Emergency expenses such as paying for shelter, changing the look of the front door, buying a new mobile phone, can indeed be paid by some victim services such as the Center LAVI and are appreciated by the victims in general. However, the extension of the victimization usually implies further financial needs which are not covered. Indeed, victims who request support are usually the neediest ones, meaning that if the financial situation was already difficult before the imposition of expenses incurred by a criminal victimization, it is likely to become even worse after the criminal victimization.

In addition, the compensation from the state tends to come very late. It is not provided before the criminal decision, meaning that it might take up to two years for the victim to receive compensation.

Therefore, we would suggest that, although the focus on the emotional needs is important, financial needs should not be neglected. However we also acknowledge the limitations of such victim centers which are funded by governments and have scarce resources at their disposal. We also recognize that certain financial problems of the victims who request support are pre-victimization factors, although they are consequently intensified by the criminal event.

Moreover, assistance should arrive faster and to the door of the victim. The policy of giving the victim the choice to seek support (self-referral method) certainly respects the right of privacy. However it moves the victims even further from the services and help might arrive too late. Meanwhile, the victim finds other sources of support which might not be of the same quality but might temporarily “solve the problem”. The possibility of providing victim services with the victim’s personal data, especially the telephone number, and allowing such centers to contact a few days after the crime should be considered. The letter sent by the Center LAVI explaining to the victim that they are at their disposal might not be as effective as a telephone call, for example, and might arrive too late.

As we saw, victimization surveys suggest that very few victims request such support, but when they do request it, they have several needs which would not be covered otherwise. For this reason, victim services should enlarge their field of action. However, we acknowledge that in practical terms such services might face the risk of finding “real” and/or “alleged” victims and this should be cautiously considered by such public policies.

Finally, these services should also concern themselves with crime prevention. Research shows that people, once victimized, are at an increased risk of future victimization (Sims, Yost & Abbott, 2006). Therefore, counseling services should include group therapy and workshops on the prevention of further or future victimization, by, for example, providing victims with information about the concept of violence, exposure to risk and security.

The same is true for empowerment. The person shall move from the position of victim and learn how to react, by reporting the crime to the criminal justice system, by preventing victimization and thereby breaking the cycle of violence. The victim should understand that regardless of what they did the offender had no right to perform a violent act against them (Resick, 1990). And victim services might play a role on this process of training and education.

2.4. Other factors which are relevant for rehabilitation

There are some studies which speculate that factors such as coping skills, self-esteem, self-confidence, age and other socio-demographic attributes have more relevance to victims’ recovery than criminal justice and victim support schemas such as the Center LAVI.

Frazier and Haney (1996) concluded that the experience with the legal system may have less of an impact on their recovery than other factors over which the victim does have control. Likewise, Sims et al. (2006) affirm that individuals who have high self-esteem and a sense of being in control of their own lives are more likely to function better psychologically

after a criminal victimization; these characteristics are better predictors of high scores on victims' well-being than the support offered by victim services.

Lurigio and Resick (1990) affirm that pre-victimization factors or socio-demographic attributes such as age, education and income have a major impact on recovering from trauma. Victims who are younger, with more formal education and higher incomes are often less traumatized and cope better with the crime. On the contrary, Sims et al. (2006) think that as age increases, individuals learn how better to control their lives and to deal with traumatizing events such as crime. Tondonato and Erez (1994) have also found that vulnerable victims (elderly, minors), female, unmarried and non-white victims were more likely to indicate a period of distress following the crime. Particularly in the case of rape, Lurigio and Resick (1990) indicate that married victims had a more difficult time adjusting than unmarried victims.

Other studies suggest that there are certain key factors such as isolation and resources that determine whether victims of the same crime will recover faster than others. Skogan (1987) highlights the fact that socially isolated people are more fearful and that people who are poorer tend to have "more coping practical problems" (p. 141). Both factors may have an effect on the victim's recovery. Indeed, as Maguire (1980) notes, victims who live alone or do not have friends or family to look to for support might feel the psychological impacts of crime more acutely. Another key factor that Sims et al. (2006) observed: there is a positive correlation between the psychological functioning of crime victims and the social support that they received.

Fattah (2000) suggests that reinforcing the natural healing powers of the human psyche, strengthening the family and social networks of potential and actual victims will be seen as preferable for alleviating victim suffering rather than the current "healing enterprise". (p. 42)

This is to say, although we think that the criminal justice system and victim support services should be therapeutic, we also acknowledge that coping skills and certain socio-demographic factors which are present prior to the event influence and may even determine the rehabilitation of the victim.

3. Final remarks

The present study suggests that the treatment of the victim in the criminal justice system is improving. Certain countries provide victims with law promoting their rights in the criminal justice system. As a result, police officers and judges seem to become more sensitive

to victims' issues. Victims are more aware of their rights and empowered to put them into practice. In addition, victims have recourse to more sources of information and support such as lawyers and the Center LAVI.

This change is an outcome of the victims' movement and the acknowledgement of the duty that the state has towards crime victims. States should provide victims with formal rights. In particular, the Brazilian Parliamentary should pass a Victim Support Act which may provide victims with rights and improve their treatment in the criminal justice system.

However, this is only the starting point. Regulation may enable the victim to participate and enhance empowerment but there are other factors such as cognitive restructuring and control which are not being considered by the classic model of criminal justice and which are important for rehabilitation. For this reason, the relationship between the criminal justice system and the victim, as well as the support offered by victim centers might have no effect on the emotional well-being of crime victims.

Support in general terms is essential for recovery. And it should be provided not only by the victim's social network, including victim support centers, but also by the criminal justice system. The justice system could be an instrument of healing and rehabilitation. In this regard, the principles of a restorative justice applied to the current criminal justice system may be an alternative. Such a reform may provide the criminal justice system with more humanistic or emotional characteristics which are essential for healing, although victim's coping skills and certain socio-demographic factors which exist prior to the crime influence and may even determine the rehabilitation of the victim.

The adoption of an emotionally intelligent or therapeutic approach would be of greater benefit to both crime victims and defendants. Therefore, a suggestion to policy makers and authorities would be to invest in training for judges and police officers and to provide them with further negotiation or mediation skills. As we saw during hearing attendance, conciliation can be achieved insofar as judges have the skills necessary to mediate both parties. By this means, apart from the role of law enforcement and punishment they would also have the even more important roles of mediators and pacifiers.

Although the current criminal justice system does not seem to be less harmful than mediation between victim and defendant, changes in the current system should be studied before large application. For example, further studies on the comparison between victims who had recourse to the criminal justice system and victim centers' support and those who did not would be important to determine where is the problem: whether adequate victims' participation and voicing their opinions and suffering is enough or whether it is the

characteristics of the proceedings applied by the criminal justice system which do not contribute to healing.

4. Limitations of this study

This study intended to contribute to this analysis however we should acknowledge the limitations of it and recognize that findings cannot be generalized for the following reasons.

First of all, the sample presented is not representative. For a future study we suggest to use the sample of the International Crime Victim Surveys in order to investigate the same issues within a random and representative sample and to be able to generalize findings. Although a quantitative study may not be useful for finding in-depth and sensitive information concerning the interaction between the victim and the criminal justice system, it is more reliable due to the great number of cases and therefore could convince practitioners or criminal justice policy makers more easily of its findings. We propose to select a subsample of participants and perform in depth interviews in order to gather more detailed information on the victims' well-being.¹²⁸ Studies on the effectiveness of restorative justice's principles and mediation where applicable would also be helpful since both were not observed during this study. For a future research we also suggest to study separately the victims that had contact with the criminal justice system and those who had not, as well as the ones who had requested support of victim services and those who had not, in order to ascertain which institution has a major, neutral or negative effect to the victim's recovery.

Second, victims interviewed were selected without a random procedure because it was difficult to find people with the expected profile.

Third, the observation of the hearings was a sort of participant observation because the researcher was acting as *personne de confiance* and, therefore, the researcher was part of the context under observation. As a consequence, even if the researcher tried to remain objective, the information collected could be biased.

¹²⁸ This method was already employed by Gillioz, De Puy and Ducret (1997). The authors conducted a survey with a national/Swiss sample of 1500 women who lived/were living with their partners during the last 12 months. From this sample, they selected 30 women victims of partner violence and conducted in-depth interviews in order to gather detailed information about partner violence, its psychological and social impacts and victims' coping strategies. Likewise, Shapland (1993) suggests that the ICVS could have the function of "more than just count" crime (p. 243) and be employed in the perspective of "a consumer survey in relation to the agents of the criminal justice system that victims encountered as a result of being victimized". This "consumer survey" (p. 243) could also monitor the impact of the criminal justice system and the victims services on the well-being of crime victims, as attempted by this exploratory study.

REFERENCES

- Aebi, Marcelo F. (2008). *Temas de criminología*. Madrid: Dykinson.
- Aebi, Marcelo (2006). *Comment mesurer la délinquance?* Paris: Armand Colin.
- Audet, J. & Katz, J. – F. (1999). *Précis de victimologie générale*. Paris: DUNOD.
- Bazemore, Gordon (1999). Crime victims, restorative justice and the juvenile court: exploring victim needs and involvement in the response to youth crime. *International Review of Victimology*, 6 (4), 295-320.
- Berruex, Thierry & Killias, Martin (1999). La dénonciation à la police: une décision qui n'est pas laissée au hasard. *Crimiscope*, Number 03, Université de Lausanne, Switzerland.
- Blanchet, Alain & Gotman, Anne (2001). *L'enquête et ses méthodes. L'entretien*. Paris: NATHAN Université.
- Boggio, Yann; Kellerhals, Christophe; Mathey, Joëlle & Mauge, Marc (1995), with the supervision of Prof. Robert Roth. *Le point de vue des victimes sur l'application de la LAVI*. Centre d'Étude de Technique et d'Évaluation Législatives (CETEL), Université de Genève, Faculté de Droit. Retrieved July 26, 2006, from University of Geneva, Faculty of Law, Website: <http://www.unige.ch/droit/cetel/publications.html>
- Brienen, M. E. I. & Hoegen, E. H. (2000) *Victims of Crime in 22 European Criminal Justice Systems*. The Netherlands: Wolf Legal Productions.
- Byrne, Christina A.; Kilpatrick, Dean G.; Howley, Susan S. & Beatty, David (1999). Female victims of partner versus non partner violence. Experiences with the criminal justice system. *Criminal justice and behavior*, 26 (3), 275-292. Retrieved October 25, 2007, from Sage Publications data base.
- Campbell, J. C. (2002). Health consequences of intimate partner violence. *Lancet*, 359(9314), 1331-1336.
- Campbell, Rebecca; Wasco, Sharon M.; Ahrens, Courtney. E.; Sefl, Tracy & Barnes, Holly. E. (2001). Preventing the second rape: rape survivors' experiences with community service providers. *Journal of interpersonal violence*, 16, 1239-1259. Retrieved March 31, 2008, from Sage Publications data base.
- Campbell, Rebecca (2006). Rape survivors' experiences with the legal and medical systems. Do rape advocates make a difference? *Violence Against Women*, 12 (1), 30-45. Retrieved March 30, 2008, from Sage Publications data base.
- Cesoni M. L. & Rechtman R. (2005). La réparation psychoogique de la victime: une nouvelle fonction de la peine? *Revue de Droit Pénal et de Criminologie*, 2, 158-178.

- Christie, Nils (1977). Conflict as property. *The British Journal of Criminology*, 17 (1), 01-15.
- Cluss, Patricia A.; Boughton, Janice; Frank, Ellen; Duffy, Barbara Stewart & West, Deborah (1983) The Rape Victim: Psychological Correlates of Participation in the Legal Process. *Criminal Justice and Behavior*, 10 (3), 342-357. Retrieved March 31, 2008, from Sage Publications data base.
- Code de Procédure Pénale du Canton de Vaud (1967). Version of 1 January 2007.
- Code Pénal Suisse (1937). Version of 19 December 2006.
- Código de Processo Penal (1941). Decreto-lei 3.689. Version of 3 October, 1941.
- Código Penal (1940). Decreto-lei 2.848. Version of 7 December, 1940.
- Constituição da República Federativa do Brasil (1988). Version of 19 December, 2003.
- Conférence Suisse des Offices de Liaison LAVI (CSOL-LAVI) (2002). *Recommandations pour l'application de la loi fédérale sur l'aide aux victimes d'infractions (LAVI)*. 2ème édition révisée. Berne. Retrieved May 02, 2005 from Bureau of Federal Justice Website: http://www.bj.admin.ch/bj/fr/home/themen/gesellschaft/opferhilfe/opferhilfe_in_den.html
- Corbett, Claire & Maguire, Mike (1988). The value and limitations of Victims Support Schemes. In Mike Maguire & John Pointing (Eds.). *Victims of crime: a new deal?* (pp. 26-39). Philadelphia: Open University Press.
- Council of Europe Recommendation Rec (2006) 8 of the Committee of Ministers to Member States on assistance to crime victims (Adopted by the Committee of Ministers on 14 June 2006 at the 967th meeting of the Ministers' Deputies).
- Council of Europe Recommendation N° R (1987) 21 of the Committee of Ministers to Member States on assistance to victims and the prevention of victimization (Adopted by the Committee of Ministers on 17 September 1987 at the 410th meeting of the Ministers' Deputies).
- Council of Europe Recommendation N° R (1985) 11 of the Committee of Ministers to Member States on the position of the victim in the framework of criminal law and procedure. (Adopted by the Committee of Ministers on 28 June 1985 at the 387th meeting of the Ministers' Deputies).
- Cronbach, L. J. (1975). Beyond the two disciplines of scientific psychology. *American Psychologist*, 30, 116-127.
- Davis, Robert C. (1987). Studying the effects of services for victims in crisis. *Crime & delinquency*, 33 (4), 520-529. Retrieved March 31, 2008, from Sage Publications data base.

- Davis, Robert C. & Henley, Madeline (1990). Victims service programs. In Arthur J. Lurigio, Wesley S. Skogan & Robert C. Davis (Eds.). *Victims of Crime. Problems, Policies, and Programs* (pp. 157-169). Thousand Oaks: Sage Publications.
- Davis, Robert C.; Lurigio, Arthur J. & Skogan, Wesley G. (1999). Services for victims: a market research study. *International Review of Victimology*, 6, 101-115.
- Decker, Scott H.; Alarid, Leanne Fiftal & Katz, Charles M. (Eds.) *Controversies in criminal justice*. Los Angeles: Roxbury Publishing Company.
- Denzin, Norman K. & Lincoln, Yvonna S. (eds.) (2005). *The Sage handbook of qualitative research*, 3rd edition. Thousand Oaks, CA: Sage publications.
- Deschamps, J. – C. & Clémence, A. (1990) *L'attribution. Causalité et explication au quotidien*. Neuchâtel: Delachaux et Niestlé.
- Dignan, J. (1992). Repairing the damage: can reparation work in the service of diversion? *The British Journal of Criminology*, 32 (4), 453-472.
- van Dijk, Jan J. M. (1986). Victim rights: a right to better services or a right to active participation. In Jan J. M. van Dijk, Charles Haffmans, Frits Rütter, Julian Schutte & Simon Stolwijk (Eds.). *Criminal Law in action: an overview of current issues in Western societies* (pp. 351-375). Arnhem: Gouda Quint.
- van Dijk, Jan (1988). Ideological trends within the victims' movement: an international perspective. In Mike Maguire & John Pointing (Eds.). *Victims of crime: a new deal?* (pp. 115-126). Philadelphia: Open University Press.
- van Dijk, Jan & Mayhew, Patricia (1993). Criminal victimization in the industrialized world: key findings of the 1989 and 1992 international crime surveys. In Anna Alvazzi del Frate, Ugljesa Zvekic & Jan J. M. van Dijk (Eds.). *Understanding crime. Experiences of crime and crime control* (pp. 01-49). Rome: UNICRI.
- van Dijk, Jan & Goodey, Jo (2004). Benchmarking legislation on crime victims: the UN victims declaration of 1985. In Office Fédéral de la Justice (Ed.). *Aide aux Victimes en Suisse. Expériences et perspectives* (pp. 311-319). Bern: Haupt Verlag.
- van Dijk, Jan; van Kesteren, John & Smit, Paul (2007). *Criminal Victimization in International Perspective: key findings from the 2004-2005 ICVS and EUICS*. The Hague: WODC.
- van Dijk, Jan; van Kesteren, John & Smit, Paul (2007). *Criminal Victimization in International Perspective*, The Hague, Boom Juridische uitgevers. Retrieved 29 February 2008 from United Nations Interregional Crime and Justice Research Institute Website: http://www.unicri.it/wwd/analysis/icvs/pdf_files/ICVS2004_05report.pdf

- Doerner, William G. & Lab, Steven P. (2005). *Victimology*. 4th edition. United States: Anderson Publishing.
- Edwards, I. (2004). An ambiguous participant: the crime victim and criminal justice decision-making. *British Journal of Criminology*, 44, 967-982. Retrieved May 02, 2008 from Sage Publications data base.
- Erez, Edna (1994). Victim participation in sentencing: and the debate goes on. *International Review of Victimology*, 3, 17-32.
- Erez, Edna & Roberts, Julian (2007). Victim participation in the criminal justice system. In Robert C. Davis, Susan Herman & Arthur J. Lurigio (Eds.). *Victims of Crime*. 3rd edition. (pp. 277-297). Thousand Oaks: Sage Publications.
- Falsetti, S. A. & Resnick, H. S. (1995). Helping the victims of violent crime. In J. R. Freedy & S. E. Hobfoll (Eds). *Traumatic stress: from theory to practice* (pp. 263-285). New York: Plenum Press.
- Fattah, Ezzat A. (1999). From a handful of dollars to tea and sympathy: the sad history of victim assistance. In Jan van Dijk, Van Kaam and Jo-Anne Wemmers (Eds.). *Caring for Crime Victims: Selected Proceedings of the IXth International Symposium on Victimology* (pp.187-206). Monsey, N.Y.: Criminal Justice Press.
- Fattah, Ezzat A. (2000). Victimology: past, present and future. *Criminologie*, 33 (1), 17-46. Retrieved September 25, 2008, from Érudit data base.
- Fernandes, Antonio Scarance (1995). *O papel da vítima no processo criminal*. São Paulo: Malheiros Editores.
- Francis, Peter (2000). Getting criminological research started. In Victor Jupp, Pamela Davies & Peter Francis (Eds.) *Doing criminological research* (pp. 29-53). London: Sage Publications.
- Frazier, Patricia A. & Haney, Beth (1996). Sexual assault cases in the legal system: police, prosecutor, and victim perspectives. *Law and human behavior*, 30 (6), 607-628. Retrieved March 31, 2008, from Springer publications data base.
- Freedy, John R.; Resnick, Heidi S.; Kilpatrick, Dean G.; Dansky, Bonnie S. & Tidwell, Ritchie P. (1994). The psychological adjustment of recent crime victims in the criminal justice system. *Journal of Interpersonal Violence*, 9 (4), 450-468. Retrieved March 31, 2008, from Sage Publications data base.

- Friday, Paul (2003). Restorative Justice: the impact on crime. Paper submitted for the XIth International Symposium on Victimology 13 -18 July, 2003. Retrieved May 27, 2006 from <http://www.victimology.co.za/papers.htm>.
- Friedman, K.; Bischoff, H.; Davis, R. C. & Person, A. (1982). *Victims and helpers: reactions to crime*. Washington, DC: National Institute of Justice.
- Gehm, John R. (1987). The function of forgiveness in the criminal justice system. In Mesnner, Heinz & Otto, Hans-Uwe. *Restorative justice on trial pitfalls and potentials of victim-offender mediation: international research perspectives*. Dordrecht, The Netherlands: Kluwer Academic Publishers.
- Gillioz, Lucienne; De Puy, Jacqueline & Ducret, Véronique (1997). *Domination et violence envers la femme dans le couple*. Switzerland: Payot editions.
- Grbich, Carol (2007). *Qualitative data analysis: an introduction*. London: Sage Publications.
- Groenhuijsen, Marc & Letschert, Rianne (Eds.) (2008). *Compilation of International Victims' Rights Instruments*. 2nd edition. Wolf Legal Publishers.
- Guedj, Nicole (2004). Non, je ne suis pas inutile. *Le Monde*.
- Harris, Nathan; Walgrave, Lode & Braithwaite, John (2004). Emotional dynamics in restorative conferences. *Theoretical criminology*, 8, 191-210. Retrieved June 27, 2008, from Sage Publications data base.
- Von Henting Hans (1948). *The criminal and his victim*. New Haven, Conn.: Yale University Press.
- Herman, Judith Lewis (2003). The mental health of crime victims: impact of legal intervention. *Journal of Traumatic Stress*, 16 (2), 159-166. Retrieved March 30, 2008, from Sage Publications data base.
- Herman, Judith Lewis (2005). Justice From the Victim's Perspective. *Violence against Women*, 11 (5), 571-602. Retrieved January 30, 2006, from Sage Publications data base.
- Hermann, Leda Maria (2004). *Violência doméstica e os juizados especiais criminais*. 2^a ed. São Paulo: Servanda.
- Hulsman, Louk & Célis, Jacqueline Bernat (1997). *Penas perdidas – o sistema penal em questão*. 2^a ed. (Translated by Maria Lúcia Karam) Rio de Janeiro: Luam.
- Instituto Brasileiro de Geografia e Estatísticas (s.d.). População. Retrieved May 02, 2008 from Census Bureau Website: <http://www.ibge.gov.br>.
- Johnstone, Gerry (2002). *Restorative justice: ideas, values, debates*. USA: William Publishing.

- Jupp, Victor; Davies, Pamela & Francis, Peter (Eds.) (2000). *Doing criminological research*. London: Sage Publications.
- Kahn, Tulio (2002). *Pesquisa de vitimização 2002 e avaliação do plano de prevenção da violência urbana – PIAPS*. ILANUD, FIA-USP, Gabinete de Segurança Institucional.
- Kelly, Deborah (1990). Victim participation in the criminal justice system. In Arthur J. Lurigio, Wesley S. Skogan & Robert C. Davis (Eds.). *Victims of Crime. Problems, Policies, and Programs* (pp. 172-185). Thousand Oaks: Sage Publications.
- Killias, Martin. (1989) *Les suisses face au crime*. Grusch, Switzerland: Rüegger
- Killias, Martin (1990). Victim-related alternatives to the criminal justice system: compensation, restitution and mediation. In Günther Kaiser & Hans-Jörg Albrecht (Eds.). *Crime and criminal policy. Proceedings of the II. European Colloquim*. (pp. 249-269). Freiburg, Max Planck Institute for Foreign and International Penal Law.
- Killias, Martin & Berruex, Thierry (2000). *Aide aux victimes d'infraction en Suisse (Centres LAVI)*. Bref rapport de situation sur la base des enquêtes nationales de Victimisation 1998 et 2000. Mandaté par l'Office fédéral de la justice. Université de Lausanne, Institut de Police Scientifique et de Criminologie.
- Killias, Martin (2001). *Précis de Criminologie*. 2ème édition. Bern: Stämpfli Editions SA.
- Killias, Martin; Haymoz, Sandrine; Lamon, Philippe (2005). *La criminalité cachée en Suisse et ses répercussions sur l'opinion publique: Situation actuelle et évolution des 20 dernières années. Etude basée sur l'enquête suisse de victimisation de 2005*. Université de Lausanne. Institut de Criminologie et Droit Pénal.
- Killias, Martin; Haymoz, Sandrine; Lamon, Philippe (2007). *Swiss Crime Survey. La criminalité en Suisse et son évolution à la lumière des sondages de victimisation de 1984 à 2005*. Berne: Staempfli Editions S. A.
- Kilpatrick, Dean G; Saunders, Benjamin E.; Veronen, Lois J.; Best, Connie L. & Von, Judith M. (1987). Criminal victimization: lifetime prevalence, reporting to police and psychological impact. *Crime & delinquency*, 33 (4), 479-489. Retrieved March 31, 2008, from Sage Publications data base.
- Koss, M. P.; Bachar, K. J.; Hopkins, C. Q. & Carlson, C. (2004). Expanding a community's justice response to sex crimes through advocacy, prosecutorial and public health collaboration. *Journal of interpersonal violence*, 19 (12), 1435-1463. Retrieved March 31, 2008, from Sage Publications data base.
- Kosovski, Éster; Mayr, Eduardo E.; Piedade Júnior, Heitor (Coords.) (1990) *Vitimologia em Debate*. Rio de Janeiro: Forense.

- Kosovski, Éster & Piedade Júnior, Heitor (Coords.) (2001) *Temas de Vitimologia II*. Rio de Janeiro: Lúmen Juris.
- Kuhn, Andre (1993). Attitudes towards punishment. In Anna Alvazzi del Frate, Ugljesa Zvekic & Jan J. M. van Dijk (Eds.). *Understanding crime. Experiences of crime and crime control* (pp. 271-292), Rome: UNICRI.
- Kuhn, Andre (1998). Helping crime victims in Switzerland. In Ezzat Fattah & Tony Peters (Eds.). *Support for crime victims in a comparative perspective* (pp. 55-68). Belgium: Leuven University Press.
- Languin, Noëlle; Kellerhals, Jean & Robert, Christian-Nils (2006). *L'art de punir: les représentations sociales d'une "juste" peine*. Bâle: Schulthess.
- Languin, Noëlle & Robert, Christian-Nils (2008). Quel rôle pour la victime dans le procès pénal? *Revue Plädoyer. Magazin für Recht und Politik*, 3, 56-61.
- Lehnen, R. G. & Skogan, W. G. (1981). *The national crime surveys: working papers*. Volume 1: current and historical perspectives. Washington DC: GPO.
- Lei 9.099 (1995). Version of 26 September, 1995.
- Lei 9.807 (1999). Version of 13 July, 1999.
- Lei 11.340 (2006). Version of 07 August, 2006.
- Lerner, Melvin J (1980). *The Belief in a Just World A Fundamental Delusion*. New York: Plenum Press.
- Levrant, Sharon; Cullen, Francis T.; Fulton, Betsy & Wozniak, John F. (2003). Reconsidering restorative justice. The corruption of benevolence revisited? In Scott H. Decker, Leanne Fiftal Alarid & Charles M Katz (Eds.) *Controversies in criminal justice* (pp. 280-293). Los Angeles: Roxbury Publishing Company.
- Lind, E. Allan & Tyler, Tom R. (1988). *The social psychology of procedural justice*. New York: Plenum Press.
- Lindner, Charles (1996). VORP: an unproven fringe movement. *Perspectives*, 20, 15-17.
- Loi Fédérale sur la Procédure Pénale (1934). Version of 1 January 2008.
- Loi Fédérale sur l'aide aux victimes d'infractions (1991). Version of 24 September, 2002.
- Loi Fédérale sur l'aide aux victimes d'infractions (2007). Version of 23 March, 2007.
- Lucken, Karol (1999). Victims and the criminal justice system: vagaries of integration. *International Review of Victimology*, 6, 137-157.
- Lurigio, Arthur J. (1987). Are all victims alike? The adverse, generalized and differential impact of crime. *Crime & delinquency*, 33 (4), 452-467. Retrieved March 31, 2008, from Sage Publications data base.

- Lurigio, Arthur J. & Resick, Patricia A. (1990). Healing the psychological wounds of criminal victimization: predicting postcrime distress and recovery. In Arthur J. Lurigio, Wesley S. Skogan & Robert C. Davis (Eds.). *Victims of Crime. Problems, Policies, and Programs* (pp. 50-68). Thousand Oaks: Sage Publications.
- Maguire, Mike (1980). The impact of burglary upon victims. *The British journal of criminology*, 20 (3), 261-275.
- Maguire, Mike & Cobertt, C. (1987). The effects of crime and the work of victim support schemes. Aldershot: Gower.
- Maguire, Mike (1991). The Needs and Rights of Victims of Crime. *Crime and Justice: An Annual Review of Research*, 14, 363-433.
- Marshall, T. & Merry, S. (1990). *Crime and accountability: victim-offender mediation in practice*. London: HMSO.
- Martin, Carol (2000). Doing research in a prison setting. In Victor Jupp, Pamela Davies & Peter Francis (Eds.) *Doing criminological research* (pp. 215-233). London: Sage Publications.
- Mawby, R. I. & Walklate, S. (1995). *Critical victimology*. London: Sage Publications.
- Maxfield, Michael G. & Babbie, Earl (2001). Research methods for criminal justice and criminology. 3rd edition. United States: Wadsworth, Thomson Learning.
- Maxwell, Joseph A. (1996). *Qualitative research design: an interactive approach*. Thousand Oaks: Sage publications.
- Mendelsohn, B. (1956). Une nouvelle branche de la science bio-psycho-sociale: victimologie. *Revue internationale de criminologie et de police technique*, X (2), 95-109.
- Merriam, Sharan B. & Associates (2002). *Qualitative research in practice: Examples for discussion and analysis*. San Francisco: Jossey-Bass Publishers.
- Miller, Ted R.; Cohen, Mark A. & Wiersema, Brian (1996). *Victims costs and consequences: a new look*. Retrieved July 20, 2005 from U.S. Department of Justice, Office of Justice Programs, National Institute of Justice Website: <http://www.ojp.usdoj.gov/nij/pubs-sum/155282.htm>.
- Ministerio da Justiça (2006). Análise das Ocorrências Registradas pelas Polícias Civis. Janeiro de 2004 a Dezembro de 2005. Retrieved October 05, 2008 from Ministry of Justice Website: <http://www.mj.gov.br/data/Pages/MJCF2BAE97ITEMIDC5C3828943404A54BF47608963F43DA7PTBRIE.htm>

- Newburn, T. (1993). *The long-term needs of victims: a review of the literature*. London: Home Office.
- Norris, Fran H. & Thompson, Martie P. (1993). The victim in the system: the influence of police responsiveness on victim alienation. *Journal of traumatic stress*, 6 (4), 515-532. Retrieved October 25, 2007, from Sage Publications data base.
- O'Connell, Jamie. Gambling with the psyche: does prosecuting human rights violators console their victims? *Harvard International Law Journal*, 46 (2), 295-345.
- Office Fédéral de la Justice (2000). *Aide aux Victimes d'Infractions. Troisième Rapport de l'Office Fédéral de la Justice au Conseil Fédéral concernant l'exécution et l'efficacité de l'aide aux victimes (1993-1998)*. Retrieved March 26, 2008, from <http://www.ofj.admin.ch/bj/fr/home/themen/gesellschaft/opferhilfe/publikationen.html>
- Office Fédéral de la Justice (2008). Nouvelle réglementation de l'aide aux victimes d'infractions, Communiqués. Retrieved May 02, 2008 from Bureau of Federal Justice Website:http://www.bj.admin.ch/bj/fr/home/dokumentation/medieninformationen/2008/ref_2008-02-27.html
- Office Fédéral de la Statistique (2008a). *Panorama. Vie active et rémunération du travail*. Retrieved September 30, 2008 from Bureau of Federal Statistics Website: <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/03/01/pan.parsys.0007.downloadList.79019.DownloadFile.tmp/sjb2008panb03.pdf>
- Office Fédéral de la Statistique (2008b). *Mémento statistique de la Suisse*. Retrieved June 30, 2008 from Bureau of Federal Statistics Website: <http://www.bfs.admin.ch/bfs/portal/fr/index/themen/00/01.html>
- Office d'Instruction Pénale (s.d.). Tribunaux d'arrondissement. Organisation. Retrieved May 6, 2008 from the Canton of Vaud Official Website: <http://www.vd.ch/fr/organisation/ordre-judiciaire/tribunaux-darrondissement/>
- Oliveira, Ana Sofia Schimdt (1999). *A vítima e o direito penal: uma abordagem do movimento vitimológico e de seu impacto no direito penal*. São Paulo: Revista dos Tribunais.
- Patton, Michael Quinn. (2002). *Qualitative research and evaluation methods*. Thousand Oaks: Sage Publications.
- Pedra Jorge, Alline (2005a). *Em busca da satisfação dos interesses da vítima penal*. Rio de Janeiro: Lumen Juris.

- Pedra Jorge, Alline (2005b). *The opinion of the victims about the Criminal Justice: a comparative study between Brazil and Switzerland*. Mémoire de licence, DESS en Criminologie. École de Sciences Criminelles, Université de Lausanne.
- Pedra Jorge, Alline (2006). "Quand elle mérite l'agression": L'attribution de responsabilité au comportement de la femme victime de violence et la conception du monde juste. Paper submitted for the "Etudes Genre - Work in progress", 23 March 2006, organized by LIEGE (Laboratoire Interuniversitaire en Etudes Genre), University of Lausanne, Switzerland.
- Pedra Jorge-B., Alline & Aebi, Marcelo (2009). Feelings that offenders have towards their victims: role-overlap from a psychological perspective. In Frans Willem Winkel, Paul C. Friday, Gerd F. Kirchhoff & Rianne M. Letschert. *Victimization in a multi-disciplinary key: recent advances in Victimology* (pp. 355-384). Nijmegen, The Netherlands: Wolf Legal Publishers.
- Pemberton, Antony; Karlijn, Kuipers; Winkel, Frans Willem & Baldry, Anna (2009). A nuanced position: restorative justice and intimate-partner violence. In Frans Willem Winkel, Paul C. Friday, Gerd F. Kirchhoff & Rianne M. Letschert. *Victimization in a multi-disciplinary key: recent advances in Victimology* (pp. 411-465). Nijmegen, The Netherlands: Wolf Legal Publishers.
- Peräkylä, Anssi (2005). Analyzing talk and text. In Norman K. Denzin & Yvonna S. Lincoln (Eds.). *The Sage handbook of qualitative research*, 3rd edition. (pp. 869-886). Thousand Oaks: Sage publications.
- Pereira, Juliana Pedrosa (2008). Assistência as vítimas de crimes em Alagoas: limites e possibilidades. Master Thesis. Federal University of Alagoas, Social Science Studies.
- Piquerez, Gérard (2001). *Manuel de procédure pénale suisse*. Zurich: Schulthess.
- Quivy, Raymond & Van Campenhoudt, Luc (2006). *Manuel de recherche en sciences sociales*. 3^{ème} édition. Paris: DUNOD.
- Reeves, Helen (1989). The victim support perspective. In Martin Wright & Burt Galaway (Eds.), *Mediation and Criminal Justice. Victims, offenders and community* (pp. 44-55). London: Sage Publications.
- Resick, Patricia (1987). Psychological effects of victimization: implications for the criminal justice system. *Crime & delinquency*, 33 (4), 468-478. Retrieved October 25, 2007, from Sage Publications data base.

- Resick, Patricia A. (1990). Victims of sexual assault. In Arthur J. Lurigio, Wesley S. Skogan & Robert C. Davis (Eds.). *Victims of Crime. Problems, Policies, and Programs* (pp. 69-86). Thousand Oaks: Sage Publications.
- Ribeiro, Darcy (1995). *O povo brasileiro. A formação e o sentido do Brasil*. 2 ed. São Paulo: Companhia das Letras.
- Riggs, David S. & Kilpatrick, Dean G. (1990). Families and friends. Indirect victimization by crime. In Arthur J. Lurigio, Wesley S. Skogan & Robert C. Davis (Eds.). *Victims of Crime. Problems, Policies, and Programs* (pp. 120-138). Thousand Oaks: Sage Publications.
- Robert, André D. & Bouillaguet, Annick (2002). *L'analyse de contenu*, 2ème édition mise à jour. Paris: Presses Universitaires de France.
- Robert, Christian-Nils (1997). Autour des victimes: pensée unique et pensée critique. *Cahiers médico-sociaux (Aide aux victimes : regards pluridisciplinaires)* 41, 323-329.
- Robert, Davis C. (2007). The key contributions of family, friends and neighbors. In Robert C. Davis, Arthur J. Lurigio & Susan Herman (Eds.). *Victims of Crime*. 3rd ed. (pp. 267-276). Thousand Oaks: Sage Publications.
- Roth, Robert; Kellerhals, Christophe; Leroy, David & Mathey, Joëlle (1997), with the collaboration of Marc Mauge. *La protection de la victime dans la procédure pénale*. Centre d'Etude de technique et d'Évaluation Législatives (CETEL), Université de Genève, Faculté de Droit. Retrieved April 23, 2008, from University of Geneva, Faculty of Law, Website: <http://www.unige.ch/droit/cetel/publications.html>
- Von-Sauberzweig, Peter Balscheit (1997). Le rôle du juge dans la médiation. In Christian-Nils Robert; Nathalie Bornozy & Noëlle Languin (Org.). *La médiation. Actes du Colloque du 10 octobre 1996* (pp. 90-99). Centre d'Étude de Technique et d'Évaluation Législatives (CETEL), Université de Genève, Faculté de droit. Retrieved September 29, 2008, from University of Geneva, Faculty of Law, Website: <http://www.unige.ch/droit/cetel/publications.html>
- Seidman, Irving (2006). *Interviewing as qualitative research: a guide for researchers in education and the social sciences*, 3rd edition. New York: Teachers College Press.
- Separovic, Zvonimir Paul (1985). *Victimology: studies of victims*. Zagreb: Zagreb Editor.
- Shapland, Joanna; Duff, Peter & Willmore, Jon (1985). *Victims in the criminal justice system. Cambridge studies in criminology*. Gower: England.

- Shapland, Joanna (1993). Monitoring victim needs and victim programmes. In Anna Alvazzi del Frate, Ugljesa Zvekic & Jan J. M. van Dijk (Eds.). *Understanding crime. Experiences of crime and crime control* (pp. 241-251), Rome: UNICRI.
- Shapland, Joanna; Atkinson, Anne; Atkinson, Helen; Colledge, Emily; Dignan, James; Howes, Marie; Johnstone, Jennifer; Robinson, Gwen & Sorsby, Angela (2006). Situating restorative justice within criminal justice. *Theoretical Criminology*, 10 (4), 505-532. Retrieved March 31, 2008, from Sage Publications data base.
- Sherman, W. Lawrence (2003). Reason for emotion: reinventing justice with theories, innovations, and research – the American Society of Criminology 2002 Presidential Address. *Criminology*, 41 (1), 1-37.
- Sherman, Lawrence W., Strang, Heather, Angel, Caroline, Woods, Daniel, Barnes, Geoffrey C., Bennett, Sarah & Inkpen, Nova (2005). Effects of face-to-face restorative justice on victims of crime in four randomized, controlled trials. *Journal of Experimental Criminology*, 1 (3), 367-395.
- Silverman, David (2006). *Interpreting qualitative data: methods for analyzing talk, text and interaction*, 3rd edition. London: Sage Publications.
- Sims, Barbara; Yost, Berwood & Abbott, Christina (2006). The efficacy of victim service programs: alleviating the psychological suffering of crime victims? *Criminal justice policy review*, 17 (4), 387-406. Retrieved October 26, 2007, from Sage Publications data base.
- Skogan, W. G. (1987). The impact of victimization on fear. *Crime & delinquency*, 33 (1), 135-154. Retrieved March 31, 2008, from Sage Publications data base.
- Steinmetz, Carl H. D. (1990). *Hulp aan slachtoffers van ernstige misdrijven: effecten van slachtofferhulp en primaire opvang (Aid to victims of serious indictable offenses: impact of victim aid and primary relief)*. WODC: Gouda Quint.
- Strang, Heather (2002). *Repair or revenge: victims and restorative justice*. Oxford: Clarendon Press.
- Strauss, Anselm L. (1987). *Qualitative analysis for social scientists*. United States: Cambridge University Press
- Strauss, Anselm L. & Corbin, Juliet (1998). *Basics of qualitative research*, 2nd edition. Thousand Oaks: Sage Publications.
- Taylor, George R (2005). *Integrating quantitative and qualitative methods in research*, 2nd edition. Lanham, MD: University Press of America.

- Tribunal Fédéral (s.d.). *L'organisation judiciaire en Suisse*. Retrieved September 30, 2008 from Federal Court Website: <http://www.bger.ch/fr/gerichtsorg-schweiz.pdf>
- Tondonato, Pamela & Erez, Edna (1994). Crime punishment and victim distress. *International Review of Victimology*, 3 (1, 2), 33-55.
- Umbreit, Mark S. (1994). Victim empowerment through mediation: the impact of victim offender mediation in four cities. *Perspectives Special Issue*, 25-30.
- Umbreit, Mark S. (1998). Restorative justice through victim-offender mediation: a multi-site assessment. *Western Criminology Review*, 1 (1). Retrieved August 01, 2009, from Western Criminology Review Website: <http://wcr.sonoma.edu/v1n1/umbreit.html>.
- Umbreit, Mark S.; Bradshaw, William & Coates, Robert B. (1999). Victims of severe violence meet the offender: restorative justice through dialogue. *International Review of Victimology*, 6 (4), 321-343.
- United Nations (1985). A/RES/40/34. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Adopted by the General Assembly on 29 November 1985 at its 96th plenary meeting).
- Walgrave, Lode (1999). La justice restaurative: à la recherche d'une théorie et d'un programme. *Crimonologie*, 32 (1), 07-29. Retrieved June 25, 2008, from Érudit data base.
- Waller, Irvin (1990). The police: first in aid? In Arthur J. Lurigio, Wesley S. Skogan & Robert C. Davis (Eds.). *Victims of Crime. Problems, Policies, and Programs* (pp. 139-155). Thousand Oaks: Sage Publications.
- Weary, Gifford; Stanley, Melinda A. & Harvey, John H. (1989). *Attribution*. New York: Springer-Verlag.
- Wemmers, Jo-Anne (1996). *Victims in the criminal justice system*. Studies on Crime and Justice, a series from the Dutch research and documentation center. Amsterdam: Kugler Publications.
- Wemmers, Jo-Anne (1999). Victim notification and public support for the criminal justice system. *International Review of Victimology*, 6 (3), 167-178.
- Wemmers, Jo-Anne (2003). *Introduction à la victimologie*. Les presses de l'Université de Montreal, Coll. Paramètres.
- Wemmers, Jo-Anne & Cyr, Katie (2005). Can mediation be therapeutic for crime victims? An evaluation of victims' experiences in mediation with young offenders. *Canadian Journal of Criminology and Criminal Justice*, 47 (3), 527-544.
- Wemmers, Jo-Anne (2008). Victim participation and therapeutic jurisprudence. *Victims & Offenders*, 3 (2), 165-191.

- Wexler, David B. & Winick, Bruce J (1991). *Essays in Therapeutic Jurisprudence*. Durham: Carolina Academic Press.
- Winick, Bruce J. (2008). Therapeutic Jurisprudence and Victims of Crime. *Victim participation in justice: a therapeutic jurisdiction perspective*. Retrieved March 30, 2008, from Social Science Research Network Website: <http://ssrn.com/abstract=1102350>.
- Wolfgang, M. (1958). *Patterns in criminal homicide*. Philadelphia, Penn.: University of Pennsylvania Press.
- Wright, Martin (2002). The court as last resort. Victim-sensitive community-based responses to crime. *British Journal of Criminology*, 42, 654-667. Retrieved April 30, 2007, from Oxford Journals data base.
- Wright, Martin (2003). Preventing harm, promoting harmony. In Pamela Davies, Peter Fancis & Victor Jupp (Eds.), *Victimization: theory, research and policy* (pp. 101-120). New York: Palgrave.
- Zedner, Lucia (2002). Victims. In Mike Maguire, Rod Morgan & Robert Reiner (Eds.). *The oxford handbook of criminology*. 3rd edition. (pp.419-456), Oxford: Oxford University Press.
- Zvekic, Ugljesa (1996). Les attitudes des victimes envers la police et la punitivité: résultats des sondages internationaux de victimisation. *Revue Internationale de Criminologie et de Police Technique*, (L), 03-16.
- Zvekic, Ugljesa (1998). *Criminal victimization in countries in transition*. Publication n. 61, Rome: UNICRI.
- Zvekic, Ugljesa & Alvazzi del Frate, Anna (1993). Victimization in the developing world: an overview preliminary key findings from the 1992 International Victim Survey. In Anna Alvazzi del Frate, Ugljesa Zvekic & Jan J. M. van Dijk (Eds.). *Understanding crime. Experiences of crime and crime control* (pp. 01-49), Rome: UNICRI.

APPENDIX - CONTENT

APPENDIX I – Protocol of Interview in French.....	193
APPENDIX II – Protocol of Interview in Portuguese	199
APPENDIX III – Form of Document Research	204
APPENDIX IV – Overview of Swiss Victims Interviewed (Justice group).....	206
APPENDIX V – Content Analysis of Swiss Victims’ Statements (Justice group).....	210
APPENDIX VI – Overview of Swiss Victims Interviewed (No justice group).....	227
APPENDIX VII – Content Analysis of Swiss Victims’ Statements (No justice group).....	230
APPENDIX VIII – Overview of Brazilian Victims Interviewed	243
APPENDIX IX – Content Analysis of Brazilian Victims’ Statements	246
APPENDIX X - Socio- Demographic Data of Victims Interviewed in Switzerland	257
APPENDIX XI – Socio-Demographic Data of Plaintiffs - Document Research.....	259
APPENDIX XII - Socio-Demographic Data of Victims Interviewed in Brazil.....	260
APPENDIX XIII – Overview of Victims Interviewed (Seven excluded cases)	261

APPENDIX I – Protocol of Interview in French

Bonjour/Bonsoir, je suis étudiante à l'École des Sciences Criminelles (UNIL). Je fais une recherche pour ma Thèse de Doctorat dont le thème est «L'opinion de la victime sur la justice pénale et le centre d'aide».

Nous aimerions savoir quelle image vous avez des institutions judiciaires, du Centre LAVI, et si ces deux institutions vous ont aidé dans votre processus de réhabilitation. Vos réponses seront traitées avec la plus grande confidentialité et resteront anonymes.

1. SEXE:

a) HOMME

b) FEMME

2. Pourriez-vous décrire brièvement l'agression que vous avez subie ? Quand et en quelle année elle a eu lieu?

2.1. Avez-vous fait recours...

a) à la POLICE (*continuer avec la question 3, répondre aussi à la question 11.1*)

b) au CENTRE LAVI (*continuer avec la question 4, répondre aussi à la question 11.1*)

c) auprès du JUGE (*continuer avec la question 5, répondre aussi à la question 11.1*)

d) auprès d'aucun organisme compétent (*continuer avec la question 2.1.1*)

2.1.1. Pour quelle raison vous n'avez pas fait recours aux organismes compétents / vous n'avez pas demandé de l'aide? (*répondre aussi à la question 11.2*)

POLICE

3. Dans l'ensemble, étiez-vous satisfait de la manière dont la police a traité votre affaire?

a) OUI, (satisfait)

b) NON, (mécontent), (*continuer avec la question 3.1*)

3.1. Pour quelles raisons n'étiez-vous pas satisfaits?

3.2. La POLICE:

A montré de l'intérêt à mon cas

a) OUI

b) NON

M'a traité de manière aimable

a) OUI

b) NON

M'a traité avec préjudices à cause de mes caractéristiques personnelles / mon statut social

a) OUI

b) NON

CENTRE LAVI

4. Avez-vous demandé / reçu l'assistance du Centre LAVI?

a) OUI

b) NON

4.2. Comment avez-vous entendu parler du Centre LAVI? Par qui?

4.3. Pourriez-vous parler de l'assistance du Centre LAVI? Quels sont les bénéfices que le programme vous a apportés?

a) AIDE PSYCHOLOGIQUE

b) ASSISTANCE JURIDIQUE

c) ACCOMPAGNEMENT AU TRIBUNAL/CHEZ LE JUGE

d) PROTECTION

e) INFORMATIONS

f) APPUI, SOUTIEN, ECOUTE, CONSEILS

g) AIDE FINANCIERE (*continuer avec la question 4.3.1*)

4.3.1. Était-elle suffisante?

4.4. Étiez-vous satisfait de la manière dont le Centre LAVI a traité votre affaire?

a) OUI, (satisfait)

b) NON, (mécontent), (*continuer avec la question 4.4.1*)

4.4.1. Pour quelle(s) raison(s) n'étiez-vous pas satisfait?

4.5. Pensez-vous que la participation à ce programme vous a aidé à guérir des conséquences de la violence?

- a) OUI
- b) NON

LE JUGE/ LE TRIBUNAL

5. Dans l'ensemble, étiez-vous satisfait de la manière dont la justice / le juge a traité votre affaire?

- a) OUI, (satisfait)
- b) NON, (mécontent), (*continuer avec la question 5.1*)

5.1. Pour quelle(s) raison(s) n'êtes-vous pas satisfait?

5.2. Comment avez-vous perçu la procédure ?

- a) JUSTE
- b) INJUSTE

5.3. LE (LA) JUGE/ LE PRESIDENT DU TRIBUNAL

A montré de l'intérêt à mon cas

- a) OUI
- b) NON

M'a traité de manière aimable

- a) OUI
- b) NON

M'a traité avec préjudices a cause de mes caractéristiques personnelles / mon statut social

- a) OUI
- b) NON

LA PEINE IMPOSEE

6. Est-ce que vous connaissez déjà le résultat (condamnation), la décision du juge?

- a) OUI (*continuer avec la question 6.1*)
- b) NON

6.1. Résultat (tort moral? montant? prison, durée?):

6.2. Êtes-vous satisfait avec la peine imposée au délinquant?

a) OUI, (satisfait)

b) NON, (mécontent), (*continuer avec la question 6.2.1*)

6.2.1. Pour quelle(s) raison(s) n'êtes-vous pas satisfait?

REHABILITATION

7. Étiez-vous encore affecté à cause de la violence subie? Pensez-vous à cet événement?

a) OUI (*continuer avec la question 7.1 et 7.2*)

b) NON

7.1. A quelle fréquence y pensez-vous?

7.2. Avez-vous des cauchemars ou de rêves étranges? Avez-vous des troubles de sommeil?

a) OUI

b) NON

8. Avez-vous peur à cause de la violence subie ?

a) OUI

b) NON

9. Avez-vous, une fois ou l'autre, éprouvé un sentiment de vengeance envers le(s) criminel(s)? Commettriez-vous un acte de violence envers le(s) criminel(s), dans l'hypothèse où vous en auriez la possibilité?

a) OUI

b) NON

10. Aujourd'hui, quel est votre sentiment par rapport au tort subi? Vous vous sentez ...

a) MIEUX

b) PIRE

c) RIEN N'A CHANGE, j'ai les mêmes sensations de lorsque j'ai subi la violence

DROITS DE LA VICTIME

11.1. Pourriez-vous préciser la raison pour laquelle vous n'avez pas cherché à défendre vos droits en tant que victime?

11.2. Diriez-vous que vos droits en tant que victime ont été respectés?

12. Chercheriez-vous/collaboreriez-vous avec la justice dans une situation pareille à l'avenir?

INFO SOCIOBIOGRAPHIQUE

13. Age ou Année de naissance: _____

14. État civil:

a) CELIBATAIRE (SANS PARTENAIRE)

b) MARIE(E)

c) EN CONCUBINAGE

d) DIVORCE(E)/SEPARÉ(E)

e) VEUF (VE)

15. Domicile: _____

16. Niveau de formation:

a) ECOLE OBLIGATOIRE

b) APPRENTISSAGE

c) COLLÈGE, LYCÉE

d) UNIVERSITÉ, HAUTE ÉCOLE

17. Statut professionnel:

a) ACTIF (*continuer avec la question 17.1*)

b) SANS EMPLOI (*continuer avec la question 17.1*)

c) RETRAITE / INVALIDE (*continuer avec la question 17.1*)

d) ETUDIANT(E)

17.1. Profession (dans le présent ou auparavant):

- a) PROFESSION LIBERALE (MEDECIN, AVOCAT, ETC.)
- b) INDUSTRIEL, PATRON D'ENTREPRISE
- c) INDEPENDANT, ARTISAN
- d) AGRICULTEUR
- e) EMPLOYE, FONCTIONNAIRE
- f) FEMME/HOMME DE MENAGE

18. Nationalité (*précisez si l'interviewé a une double nationalité. Si étranger, continuer avec la question 19*) : _____

19. Depuis environ combien de temps vivez-vous en Suisse?

- a) moins d'une année
- b) 1 - 5 ans
- c) 5 - 10 ans
- d) plus de 10 ans

Merci d'avoir participé!

APPENDIX II – Protocol of Interview in Portuguese

Bom dia, Boa tarde! Eu sou pesquisadora em direito penal e criminologia, e fui selecionada para realizar esta pesquisa com o apoio do CEAV. O título da pesquisa é “A vítima e a Justiça penal”. Pretendemos conhecer qual a imagem que a vítima tem da Justiça penal, do CEAV, e se estas duas instituições ajudaram no seu processo de reconstrução. Suas respostas serão tratadas de forma confidencial e anônima.

1. SEXO:

- a) MASCULINO
- b) FEMININO

2. CRIME: _____ Código Penal

Descrição do crime: O quê? Como? Quando (data em ano) ? Quem?

A POLÍCIA

3. De uma maneira geral, a Sra. / Sr. está satisfeito com a forma pela qual a policia cuidou do seu caso?

- a) SIM, (satisfeito)
- b) NÃO (descontente), (*continuar com a questão 3.1*)

3.1. Por que razões não está satisfeito ?

3.2. A POLÍCIA:

Mostrou interesse no meu caso

- a) SIM
- b) NÃO

Tratou-me de maneira amigável e gentil

- a) SIM
- b) NÃO

Tratou-me com preconceito de acordo com minhas características individuais e meu status social

- a) SIM
- b) NÃO

O CEAV

4. A Sra./Sr. procurou ajuda do CEAV?

- a) SIM, (*continuar com a questão 4.2*)
- b) NÃO, (*continuar com a questão 4.1*)

4.1. Por quê?

4.2. Como ouviu falar do CEAV , por quem ?

4.3. A Sra./Sr. Poderia falar da assistência oferecida pelo CEAV? Quais foram os benefícios concedidos ?

- a) APOIO PSICOLÓGICO
- b) APOIO JURÍDICO
- c) PROTEÇÃO
- d) INFORMAÇÃO
- e) APOIO MORAL, ESCUTA ATIVA, CONSELHOS
- f) APOIO FINANCEIRO, (*continuar com a questão 4.3.1*)

4.3.1. O apoio financeiro foi suficiente ?

4.3.2. De uma maneira geral, a Sra. / Sr. está satisfeito com a forma pela qual o CEAV cuidou do seu caso ?

- a) SIM, (satisfeito)
- b) NÃO (descontente), (*continuar com a questão 4.3.2.1*)

4.3.2.1. Por que razões não está satisfeito?

4.4. A Sra. / Sr. acredita que o apoio do CAV tenha lhe ajudado a minimizar as consequências da violência sofrida?

- a) SIM
- b) NÃO

O JUIZ

5. De uma maneira geral, a Sra. / Sr. está satisfeito com a forma pela qual o juiz cuidou do seu caso?

- a) SIM, (satisfeito)
- b) NÃO (descontente), (*continuar com a questão 5.1*)

5.1. Por que razões não está satisfeito ?

5.2. Qual a opinião que a Sra. / Sr. tem do ação penal?

- a) JUSTO
- b) INJUSTO

5.3. O JUIZ :

Mostrou interesse no meu caso

- a) SIM
- b) NÃO

Tratou-me de maneira amigável e gentil

- a) SIM
- b) NÃO

Tratou-me com preconceito de acordo com minhas características individuais e meu status social

- a) SIM
- b) NÃO

5.4. Depois da ação penal, qual seu sentimento em relação a violência sofrida? A Sra. / Sr. se sente ...

- a) MELHOR
- b) PIOR
- c) NADA MUDOU

5.5. A Sra. / Sr. conhece o resultado, a decisão ou a pena aplicada pelo juiz ?

- a) SIM, (*continuar com a questão 5.5.1*)
- b) NÃO

PENA APLICADA / CONCILIAÇÃO

5.5.1. A Sra. / Sr. está contente com a pena imposta ao delinquente / com os termos da conciliação?

a) SIM, (satisfeito)

b) NÃO (descontente), **5.5.1.1**

5.5.1.1. Por que razões não está satisfeito ?

RECUPERAÇÃO

6. A Sra. / Sr. está ainda abalado devido a violência sofrida? Ainda tem lembranças do evento?

a) SIM, (*continuar com as questões 6.1 e 6.2*).

b) NÃO

6.1. Com que frequência ? Uma vez por dia, por semana, raramente?

6.2. A Sra. / Sr. tem pesadelos ou sonhos estranhos ? Tem dificuldades para dormir?

a) SIM

b) NÃO

6.3. A Sra. / Sr. tem medo por causa da violência sofrida ?

a) SIM

b) NÃO

7. A Sra. / Sr. tem um sentimento de vingança em relação ao criminoso? Cometeria algo de ruim contra o criminoso, se tivesse uma oportunidade?

a) SIM

b) NÃO

DIREITOS DAS VÍTIMAS

8. Acredita que seus direitos enquanto vítima foram respeitados?

9. Colaboraria com a Justiça numa situação futura?

INFORMAÇÕES SOCIO-BIOGRÁFICAS

10. Idade ou Data de nascimento: _____

11. Estado civil:

- a) SOLTEIRO (E SEM COMPANHEIRO)
- b) CASADO
- c) EM CONCUBINATO
- d) DIVORCIADO / SEPARADO
- e) VIÚVO

12. Mora em que bairro? _____

13. Qual sua formação ?

- a) ENSINO FUNDAMENTAL COMPLETO / INCOMPLETO
- b) ENSINO MÉDIO COMPLETO / INCOMPLETO
- c) SEGUNDO GRAU
- d) UNIVERSIDADE
- e) CURSO TÉCNICO

14. Qual seu status profissional ?

- a) EMPREGADO, **15.1**
- b) DESEMPREGADO, **15.1**
- c) APOSENTADO, INVÁLIDO, **15.1**
- d) ESTUDANTE

14.1. Qual sua profissão?

- a) PROFISSIONAL LIBERAL
- b) INDUSTRIAL, EMPRESA PRÓPRIA
- c) INDEPENDENTE, ARTISTA
- d) AGRICULTOR
- e) EMPREGADO, FUNCIONÁRIO PÚBLICO
- f) DONA DE CASA

Obrigada pela sua colaboração!

APPENDIX III – Form of Document Research

1. Sexe de la victime:

- a) HOMME
- b) FEMME

1.1. Nationalité de la victime: _____

2. Sexe du prévenu:

- a) HOMME
- b) FEMME

2.1. Nationalité du prévenu:

2.2. Le prévenu est:

- a) CONNU(E) DE LA VICTIME (*précisez le type de relation*): _____
- b) INCONNU(E) DE LA VICTIME

3. Crime: _____ CP Suisse

4. Description: Quand (approximativement) ? Faits ?

5. Rapport de police?

- a) OUI
- b) NON

6. Procédure:

- a) PLAINTE DE LA VICTIME
- b) D'OFFICE

6.1. Assistance LAVI (en tant que personne de confiance)?

- a) OUI
- b) NON

6.2. Assistance LAVI (en dehors de l'audience)?

- a) OUI
- b) NON

6.3. Avocat?

- a) OUI
- b) NON

7. Confrontation victime-prévenu?

- a) OUI
- b) NON

8. Le prévenu accuse la victime? La victime se justifie?

- a) OUI
- b) NON

9. Conciliation?

- a) OUI
- b) NON

9.1. Termes ou conditions de la conciliation:

10. Ordonnance de condamnation (termes):

11. Non-lieu (raison):

APPENDIX IV – Overview of Swiss Victims Interviewed (Justice group)

INT	Type of Crime	Offender	Victim and case's description
01.	More than one offense: assault, aggravated assault, encouraged into prostitution	Husband	The interviewee met her husband while working as a sex worker. Violence started after the wedding. He forced her into prostitution in order to pay the debts of the house and tried to strangle her three times, in addition to other frequent minor offenses. The last time it happened, the neighbors called the police. Then she filed a complaint at the police station and left the house to go to a shelter.
02.	One offense: Rape	Neighbor	The interviewee was raped by her neighbour. She was at home and her neighbor knocked at the door. She opened the door to him, he became aggressive and raped her. She did not report the crime to the police because she felt ashamed. One year later, her neighbor was accused of having raped the baby-sitter of his kids, and that was when she decided to report.
03.	More than one offense: Minor offenses and Aggravated Assault	Ex-Partner	The interviewee was a victim of partner violence. During the last aggression, he pushed her out the window and she fell down from the 1 st floor. She broke her spine. When the investigation started and she was giving her statement, afraid of reprisals, she lied and said that she had fallen down. Six months later, he continued to harass her and thus she decided to reopen the lawsuit and tell the truth.
04.	More than one offense: Minor offenses, Threat	Husband	The interviewee got married in 2001 and since then she has suffered several forms of verbal abuse, threats and coercion. He obliged her to sign contracts and to create debts in her name. In 2005, she left the house, asked for divorce and filed a criminal complaint against him.
05.	More than one offense: Assault	The wife of her ex-lover	The interviewee was twice assaulted by the current wife of her ex-lover. The first aggression happened in a party when they met and the second happened when she was at home and the offender came to visit her, this is when she called the police.
06.	More than one offense: Minor offenses, Simple assault	Ex-Husband	The interviewee was threatened and insulted by her husband several times in the course of the relationship. The first time she went to the police to report, they did not fill in the complaint and told her that they do not deal with partner

			violence. Therefore she made a complaint to the judge and asked for a protection order. The judge accepted her petition and her ex-husband was prohibited from approaching the house or the kids.
07.	More than one offense: Minor offenses- Harassment	Ex-Partner	In August 2004, when the interviewee decided to break up with her partner, he did not accept it and started to pursue and to threaten her and her kids. He used to follow her everywhere and everyday, call her all the time, she had even to quit her job as a hairdresser. She made a complaint at the police station.
08.	One offense: Minor offenses, Simple assault	Garagist	The interviewee asked the mechanic at the parking garage where she used to park her car and get it repaired. He said he would do it and asked for the money in advance. When she returned to get the car, he had not repaired it and did not give her the money back. They started to argue and he punched her in the face.
09.	More than one offense: Aggravated Assault	Husband	The interviewee was a victim of partner violence. Aggressions were multiple and frequent and police intervened several times after being called by the neighbors. The last time it had happened, the police came and took her and the kids to a shelter.
10.	More than one offense: Minor offenses - Simple assault	Husband	The interviewee was a victim of partner violence. Several times he insulted and assaulted her at home. It took her some time to decide whether she would make a complaint or not. Meanwhile, police had intervened several times in her house during the discussions between the couple. She said that police officers had always encouraged her to make a complaint.
11.	More than one offense: Minor offenses - Simple assault	Partner	The interviewee was a victim of partner violence, she filed several complaints at the police station but since he had always apologized, she had never left the house. The last it had happened, he threatened her with a knife and this is when she decided to leave the house.
12.	One offense: Sexual violence against minor	Stranger	The interviewee's daughter was a victim of sexual assault when she was 10 years old. The offender was a stranger who convinced the girl and her brother to go for a ride on his motorcycle. When her brother was not around, he pulled the girl into a corner and tried to rape her. The kid did not say anything at home but since he had

			done the same with other girls, he was caught by the police and confessed the crime. Thus, the police, during the investigation, identified the interviewee's daughter as one of his victims and went to her house to ask her to testify against him.
13.	One offense: Sexual violence against minor	A friend of the family	The interviewee was a victim of sexual assault three years ago when she was 15. The offender was a very close friend of the family, like a grandfather to her. She told her parents and they went to the police together to file the complaint.
14.	One offense: Aggravated Assault	Colleagues	The interviewee's husband was a victim of aggravated assault committed by three other men that he had met when he was in prison. As a result of the aggression, he was in a coma for three weeks and he stayed at the hospital for more than four months. The police officers who were at the crime scene after taking him to the hospital went to her house to inform her of what had happened. They also asked her for his identification because his face was unrecognizable, totally deformed.
15.	One offense: Minor offense, Simple assault	Concierge	The interviewee was assaulted by the concierge of the building where she lives. An argument started because she had left furniture in the corridor of the building. She told him she would not take it away and he insulted her and pushed her against the wall. She went to the police to file a complaint.
16.	One offense: Minor offense, Simple assault	Stranger	While the interviewee was walking in the city center, a stranger swore at her, calling her "dirty Muslim" and hit her shoulder with his shoulder. Police was passing and she asked for their help. They heard her complaint but they did not arrest the offender. They told her to write a complaint to the judge and this is how the criminal proceedings started.
17.	One offense: Assault	Stranger	The interviewee was assaulted while he was leaving a disco late at night. The offender was a person who lives close to his house. Police were at the crime scene but the offender had already left when they arrived. Then he asked for support at the Center LAVI in order to learn how to proceed and they helped him to write the complaint to the judge.
18.	One offense:	Stranger	When the interviewee was leaving a grocery store

	Assault		close to the main train station, a stranger grabbed her hair, punched her in the face, and swore at her. She called the police and when they arrived, she explained what had happened. The offender was still at the crime scene when police arrived, and so they took her and his testimony.
19.	One offense: Minor offense, Simple assault	Neighbor	The interviewee had several discussions with his neighbor who used to throw trash on the interviewee's garden and to be very inconsiderate of the interviewee's bed of roses. One day, during a very serious discussion, his neighbor grabbed him and punched him in the face. He went to the police to report.
20.	More than one offense: Minor offenses, Threat	Husband	The interviewee is a victim of partner violence. According to her, her husband was violent with her throughout twenty years of marriage. The police intervened several times and she made four complaints to the judge but so far there has been no resolution because she has no evidence against him. Furthermore, they still live in the same house because she has nowhere else to go.
21.	More than one offense: Aggravated Assault, Rape attempted		The interviewee was a victim of partner violence committed by her boyfriend. He became aggressive when she decided to break up with him. In addition to other aggressions, he has attempted to rape her twice, tried to strangle her, and left several notes with threats and swears in her car. She was ashamed of reporting but decided to do so because her son told her that otherwise, he would take justice into his own hands.
38.	One offense: Assault	Strangers	The interviewee takes care of a building in a neighborhood which is frequented by drug users. One night there were three users smoking marijuana in the entry of the building and he told them to leave. They did not leave; instead they punched him and kicked him in the back. He went to the police to report the crime and the police forwarded the case to the judge.

APPENDIX V – Content Analysis of Swiss Victims’ Statements (Justice group)¹²⁹

POLICE

3. Dans l’ensemble, étiez-vous satisfait de la manière dont la police a traité votre affaire?

YES	
3. [Ils étaient toujours gentils, amicaux, compréhensifs].	Cared about the victim
8. Ils n’ont pas tout de suite pris ma plainte parce qu’ils étaient trop occupés, [mais quand j’ai dû aller au parking une deuxième fois, la police est venue avec moi, ils m’ont rassurée]. Parfait!	Practical and immediate support
10. Ils sont intervenus plusieurs fois à la maison. Ils m’ont conseillée. [Ils ont calmé la violence quand ils sont intervenus. Je me suis sentie soutenue] mais c’était à moi de faire la démarche pour m’en sortir. C’est grâce à eux que j’ai commencé la démarche.	Practical and immediate support
11. [Ils étaient concernés par mon cas]. [Ils m’ont accompagnée pour chercher mes affaires et ils l’ont mis en prison].	Cared about the victim Practical and immediate support
13. Tout de suite ils ont pris mon témoignage, ça c’était un peu vite pour moi. Ils ont posé des questions bizarres, ils ont besoin de détails, [mais l’inspectrice me mettait en confiance. Ils étaient cool].	The gender aspects of police’s intervention
14. [Je pourrais dire qu’ils étaient gentils parce qu’ils se sont déplacés pour venir chercher la photo quand même. Je trouve que c’était un bon geste]. Le fait déjà de se déplacer, venir jusque chez moi. Moi j’ai paniqué du fait que la police est entrée chez moi et pourtant moi j’avais fermé ma porte à clé.	Practical and immediate support
15. [Oui, ils ont insisté pour que je porte plainte. Ils ont dit que ce n’était pas à laisser passer. Très contente. Ils étaient plus que corrects. Ils m’ont donné des conseils]. La seule chose que j’aurai souhaité (...), qu’il m’aide à traverser la route mais on ne peut pas leur demander ça. Parce que je ne me sentais pas tranquille. Je suis très contente.	Practical and immediate support Cared about the victim
17. [Ils étaient corrects. Ça a été].	Cared about the victim
19. La police m’a donné l’adresse du LAVI, sinon je ne savais même pas. [Ils étaient très très corrects. Très bien (...). C’était assez neutre (...). Ils n’ont pas fait de commentaires, rien].	Cared about the victim
21. [Ele tentou me esganar mas eu não queria ir para a polícia porque já não se via e depois fazem perguntas um bocado (...) indiscretas que são	

¹²⁹ As explained in chapter two, the victims’ quotes are in the original language of the interviews (French and one interview in Portuguese). The coded replies as well as the major themes identified during the content analysis are in English. We used:

- Brackets [...] for meaningful/important information;
- Different colors to identify the themes;
- Parentheses and dots (...) in order to demonstrate that the interviewee’s original reply to the question was only partially transcribed to the analysis.
- Hyphen (—) to identify the interviewer’s questions or comments within the interviewee’s quote.

<p>ultrajantes para nós, [embora quando vieram a casa veio uma mulher. Mas para eu portar plainte tinha que ir ao bureau e no bureau não há mulheres]. Digamos que a primeira impressão que tive, [déjà foi um homem] Foi o mesmo, quando eu comecei a falar eu tive a sensação que eu não havia de ter ido. Mas depois por fim (...). — Mas porquê, por causa da reação dele? [Ele não foi indelicado mas dava-me a sensação que era um homem e eu uma mulher] Mas depois como ar das perguntas ao fim quando sai já sai com outra idéia dele.</p>	<p>The gender aspects of police's intervention</p>
<p>NO</p>	
<p>1. [Ils m'ont menacée d'expulsion. Si je quitte le domicile conjugal je n'ai plus le droit au permis]. Je pense qu'ils ont déconsidéré toute la violence que j'ai subie car je n'ai pas de papier; le papier est plus important pour eux. [La police m'a convoquée pour dire que si je ne trouve pas une raison pour rester, comme un travail, je dois quitter la Suisse. Par contre, comme C est européen, français, lui peut rester même après tout ce qu'il a fait envers moi. C'est moi qui suis punie car peut-être je devrais retourner en Afrique].</p>	<p>Discrimination</p>
<p>5. [J'ai dû me débrouiller toute seule].</p>	<p>Disregard towards the victim</p>
<p>6. [Ils n'étaient pas sympathiques. Ils ont dit: "Les histoires de couples on n'aime pas". (...) Je voyais ce qu'ils pensaient: la petite blonde. Ils n'ont pas montré d'intérêt dans mon cas.] Quand ils ont vu que j'ai demandé une mesure protectrice de l'union conjugale et que le juge était au courant, c'est seulement à ce moment là qu'ils m'ont bien traité.</p>	<p>Disregard towards the victim</p>
<p>9. [Quand ils venaient, ils calmaient toujours les choses]. Mais il faudrait que lui ou je parte de la maison. Il ne voulait pas partir, j'ai appelé Malley mais ils étaient pleins. [Donc la police est partie et nous sommes restés les deux ensembles. Lui a continué la violence quand la police est partie]. La dernière fois que la police est intervenue, je suis allée à Malley. Ils ont fait un rapport au juge, ils ont averti la protection de la jeunesse (...). [Ils font leur travail. Quand il y a du danger, ils sont toujours là mais comme je les appelais souvent, à la fin ils étaient fatigués. [Ils m'ont dit: "Madame on a d'autres choses à faire"]].</p>	<p>Practical and immediate support Disregard towards the victim</p>
<p>16. La police m'a dit: "On n'est pas au Maroc, on ne met pas les gens en prison comme ça". [Ils ne l'ont même pas amené au poste de police pour poser des questions]. Ils ont dit: "C'est comme ça, on ne peut pas faire plus. Je vous donne l'adresse pour porter plainte". [Si c'était le contraire moi européen et lui arabe, ça serait différent. Pour les étrangers ils grandissent les choses]. Ils n'ont pas fait les choses justes. Il devait l'amener à l'Hôtel de police et nous écouter a l'Hôtel de police. Ça m'a fait mal, la police n'a pas fait un bon travail.</p>	<p>Disregard towards the victim Discrimination</p>
<p>18. [J'ai dit au policier: "Il m'a traitée de pute". Il m'a dit: "Mais vous avez déjà travaillé dans un cabaret ça veut dire que vous êtes pute". "Pardon", j'ai dit, "c'était juste un chemin pour pouvoir venir en Suisse et c'est tout]. Maintenant je me suis mariée, je suis venue ici pour acheter de la viande et je rentre chez moi" (...).</p>	<p>Discrimination</p>

<p>C'était aussi dégueulasse avec la police. Ce sont des juges, qui me jugent, qui ne me connaissent pas (...). En plus la police elle croit plus à lui qu'à moi (...) Il y en a une qui était polie. Il n'aime pas les étrangers, l'autre Monsieur là. La façon comme il a parlé (...). Il a dit: "Si j'étais moi le juge je mets tout ça à la porte". C'était horrible aussi avec la police. Je pense qu'ils étaient obligés de venir parce que j'ai téléphoné deux fois.</p>	
<p>20. Chaque fois que je fais venir le 117, la police, elle s'en fiche de moi. [Ils disent que je les dérange (...) pour rien]. J'ai même écrit au chef de la police (...). Il a fait témoigner un policier qui est venu chez nous quand il y a eu un événement. Et bien le policier a fait un faux témoignage. Il a dit: "Je suis allé, ça allait très bien. Je ne sais même pas pourquoi elle m'a appelé". [Même la police elle ne me défend pas].</p>	<p>Disregard towards the victim</p>
<p>38. La police est intervenue (...). Ils m'ont conseillé d'aller à l'hôpital (...) à me faire coudre (...). — Est-ce qu'on peut dire que la police elle a montré de l'intérêt dans votre cas? Non, [pour moi elle n'a montré aucun intérêt]. — La police est intervenue, et les jeunes étaient déjà partis? Oui, mais ils les connaissaient. Je suis allé aux gendarmes un jour. Ils m'ont dit: "On ne peut rien faire, ils sont protégés". C'est triste. — Ils n'ont jamais fait quelques types d'investigations? Rien. Ces gendarmes ils ne font pas leur travail, on les paie mais ils ne font pas leur travail].</p>	<p>Disregard towards the victim</p>

CENTRE LAVI

4.3. Pourriez-vous parler de l'assistance du Centre LAVI? Quels sont les bénéfices que le programme vous a apportés?

4.4. Etiez-vous satisfait de la manière dont le Centre LAVI a traité votre affaire?

NO	
<p>5. Parce que depuis l'année dernière que j'ai besoin d'aide financière et [ils m'ont pas aidée]. (...). J'ai d'autres besoins qui n'ont pas été compris.</p>	<p>LAVI had not met victim's needs</p>
<p>20. [Je ne suis pas très contente avec la personne qui travaillait là-bas (...). Ce sont des bureaucrates].</p>	<p>LAVI had not met victim's needs</p>

4.5. Pensez-vous que la participation à ce programme vous a aidé à guérir des conséquences de la violence?

YES	
<p>2. [Quelqu'un qui m'a écoutée] à l'appui. La LAVI m'a aidée à me sentir mieux, à résoudre le problème.</p>	<p>Counseling and actively listening</p>

3. La LAVI m'a rendue plus confiante par rapport à moi, aujourd'hui [je me sens plus forte]. C'est comme une aide psychologique qui démontre qu'il faut continuer, [il faut se battre].	Increases self-confidence
4. [Appui moral, assistance juridique pour le divorce]. Mais on n'oublie jamais la violence. Ça ferme la blessure mais les cicatrices restent toujours.	Counseling and actively listening Legal advice
6. [Quand j'avais quelques doutes, je pouvais toujours téléphoner. L'écoute, j'ai toujours été entendue]. Quand j'ai vu les informations sur la violence conjugale chez la LAVI, je me suis aperçue que c'était de la violence conjugale ce que je vivais. J'avais raison de me plaindre et je n'avais plus besoin de me soumettre à tout ça. (...) [On ne peut pas oublier, mais digérer]. Ce n'est plus tellement fort comme avant. [On sort plus fort]. On a grandi. Je ne m'en serais pas sortie sans la LAVI. [Merci à la LAVI. Je suis reconnaissante]. (...) Ils sont de vrais professionnels. [Depuis que j'ai cherché l'aide au LAVI, ils m'ont tout expliqué et ils m'ont aidée à résoudre le problème de façon vite. Ils ont arrêté le feu!] Les enfants étaient les premiers à se rétablir. Les enfants ont compris qu'il faut parler de la violence vécue.	Counseling and actively listening Understanding the event Helps to digest the violence Increases self-confidence
7. [Ils m'ont donné de la force pour agir]. [Mais on n'oublie jamais].	Increases self-confidence
8. [Les conseils, le soutien, la discrétion, l'écoute. Je ne savais pas ce que j'avais besoin. Ils m'ont dit mes droits, ils m'ont proposé des choses et je les ai acceptées] (...) Maintenant, je peux passer en face du garage et ça ne me gêne plus.	Counseling and actively listening Legal advice
9. Je ne savais pas quelle démarche faire donc ils m'ont beaucoup aidée. [L'appui aide (...). Il y a un rapport parce qu'ils écoutent, ils montrent le chemin. Ça fait du bien et l'appui a répondu à mes besoins (...). Mais les souvenirs, ils restent toujours].	Counseling and actively listening Legal advice
10. [Savoir quoi faire, écrire les documents nécessaires], aider à faire la démarche. Sauf au niveau de la loi que les informations n'étaient pas claires. [Ils m'ont aidée à avancer. Le fait de savoir qu'il y a des gens comme nous nous aide, on se sent à l'aise de parler]. Mais c'est quelque chose que l'on ne peut pas oublier.	Legal advice Counseling and listening Share experiences and talk about the event
11. [L'aide dans la démarche, la LAVI nous aide à gérer la violence. L'appui psychologique m'a fait comprendre que je dois dire stop tout de suite à la violence. Si je n'avais pas l'appui LAVI, je serais encore dedans]. La violence par contre c'est quelque chose qui reste.	Legal advice Helps to digest the violence Counseling and actively listening
12. [On ne peut jamais guérir mais ça aide à supporter]. Je ne pourrais que dire des éloges sur Mme R. du Centre LAVI. Elle est fantastique et très compétente. Vu que le procès s'est déroulé dans le canton de Berne nous avons dû prendre un avocat bernois (...). Il a fait un travail merveilleux. [La chance que nous avons eu dans notre malheur c'est d'être entourés par	Helps to digest the violence Counseling and listening

des gens performants et compétents. Nous leur sommes très reconnaissants].	
13. [On oublie jamais]. [Par contre le fait de partager l'expérience avec d'autres filles qui ont eu le même problème], qui ont un vécu similaire, le soutien des animateurs (...) ça m'a fait du bien.	Share experiences and talk about the event Counseling and actively listening
14. Déjà ils ont donné le psychiatre, [le fait déjà de nous soutenir, c'est déjà quelque chose (...)]. En tout cas pour moi quand je suis allée chez le psychologue, je me suis dit, ça a changé quelque chose parce qu'il faut au moins parler à quelqu'un]. Ils ont dit: "Si jamais vous avez quelque chose à nous dire". [Payer le train, à ce moment là, j'ai trouvé un petit emploi mais on n'avait rien du tout (...). Payer le train ce n'est pas facile. Je remercie pour tout ce qu'ils ont fait pour nous]. (...) [Avec toute cette démarche, je ne savais pas qu'on aurait le tort moral, pour moi je n'en sais rien. Donc ils nous ont aidé à savoir notre droit].	Counseling and actively listening Share experiences and talk about the event Legal advice
15. [Une était plus gentille que l'autre (...). Je suis très contente, ils étaient plus que charmants avec moi] (...). [Chaque fois que j'ai demandé, j'ai eu une réponse. Ils m'ont fait quand même comprendre (...) parce que je sens toujours. Je ne peux pas dire que je suis guérie mais ils m'ont beaucoup aidée, oui. Je pense que ça a aurait été pire si je n'avais pas passé par eux]. Mme. G elle est très calme, et puis les autres aussi.	Counseling and actively listening Understanding the event
16. Psychologique, [l'appui, le soutien, l'écoute]. Accompagnement chez le juge. Heureusement qu'il a ça, la LAVI. [Si Mme. G. n'était pas là, ça a aurait mal tourné, je trouve. Oublié pas, toujours je me demande pourquoi et je ne trouve pas. Mais oui. Au moins il y a quelqu'un qui m'a écoutée, qui m'a donné raison. Ils m'ont protégée.	Counseling and actively listening Legal advice Understanding the event
17. [Pour porter plainte, pour savoir ce que c'était, je l'ai appelé, ils m'ont expliqué]. C'était bien. [Ils m'ont pris un avocat, ils m'ont expliqué comment se passait la procédure, comment, qu'est que je devrais faire. Ça facilite, ça aide de pouvoir parler à quelqu'un. Ça m'a aidé je pense]. Et aussi d'avoir de bonnes informations.	Legal advice Share experiences and talk about the event
18. Ça m'a beaucoup aidé d'oublier (...) [Qu'au moins je me sens quand même en sécurité d'un côté (...). Qu'il y a quand même quelque chose, (...), comme si c'était une famille. Je ne me sens plus toute seule (...). Au moins tu ne te sens pas toute seule dans un pays qui n'est pas le tien]. S'il n'y a pas de justice, il y a quand même des fondations qui peuvent aider les femmes victimes de violence. C'était sympa. [Ils m'ont remonté le	Counseling, not to feel alone

<p>moral parce qu'il était en bas, avec la police, avec mon entourage, tout le monde]. Ils m'ont donné un bon pour aller au psy, ça m'a aidée.</p>	
<p>19. [C'est très chaleureux. On voit qu'ils sont des gens qui prennent l'affaire au sérieux, les victimes] (...) On est quand même des victimes. Je ne m'estime pas une femme battue, mais quand même une victime de quelque chose. [Tous ils m'ont guidé]. Oui. C'est tip top. Ça doit être épuisant pour Mme. G., d'écouter ces conneries. Je ne voudrais pas être à sa place. [Je pense que quand on parle (...) ça aide toujours. Avec Mme. G. on a discuté plusieurs temps là-bas au centre LAVI. Ça m'a quand même aidé]. Pour ça elle est formidable parce qu'elle prend le temps.</p>	<p>Counseling and actively listening Legal advice Share experiences and talk about the event</p>
<p>21. [Se eu não tivesse o LAVI talvez eu não fosse para a frente] e ele ia sempre fazer o que tinha na cabeça e ia ficar sempre bem visto.</p>	<p>Increases self-confidence</p>
<p>38. Je ne savais pas. C'est au LAVI qu'ils m'ont dit que j'avais des droits. [Moi j'étais vraiment étonné de la façon dont ils reçoivent les gens. Etonné en bien (...). L'écoute est très importante]. Oui, parce que j'ai vécu quand même avec de l'anxiété pendant un certain temps (...) [Ils ont peut-être une méthode qui est un petit peu plus dure mais la méthode dure des fois est très bonne pour remonter]. Et je remercie parce que ça m'a donné une certaine crainte, crainte pour les personnes âgées de sortir.</p>	<p>Legal advice Counseling and actively listening Increases self-confidence</p>

LE (LA) JUGE / LE TRIBUNAL PENAL / LA PROCEDURE

5. Dans l'ensemble, étiez-vous satisfait de la manière dont la justice / le juge a traité votre affaire?

YES	
7. [La justice lui a montré qu'il y a des lois et qu'il faut les respecter. C'était parfait]. Malgré tout, pendant la procédure j'ai ressenti de la peine car je ne voulais pas que la juge l'envoie en prison.	Cared about the victim
8. [Sauf la lenteur, ça m'énerve. C'est trop long, j'aimerais que ça bouge. (...) Il faisait son travail, il était distant, professionnel, mais froid. La chose qui a manqué aussi c'est qu'on n'est pas informé sur la procédure. On a l'impression d'être oublié. Je comprends parce que c'est seulement mon cas, mais quand même...et moi je suis bien entourée, j'ai ma famille, mes amis et je me sens des fois, oubliée, dans un coin...J'aimerais bien recevoir des informations].	Proceeding is long and slow Neutrality Lack of information
10. Comme j'étais déjà en procédure de séparation, pour moi, ça allait, [mais pour les femmes qui sont encore avec leur mari, elles doivent revenir plusieurs fois, la procédure n'est pas encourageante]. Mon mari a été très vite convoqué.	Proceeding is long and slow
11. Le juge m'a impressionné. [Il a bien compris le profil violent du mon ex-copain]. Il a dit: "C'est un cas psychiatrique. Vous avez fait des bêtises quand vous avez décidé de vous remettre avec lui". [Par contre, il y a plein de choses que je voulais dire au juge mais il n'avait pas le temps d'écouter].	Cared about the victim Lack of participation
13. Porter plainte, c'est vite fait. Après la plainte ou reçoit beaucoup de choses, des informations, des appels. [Tout d'un coup, ça coupe, on ne reçoit rien, aucune information. On a l'impression que le dossier a été oublié au dessous d'une pile tout en bas (...)]. Je ne me plains de personne. C'est la procédure (...). [J'attendais une femme. C'était une surprise mais ils étaient cool.(...) J'ai parlé après tout le monde. Le juge n'a pas posé beaucoup de questions, mais des questions bêtes. Mais avec le prévenu, s'il ne répondait pas correctement le juge était fâché.	Lack of information
21. Quando eu fui chamada a primeira vez foi uma coisa estranha. Quando eu comecei a falar eu tive a sensação que a juíza não estava acreditando no que eu disse. Mas depois também poderia ser um jogo, porque eu disse ao advogado que quando saí, saí com outra visão. [Porque ele e a mulher que estava com ele negavam tudo e eu que era a criminosa]. Digamos que quando foi entre mim e essa senhora [ela ouviu e logo compreendeu que aquilo era uma mulher que queria arranjar confusão].	Treated as guilty Cared about the victim
NO	
5. [La démarche est trop longue, ils ont traité l'affaire de façon très légère].	Proceeding is long and slow Decision was lenient
12. C'est directement notre avocat qui a rencontré le juge et pas nous.	

<p>Etant donné que cet individu était jugé à Berne, nous avons dû prendre un avocat bernois et le jugement s'est fait en allemand. La chose qui nous écœure c'est la justice suisse. Nous faisons tous citoyens du même pays et [les cantons se renvoient la balle !!! C'est insensé. En plus, nous devons nous battre comme des fous pour notre fille qui a été reconnue entièrement victime. Nous aimerions tellement mettre notre énergie dans autre chose que cette histoire qui nous paraît sans fin].</p>	<p>Lack of interest or lack of a thorough investigation</p>
<p>15. [Je pense qu'il a eu une lacune. Il y a quelque chose que je ne comprends pas. Dans cette affaire, c'est une affaire grave, une chose très grave, faite avec préméditation. A un moment donné son avocat a dit que moi je l'ai frappé (...) et insulté. Pour quelle raison je l'aurais insulté? Je ne pouvais rien dire. Il me tapait avec une telle violence que je ne pouvais rien dire. C'était pire après. J'étais là et je voulais demander pourquoi il m'a tapé, chose que je ne sais pas] (...) — Vous avez demandé ça au juge? Je n'ai pas pu. Apparemment, j'ai demandé mon avocat et il l'a pas fait (...) [J'ai voulu parler et ils m'ont dit: "Madame taisez-vous". — Qui a dit ça? [Le président (...) c'est un intellectuel. Il m'a dit: "Madame vous aurez à votre tour le droit de parler". J'ai dit: "Si vous avez pu parler moi aussi je veux parler". Je n'ai pas pu dire quoi que ce soit (...) Ah pas du tout, alors, pas du tout satisfaite. La deuxième fois c'était pire. Un, ce n'était pas drôle, la deuxième fois c'était épouvantable parce que je n'ai même pas pu parler. (...) Il m'a dit de la boucler. Il ne m'a pas laissée m'exprimer]. — Vous n'avez rien dit pendant l'audience? Je n'ai pas eu le droit. C'est mon avocat qui a parlé. Je ne peux pas dire qu'il n'était pas gentil mais on sentait qu'il me prenait pour la (...) les italiens qui n'ont rien à foutre ici].</p>	<p>Decision was lenient Treated as guilty Understanding the event Lack of participation Discrimination</p>
<p>16. Si j'étais seule ça serait sur mon dos. Lui, il n'est pas allé. [Le juge a dit: "Le prévenu a des problèmes avec les musulmans, les arabes". Le juge l'a défendu. Il a dit qu'il est malade. Mais si je tape un Suisse il y a la police qui vient tout de suite]. Mme. G. a dit au juge: "Mais ça n'est pas une excuse pour taper les gens". Le juge a dit que si je voulais aller plus loin, le cas serait renvoyé au tribunal. J'ai décidé d'enlever la plainte avec la condition qu'il verse 300 CHF au centre femmes mais je n'ai aucune idée s'il a payé ou pas.</p>	<p>Discrimination</p>
<p>17. J'ai raconté l'histoire comment ça s'est passé. — C'était le même jour de l'agression? Non, c'était un mois après, je crois. Je suis allé tout seul. [C'est très froid, j'ai raconté l'histoire et puis c'est tout]. — Vous avez senti la froideur du côté du juge? [La froideur, oui. Ce n'est pas très agréable]. — Et vous avez croisé le prévenu? J'étais seul mais il était là. — Donc vous avez croisé le prévenu? Oui. — Et le juge, il a montré de l'intérêt dans votre cas? Non, il a écrit et il a donné la suite. [Il a posé deux ou trois questions et</p>	<p>Emotionless</p>

<p>c'est tout. — C'était vite passé? Un quart d'heure, je crois. C'était froid, il n'y a pas eu de contact humain].</p>	
<p>18. [La juge, comme elle m'a traitée c'était je ne sais pas quoi. C'était comme si c'était moi la fautive, pas lui. Ça me rend triste. Il n'y a pas la justice. Moi je n'ai rien piqué, si je l'ai piqué, oui je mérite, mais j'ai rien piqué, je n'ai même pas parlé avec lui parce que lui il était]. Le problème qu'il y a c'est que je n'ai pas de témoins, et lui par contre il peut trouver des témoins. Je suis vraiment déçue, si c'était au Maroc, il aurait payé cher (...) Elle est très gonflée (...) Elle ne peut pas admettre qu'elle est (...). Ça m'a rendue nerveuse ce jour-là, je pleurais.</p>	<p>Treated as guilty</p>
<p>19. Quand j'ai porté plainte le Juge d'instruction a convoqué les deux. Il n'est pas venu. Et puis le Juge a décidé (...) de m'interroger tout seul. Pas le juge, la greffière. [La Madame était agressive, comme si j'étais le malfaiteur. J'ai dit à ce moment là: "Je ne parle plus". Parce qu'on a le droit de ne pas parler. Et là, elle a changé, elle est devenue un peu plus douce]. Elle m'a interrogé comme si je mentais. [Peut-être qu'elle a cru la version à lui], ça je ne sais pas mais en tout cas je n'ai pas aimé. [La deuxième fois, M. M. n'est pas venu non plus... Vu que M. M. n'est pas venu, il a tranché comme ça. J'ai l'impression d'être un peu l'autre... Comme je dirais, négligeable]. La Juge, elle pourrait faire un discours funèbre. [Avec moi elle n'a pas parlé! Je n'ai toujours pas pu l'avalé. A la fin la victime c'est encore une autre fois. J'ai encore tous mes frais]. L'Etat a empoché (...). 400 CHF pour les frais et 200 CHF d'amende. Pour une demi-heure là-bas, je ne sais pas s'ils ont bien travaillé. [Je voulais dire: "Et le 1000 CHF que j'ai eu de frais, qui paie? Même pas ça. "La séance, est levée la séance"(...). Ouste, dehors]. Ça existe aussi dans le dictionnaire, mais c'est moins poli.</p>	<p>Treated as guilty Lack of information Lack of participation</p>
<p>20. [Depuis là je n'ai pas eu de nouvelle, mais rien]. Seulement la semaine passée j'ai reçu un courrier comme quoi il y a une ordonnance du Juge d'instruction qui va transmettre le dossier au Tribunal de police et il sera jugé prochainement. [Depuis mi-janvier je n'ai rien du tout]. Pour moi c'est comme d'habitude après que je dépose plainte il convoque mon mari et après nous deux ensemble. [Chaque fois il repousse. Il n'y a pas une décision. C'est lui qui a pris note de mes plaintes. Il s'en fout. Il a dit: "Ah il a recommencé mais qu'est-ce que vous voulez que je fasse". Il prend des notes et puis voilà. Moi, je ne demande pas qu'il me plaigne mais on voit qu'il n'a pas d'intérêt]. Il marque: "Il a fait ça, ça, et ça". On signe et au revoir. Il m'a dit: "Écoutez, chaque fois vous venez chaque fois je vous écoute. Au revoir et bonne journée". [Maintenant mon mari il essaie de me faire passer, il arrive à me faire passer comme coupable].</p>	<p>Lack of information Lack of interest or lack of a thorough investigation Treated as guilty</p>
<p>38. [J'ai reçu une lettre du Juge comme quoi il avait classé l'affaire] et je lui ai envoyé une lettre en disant que [j'étais déçu de la justice. Ils ont rien fait, rien du tout, ils n'ont pas fait de recherche, d'investigations.] — Donc c'est la plainte que vous avez envoyé chez le Juge, et c'est pour ça que le Juge vous a écrit. Mais le Juge ne vous a jamais convoqué? Rien du tout. Et la lettre que moi j'ai envoyée après, [je n'ai jamais eu de</p>	<p>Lack of interest or lack of a thorough investigation</p>

<p>réponse. C'est petit, donc on laisse tomber (...). Ils doivent faire leur travail, c'est nos impôts qui paient leurs salaires, donc il n'y a pas de raison pour qu'ils laissent tomber (...). Aujourd'hui les juges, ils ne font pas leur travail.]</p> <p>(...) J'ai des doutes sur la parole d'un juge et d'un avocat (...). Déjà à vie, je ne croirai plus (...). Ils ont trop tendance à cacher, à ne pas dire la vérité, et s'ils disent la vérité, c'est la vérité à eux.</p>	
OTHERS	
4. [Ils font leur travail].	Neutrality
14. [Ça c'est le travail de la justice]. Je ne peux pas condamner parce qu'on est des humains. Nous, on a pardonné (...). [En tout cas le juge a fait son travail].	Neutrality

5.2. Comment avez-vous perçu la procédure ?

FAIR	
2. [Parce qu'il a été condamné, malgré les preuves qui n'étaient pas tout à fait favorables].	L'impact de la décision
4. [J'ai été écoutée. Ils font leur travail]. Mais comme je n'avais pas de preuves ils n'ont pas pu faire plus. De plus, le Juge n'a pas démontré trop d'intérêt dans mon cas. (...) [J'ai ressenti de l'angoisse pendant la procédure].	Cared about the victim Neutrality
6. [Le fait de savoir que la justice était là pour les protéger. Les enfants avaient l'impression que la justice les écoutaient. Il était concerné par mon cas. Je pouvais appeler le Juge quand j'avais besoin].	Cared about the victim
7. Jusqu'à ce moment. Mais la procédure n'est pas finie. [Pendant la procédure j'ai ressenti comme si j'étais la coupable et lui la victime].	Treated as guilty
10. C'était rapide, mais normal. [C'est une procédure longue]. Je suis restée devant le Juge pour 10 minutes, c'est vite passé, il m'a demandé si je voulais la suspension et c'est tout. [Je me suis sentie à l'aise pour parler].	Proceeding is long and slow Cared about the victim
11. C'était bien passé [mais ça dure longtemps. La procédure devrait être plus vite]. Je pense que c'est l'auteur qui devrait quitter le domicile, pas la femme.	Proceeding is long and slow
13. Mais pas très juste. [C'est lent. On a l'impression que la victime a été oubliée. En plus on passe du temps sans recevoir de nouvelles. Ils devraient envoyer une lettre de temps en temps pour dire ce qu'il se passe avec la procédure]. (...) J'ai apprécié le fait de pouvoir choisir mes témoins. D'un côté, la procédure, le jugement, ont été rassurants. C'était vite sorti la décision. [D'un autre côté on est aussi traité comme accusé. C'est à nous de porter plainte, c'est à nous de prouver l'innocence, c'est à nous de nous justifier. C'est la victime qui s'angoisse. C'est à nous de nous défendre. C'est la victime qui vit dans la peur de voir le prévenu].	Proceeding is long and slow Lack of information Treated as guilty
14. En fait nous sommes des chrétiens, il faut savoir pardonner. [Pour nous on a dit, c'est l'Etat qui fait son travail. C'est à l'Etat de faire son travail. Ce n'est pas nous qui allons les condamner]. On a pardonné parce qu'on est des humains.	Neutrality

<p>17. Non ça ne va pas parce que je ne suis pas d'accord avec la finalité du truc en fait. — Et c'est quoi la finalité? Si une personne ne va pas bien dans la tête, elle doit être enfermée (...) [C'est assez lent mais ça suit son cours je pense que c'est comme ça]. Ils ont beaucoup du travail, je pense. [C'est juste mais c'est lent].</p>	<p>Proceeding is long and slow</p>
<p>38. La procédure elle-même est juste, oui. Je n'ai pas un sentiment d'injustice vis-à-vis de moi. C'est plus facile de mettre le dossier à la fin du tiroir et puis dire l'affaire est classée. [Pas dire simplement oui on vous reconnaît mais que c'est mettre en pratique].</p>	<p>Lack of participation</p>
<p>UNFAIR</p>	
<p>1. [J'ai ressenti de la confiance envers la Juge] mais j'ai trouvé la procédure injuste parce que la Juge a accepté la plainte que lui il a fait contre moi. [Ils m'ont traitée comme une prévenue et même avec toutes les preuves des agressions, il me semble que la Juge prononcera un non-lieu].</p>	<p>Cared about the victim Treated as guilty</p>
<p>16. [Pour le Juge, je suis étranger. Et le prévenu est suisse. Le Juge essaie de défendre les gens de son pays]. On doit faire les choses correctes. [Quand c'est un étranger qui fait une petite chose, ils agrandissent, mais quand c'est un Suisse (...). Pourquoi le Juge a justifié ses actes?].</p>	<p>Discrimination</p>
<p>18. [J'étais la fautive, c'est moi qui ai tout fait. Même, elle ne m'a pas laissée parler. On a fait un quart d'heure là-bas dedans. C'est quoi ça (...). Il faut écouter. Elle n'a écouté que lui. A moi ce qui m'a énervé, elle m'a dit: "Ce n'était pas lui qui vous a tapé". C'est qui qui va me toucher, qui va me faire des bleus? Les bleus on ne les voit pas le même jour]. La police m'a demandé: "Vous voulez aller au CHUV". Moi je ne connais pas (...). Mon mari m'a dit d'aller. Le lendemain, lorsque j'ai vu le bleu, il m'a dit: "Même pour la procédure c'est bien". Mais ce n'est pas mon problème que le samedi ou dimanche, qu'il n'y a personne. J'étais aux urgences. Et le rapport, ils ont rédigé après. Ce n'est pas mon problème. Je me souviens, c'était le week-end quand j'étais aux urgences. [Mais les urgences ne font pas le rapport médical de cas de violence pendant le week-end]. Mais ce n'est pas mon problème. Mais il ne veut pas comprendre ça. [Je ne sais pas qu'est-ce qui va arriver. Ils m'ont dit au centre LAVI que ça risque une amende. Mais je ne veux pas que mon casier judiciaire... j'ai rien fait en plus. Si j'avais fait quelque chose je mérite, mais là j'ai rien fait].</p>	<p>Lack of participation Treated as guilty</p>
<p>OTHERS</p>	
<p>19. [On ne peut pas dire juste ou injuste parce que je ne peux pas juger. Je pense que ça été fait d'une manière correcte]. (...). Le Juge instructeur, il coupe toujours la poire en deux. [Il y a toujours deux fautifs. Un est fautif d'avoir tapé et puis (...) moi j'ai été provocant, selon eux. Ce qui n'est vraiment pas le cas. Lui, il m'a provoqué pendant des années et je voulais une fois parler avec et ils ont trouvé que j'ai provoqué. Ça je n'admets pas mais c'est le système selon lequel le Juge doit partager la poire].</p>	<p>Neutrality Treated as guilty</p>

LA PEINE IMPOSEE / LA CONCILIATION

6.2. Êtes-vous satisfait avec la peine imposée au délinquant?

NO, DECISION WAS LENIENT	
2. [Mon cas n'avait rien à avoir avec la première condamnation qu'il a subi. C'est un cas de plus. Le tribunal devrait condamner le criminel à plus d'année de prison].	
4. Il n'a pas payé les dettes. J'ai encore des poursuites à cause de lui. [La conciliation n'a rien changé]	
12. [Après avoir anéanti toute une famille, sans compter sur les autres agressions qu'il a commises, et il y en a eu, cet individu ne mérite plus de vivre en société].	
13. [Très insuffisant. C'est la loi. C'est jamais assez. Aux États-Unis c'est mieux].	
15. [Pas du tout. Mais c'est quoi ça. A 1500 CHF, vous ne me faites pas rire (...). S'il vous plaît, s'il vous plaît, c'est risible. Elle est ridicule. 1500 CHF ça rigole] (...). Toute l'année, il touche plus que ça dans deux mois, trois. Calculez que je dois aller deux fois par semaine à la physio. A part le temps que je perds, calculez tous les médicaments que je dois prendre (...). C'est un homme qui est à mon avis un fou. C'est un malade, cet homme (...). Je ne sais pas pourquoi la justice elle le laisse dehors.	
17. La condamnation, en tout cas, je trouve un peu injuste (...) [Tort moral, 100 CHF, ça ne paie même pas un restaurant, par exemple, pour mes parents qui ont pas mal souffert. Ça ne paie même pas les heures de travail (...) du Centre LAVI, du Juge et tout ça]. Je ne trouve pas normal. Je suis un peu déçu quoi (...). Pas proportionnel à ce que ça m'a ramené ce genre d'histoire.	
21. E eu fui parva (...). Porque ela perguntou-me se eu estava de acordo de juntar a primeira vez, pronto e eu disse que sim. Mas o meu problema de eu concordar e não deixar ir pra frente era por motivo do advogado que custava muito e eu estava com medo que o LAVI já não poderia ajudar mais. [Mas agora reconheço que não deveria ter aceito. Não sei se a mim ele vai continuar a fazer mal, mas ele vai continuar a fazer mal a outras pessoas].	
NO, DECISION WAS TOO MUCH	

REHABILITATION

7. Étiez-vous encore affecté à cause de la violence subie? Pensez-vous à cet événement?

YES, FREQUENTELY	
2. [Toujours]. Aussi parce que [j'ai eu des problèmes avec ma famille qui me culpabilise d'avoir trop parlé]. Je pense que si je n'avais pas parlé, je n'aurais pas subi l'indifférence de ma famille. Après sa condamnation, je me suis calmée. C'était comme un soulagement, j'ai pu dormir. [Mais quand je reçois des convocations où je dois aller au Tribunal, je ne peux pas bien dormir].	Consequences of the violence Participation during the criminal lawsuit
4. [Tous les jours à cause des dettes qu'il m'a laissées]. Je prends toujours des médicaments pour dormir.	Consequences of the violence
5. [Presque tous les jours], j'ai développé comme une obsession.	
12. [En tant que parent, il n'y a pas un jour où nous n'y pensons pas]. Notre fille ne réagit pas du tout à ce qu'elle a subi. Elle a une force incroyable comme si cela ne lui était pas arrivé. Nous appréhendons le moment où elle en prendra conscience.	
15. [Je ne peux pas oublier].	Participation in

— Et quand vous parlez sur le sujet, ça vous aide ou ça vous gêne? [Non, ce n'est pas mieux]. Je suis fâchée avec moi-même. [Ça n'aide pas]. — Parce qu'il y a des gens qui préfèrent parler sur le sujet [Mais ce n'est pas mon cas].	this study
16. [C'est comme si c'était passé même aujourd'hui].	
18. [Je sais qu'il ne pas là mais je l'a toujours dans ma tête, je n'arrive pas à oublier]. Presque tous les soirs. Ça a diminué parce qu'avant je n'arrêtais pas de penser à ça.	
20. [Ça vient toujours parce que (...). Les rendez-vous que vous avez on parle que de ça, on reçoit tout le courrier à double, le mien et à mon mari. Et les gens demandent: "Comment ça va?". Je ne peux plus cacher. Les amies, au travail partout]. Ça ne va pas. Je ne me sens pas soutenue. Je ne peux pas oublier tant que ce n'est pas fini, et même quand c'est fini il y a le divorce, il va m'embêter]. Il a dit: "Si tu pars ça va aller plus loin". Justement, jusqu'à là, tout ce qu'il a dit il l'a fait. Je prends des calmants. Je suis à la limite.	Ordinary activities Participation during the criminal lawsuit
21. [Durante estas meses todos eu ainda não só esqueci um só dia]. — Mas mesmo com o acompanhamento psicológico? Ajudou mas por exemplo, [é quinta-feira, eu já na quarta só pelo motivo de termos o rendez-vous que eu vinha falar, reviver um pouco, eu já não dormi. Hoje aconteceu o mesmo. Porque a gente ia se encontrar].	Participation in this study
YES, SOMETIMES	
1. [De temps en temps]. Les premiers trois mois tous les jours. Aujourd'hui [plutôt quand je suis seule ou quand je suis convoquée].	Participation during the criminal lawsuit
3. [Une fois par semaine, dès que je me vois avec des cicatrices (...). La douleur que je sens au dos. Mon corps a changé à cause de la violence].	Consequences of the violence
9. Pas trop. J'essaie de trouver d'autres choses à faire. (...) [A peu près deux fois par semaine, surtout quand je vois des films avec de la violence conjugale].	Ordinary activities
10. [Deux, trois fois par semaine], la violence traverse l'esprit, il y a des images qui reviennent.	
11. [Quand je reçois des convocations du Juge. Une semaine avant l'audience], je ne dors pas bien, je fais des cauchemars.	Participation during the criminal lawsuit
14. [Ça vient des fois. Quand ça vient je me dis toujours que c'est déjà passé. On doit rester calme mais on n'efface pas non plus le passé]. Donc c'est normal (...). La blessure reste quand même. J'ai accepté aussi de venir parce que c'est le Centre LAVI qui nous a envoyés parce que je n'aime pas non plus parler. Ça fait aussi mal de revenir encore. Je fais ça car je pense que je pourrais vous aider aussi pour votre travail.	Participation in this study
17. [Oui, ça arrive des fois, c'est moins présent qu'au début mais quand je vois de la violence à la télé]. — Vous avez perdu le sommeil? Pendant quatre mois.	Ordinary activities
NO	
6. J'ai subi de la violence et point.	
7. C'est fini, c'est passé.	
19. Oui, bien sûr, on n'oublie pas. Mais la violence est loin. C'est évacué.	

38. J'ai eu quelques jours où je n'étais pas vraiment bien mais j'ai très vite repris la douceur. Aujourd'hui ça va très bien (...) C'est du passé, c'est enterré, c'est fini.

8. Avez-vous peur à cause de la violence subie ?

1. [J'ai peur de lui. Je ne me sens plus en sécurité].	Fear criminal Feelings of insecurity	the
3. [J'ai peur de lui]. Je suis devenue méfiante. Je pense que ce serait difficile pour moi d'avoir une autre relation.	Fear criminal	the
11. [J'ai peur de lui, de le croiser]. Quand quelqu'un sonne à la porte, je regarde avec attention pour voir si ce n'est pas lui.	Fear criminal	the
13. Quelques craintes. Je n'ose plus m'habiller comme avant et je ressens car j'aimais. [J'ai l'impression d'être regardée par tous, tout le temps. Je ne me sens plus à l'aise].	Feelings of insecurity	
15. Dans l'immeuble bien sûr. [J'attends toujours (...), avant de sortir, qu'il n'y ait personne et j'évite de sortir le matin. Ou je sors avant qu'il se lève].	Fear criminal	the
16. [J'ai peur qu'il revienne une deuxième fois], surtout parce que le Juge m'a dit qu'il est malade. [J'ai peur quand je sors. Je marche et je regarde partout].	Fear criminal	the
18. [Surtout là quand je travaille parfois en ville, je me dis: «Si je sors, peut-être que je le rencontre].	Fear criminal	the
20. [Je risque ma peau tous les jours]. Pour eux c'est normal. Quand je vais au Tribunal ils disent: "Oui, vous avez des hématomes mais c'est rien, c'est de la bagatelle (...). Mais vous savez quand on est sous pression et vous devez rentrer à la maison. [Moi, je dois m'enfermer dans la chambre parce que j'ai peur. Je ne rentre pas tout de suite pour me protéger, j'attends qu'il dorme].	Feelings of insecurity Fear criminal	 the
21. Sim porque [eu não conseguia viver. Ainda hoje tenho medo dele]. Não conseguia viver porque vivia num pânico	Fear criminal	the
38. [Le soir, par exemple, je n'osais plus sortir (...) parce que ça m'a donné une certaine crainte, crainte pour les personnes âgées de sortir] (...). — Ça a duré combien de temps? Je dirais un mois et demi, deux mois.	Feelings of insecurity	

9. Avez-vous, une fois ou l'autre, éprouvé un sentiment de vengeance envers le(s) criminel(s)? Commettriez-vous un acte de violence envers le(s) criminel(s), dans l'hypothèse où vous en auriez la possibilité?

YES	
18. J'aimerais bien. Franchement (...). Si je le trouve encore une fois devant moi et qu'il me fait quelque chose. Qu'il me fait peur je peux le tuer. [Parce qu'il n'y a pas de justice].	Justice had not been served
NO	
1. Juste après l'agression oui, mais pas dans le moment présent. Le temps	Other feelings

a fait baisser la colère, mais [je ressens une rancœur envers lui].	
5. Je n'ai pas le droit. [Mais porter plainte est déjà comme une forme vengeance].	Complaint is revenge
8. [Je ressens encore de la colère].	Other feelings
9. [J'ai le sentiment de pitié].	Other feelings
10. [J'ai de la colère envers lui surtout à cause des dettes qu'il m'a laissées]. J'ai payé les dettes toute seule, c'est tout à mon nom, tant qu'on n'est pas divorcé.	Other feelings
11. [J'ai peur et un sentiment de dégoût].	Other feelings
13. Je pense à la vengeance quand je suis énervée. [Porter plainte est aussi une façon de venger les autres femmes qui ont été ses victimes].	Complaint is revenge
20. Pratiquement non mais [on pourra le penser dans ce cas là, comme je vois que maintenant on défend le coupable, on ne punit pas, je me dis: "Mais pourquoi être honnête?". Les innocents les victimes, on les punit]. Moi, je ne vais pas le faire, mais on pourra (...). Quelqu'un qui n'est pas (...) [Je commence à donner des claques, de toute façon on ne va pas me punir, on va me donner raison].	Justice had not been served

10. Aujourd'hui, quel est votre sentiment par rapport au tort subi? Vous vous sentez ...

BETTER	
2. A part la relation avec ma famille qui a dégénéré. [Ils ont fait la justice, je suis contente qu'il ait payé].	
3. Je me sens plus forte.	Self-confidence
6. [Grâce à] la thérapie et [la justice qui m'a écoutée].	
7. [Je me sens plus libre, plus tranquille, plus à l'aise].	In harmony
11. [Je me sens plus forte], plus confiante. Pour moi, au départ c'est dur, prendre la décision, mais après c'est comme une machine qui se lance et qui continue à suivre.	Self-confidence
21. Ajudou a ganhar força.	Self-confidence
WORSE	
15. [J'étais en colère contre moi-même et ça ne m'a pas passé. Je suis tellement en colère (...), d'avoir accepté une imbécilité pareille]. Et surtout j'étais tellement dans le choc que je n'ai pas eu le courage d'aller voir au bureau si je pouvais même faire recours (...). Tant que j'étais fâchée avec moi-même. Pas avec lui, pas avec le Juge, mais avec moi-même (...) Parce que je n'étais pas obligée d'accepter. Avant ce n'était pas drôle, mais maintenant c'est devenu l'enfer.	Other feelings
18. [Je peux dire pire. Parce que je pense comment ça va finir cette histoire]. Peut-être que ça ne va jamais finir.	Fear
20. [J'ai eu que des problèmes depuis ça je perds tout mon temps. (...). Moi, je suis fatiguée parce que (...).on me met à la porte. La justice, elle s'en fout. Tout le temps, je vais au Malley ils disent: "On vous écoute". Et puis voilà. La LAVI, ils disent: "On fait ce qu'on peut, on ne peut rien faire pour vous"]. Le pire c'est que je dois lutter contre l'injustice et les mensonges. [Ça me dépasse], Parce que lui il manipule tellement bien les gens, il manipule l'avocat, le Tribunal, il ment et on le croit. [Et moi j'ai des preuves il ne me prend pas et il me met dehors].	Frustration, insatisfaction
NOTHING HAD CHANGED	

12. [Bien que notre fille ait été reconnue 100 % victime].	
16. [Je regrette. Ça ne vaut pas la peine d'aller en justice].	
19. [Je suis quand même frustré parce que (...) — Vous attendez quelque chose? Au moins qu'il paie mes frais (...). Ça donne envie de taper quelqu'un. De toute façon, je paie rien. [Ça donne envie de se venger]. Oui (...) d'aller taper quelqu'un, on n'est pas puni].	Frustration, insatisfaction Justice had not been served
38. [Pour moi c'est la même chose, j'ai fait les devoirs de toute personne qui est passé par là]. — Donc vous pensez que c'est un devoir, porter plainte? [Oui (...). C'est pour ça que je suis un peu déçu de la justice. Moi j'ai fait ce qui me semblait correct de faire mais la justice n'a pas suivi]. Tant que la justice ne fait pas son travail, il n'y a pas de chance.	Frustration, insatisfaction

DROITS DE LA VICTIME

11.2. Diriez-vous que vos droits en tant que victime ont été respectés?

YES
1. Oui, selon les droits LAVI [mais pas mes droits en tant qu'être humain].
7. [J'ai eu tout l'appui dont j'avais besoin].
10. [Ils m'ont donné tout ce qu'il fallait. Par contre, j'ai subi de la violence et je paie les dettes. C'est le monde à l'envers!]
12. [Oui, mais une fois l'affaire close, nous n'existons plus pour la justice. Il n'y a que le centre LAVI qui s'inquiète et qui continue à s'inquiéter de nous].
14. [Oui, parce que nous franchement je peux dire, on ne sait rien! Je ne sais pas qu'est-ce qui se passe. La loi (...) Le centre LAVI est au courant de tout. Ils nous aident.]
NO
6. Non pas du tout. Il y a de gens qui ont nié la violence, comme la société et le Juge civil, alors que j'avais des preuves. Même l'expertise de la thérapeute n'était pas reconnue chez le Juge civil.
18. Non, en tout cas pas avec le Juge, non. Là j'ai trouvé du soutien à l'hôpital et au Centre LAVI. — Du respect? Oui. Surtout la doctoresse, elle était géniale. Elle m'a comprise parce que moi au Maroc, une fois ça m'est arrivé la même histoire. Il y a tout qui est revenu.
38. Dans un sens oui, dans l'autre non. Ils ont été respectueux du fait que j'ai quand même (...) au LAVI, j'ai pu dire ce que je pensais. Parce contre le Juge n'a pas pris en considération ce que moi j'ai subi. [Pour lui c'était comme une poussière sur la table. Moi j'étais une poussière sur la table, qu'ils ont enlevé sans regarder pourquoi (...) Il a déposé une plainte]. Il y a un manque total d'étique. Dans ce pays on a trop tendance à fermer les yeux sur beaucoup de chose (...) Ça c'est épouvantable.

12. Chercheriez-vous/collaboreriez-vous avec la justice dans une situation pareille à l'avenir?

YES
2. [Si j'ai besoin, à part la peur que j'ai de la justice, je chercherais. Mais je ne collaborerais pas une autre fois. Aller à la justice est comme aller chez médecin: on ne connaît jamais le résultat.]
14. Il faut toujours aider les gens aussi. Pourquoi ne pas aider? Je pourrais demander: "Vous

avez fait des démarches? Qu'est-ce que vous avez fait? ”]

— Vous pensez que c'est important de chercher la police?

Oui. Parce qu'il y a des gens qui disent que la police ne fait rien. Dans des pays qui sont sous-développés on peut le dire, surtout dans les pays comme chez nous. Si les gens sont plus forts, s'ils ont beaucoup d'argent, ça sera rien. Mais ici, tout est égal. La loi c'est pour tout le monde, il a l'égalité.

20. Ils sont là pour ça. Mais peut-être que moi, je suis tombée sur des gens qui ne font pas leur travail et qui ne sont pas honnêtes. Absolument. Il faut changer ce système qu'il y a ici en Suisse.

21. Depende do caso. Porque quando procurei não posso dizer que eles não fizeram o trabalho deles, eles fizeram o trabalho deles.

NO

16. [Non. La police elle ne veut pas qu'on les dérange. Ça ne vaut pas la peine d'aller en justice].

OTHERS

15. La police, on doit quand même prendre contact avec. (...) Mais la police elle est là pour nous défendre, malgré tout. [Si moi j'avais porté plainte la première fois, je n'aurais pas été tabassée la deuxième fois. Parce que la première fois il m'a tapé, la deuxième fois j'étais tabassée, c'était différent.] (...) On ne devrait pas dire ça fait des années et tout ça. Je trouve que la justice est trop lente. Et c'est souvent ça. Parce que si la justice traitait les cas beaucoup plus vite peut-être qu'il y aurait des gens qui chercheraient plus, et moins de gens qui se permettraient de faire ça comme ce Monsieur. [C'est la lenteur (...) Moi j'attendais des mois et des mois cette lettre et pour finir, je n'ouvrais plus la poste (...) Après c'est renvoyé (...) Vous vivez ce cauchemar (...)] Avec l'âge on est beaucoup plus vulnérable. Et avec les personnes de mon âge et surtout quand ils savent qu'il y a un avocat ils devraient aller beaucoup plus vite.

18. Moi je conseille toujours d'aller au LAVI. Ça ne fait même pas deux semaines, j'ai une copine qui a été agressée par son mari, je lui ai dit: "Il faut aller au centre LAVI, téléphoner". (...). C'est eux qui peuvent t'aider. La justice, il n'y a pas de justice. C'est nul.

38. Je conseillerais de venir déjà ici chez la LAVI et que la personne qui va l'écouter, qu'elle fasse la demande au Juge. Peut-être que là (...), il y aurait peut-être plus de pouvoir de travailler le cas qu'avec le dossier.

— Donc vous pensez que si la LAVI envoie la plainte...

Peut bouger plus de chose. La LAVI a une certaine puissance envers la justice et la justice pourrait faire le travail plus facilement.

APPENDIX VI – Overview of Swiss Victims Interviewed (No justice group)

INT	Type of crime	Offender	Victim and case's description
24.	One offense: Minor offenses, Threat	Stranger	The interviewee was a witness of a burglary and break-in. When he arrived at his house, his neighbor's house was being robbed. The offenders were about to leave the crime scene when they suddenly saw him at his front door. They approached, then insulted and threatened him. He has never reported the crime because he was afraid of their reaction and reprisals.
25.	More than one offense: Minor offenses, Simple assault	Husband	The interviewee was a victim of partner violence almost 10 years ago. There were offenses such as threats and assaults. She has never reported the crime because she felt guilty and she was afraid of the social reaction and lack of support. Moreover, she thought that the offenses were not that serious and it took her some time to acknowledge her victim status.
27.	More than one offense: Minor offenses, Simple assault	Partner	The interviewee was a victim of several assaults and other minor offenses which had been committed by her partner. They had three kids together but they were never married. She has never reported the crime because she thought that the authorities would be unable to help. Moreover, she had looked for support at the Child Protection Service and they had discouraged her from reporting. She was also afraid of the social reaction.
28.	More than one offense: Rape	Partner	The interviewee was a victim of psychological violence and rape (three times) committed by her partner. She decided to break up with him and he continued to harass her for almost six months. She has never reported the crime because it took her some time to acknowledge her victim status; she was ashamed and feeling guilty. Moreover, since he was foreigner and illegal in the country, she was afraid of porting him and creating problems with the police. She also feared his reaction.
29.	One offense: Assault	Father	The interviewee has never had a good relationship with her parents. It was always conflictive. However, one day after a discussion, her father assaulted her and punched her in the face. She left her house but she has never reported the crime because she is afraid people will not believe her and will somehow assume that she deserved it. Moreover she still hopes that they might conciliate and reporting the crime

			would make reconciliation more difficult. Another reason is that she did not know what would happen to him if he were sent to prison.
30.	One offense: Robbery	Stranger	The interviewee was robbed by a stranger who threatened him with a knife and took his money and bike. He has never reported the crime because he had once one experience with the police and nothing came of it. In this particular case, he thinks that the police would be unable to solve it and that his goods would not be recovered.
30.1.	More than one offense: Assault	Father	The interviewee is the same as number 30. He was also victim of assault committed by his father several times, which is why he left the house. He has never reported the crime because he did not want to cause any harm to his father.
31.	More than one offense: Sexual violence against minor	Colleague	When the interviewee was 13 years old, she met a 27 years old man in a chatroom on the internet. They decided to meet. They met several times afterwards and every time they were together they became more intimate. He tired her to the point that she could not refuse and indirectly he forced her into certain sexual practices that she now interprets as sexual abuse. She has never reported the crime to the police because it took her some time to understand that she had been a victim of sexual abuse. Moreover, she thinks that the police would be unable to help. However, she had enough social support from her family and friends to whom she has told the story and therefore she thinks that she does not need to look for the support or acknowledgment of the criminal justice system.
32.	More than one offense: Sexual violence against minor	A friend of the family	The interviewee is female who was sexually assaulted by an old friend of her parents who used to frequent her house when she was a teenager. She has never reported the crime because she did not at first acknowledge her victim status. She decided to tell her parents what had happened and they supported her. But she thinks that the criminal justice system would be unable to help her. Moreover, she felt guilty; she thought that she had sexually provoked him.
33.	One offense: Sexual violence against minor	Colleague	When the interviewee was 13 years old, she met a 23 years old man during a summer camping trip. They spent some time together and had intercourse. At that time she did not realize it was a sexual offense. Some time later while she was undergoing psychological therapy, she realized that she had been harmed by this event. She never

			reported the crime because first of all it took her some time to acknowledge the victimization and secondly, because she felt guilty and ashamed. Moreover she was afraid of the social reaction and thought that the police would not be able to help her.
41.	One offense: Robbery	Stranger	When the interviewee was abroad on vacation, he was robbed and threatened by the security guards at a disco. He has never reported the crime because he was discouraged to do so by other people as well as because he was not informed regarding what he should do in case of victimization.
42.	One offense: Sexual violence against minor	Her mother's partner	The interviewee was a victim of sexual assault when she was 10 years old. Her mother learned of this and did not do anything. Since she was too young, she did not understand what had happened but today she feels the psychological consequences of this act.
42.1.	One offense: Sexual violence against minor	Her mother's partner	The interviewee is the same as number 42. At the age of 14 she was again sexually assaulted by her mother's boyfriend. This time, her mother broke up with him but did not report the crime to the police.
44.	One offense: Sexual violence against minor	Colleague	When the interviewee was 17 years old, she was on vacation with her parents abroad. She met a 30 year old man who seemed to be interested in her. Late at night, she was invited to a friend's room and when she arrived this man was there. Events proceed quickly and she was raped. She has never reported the crime because at first she felt she was guilty and was ashamed. Moreover, she did not have enough evidence and therefore the police would not be able to help her.
45.	More than one offense: Minor offenses, Simple assault	Husband	The interviewee was married for 12 years; they had two kids together. She was a victim of partner violence, most psychological in nature, verbal offenses and threats. Once she was physically assaulted and went to the hospital because she was injured, but she never reported to the police. She did not acknowledge the offense and she felt guilty. When she engaged in a circle of debate about domestic violence as a result of her job, she realized that what she had been through was partner violence and she decided to divorce.

APPENDIX VII – Content Analysis of Swiss Victims’ Statements (No justice group)¹³⁰

2.1.1. Pour quelle raison n’avez-vous pas eu recours aux organismes compétents / n’avez-vous pas demandé de l’aide?

11.1. Pourriez-vous préciser la raison pour laquelle vous n’avez pas cherché à défendre vos droits en tant que victime?

<p>23.1. [Parce que le fait de n’avoir jamais parlé pendant tellement d’années (...) On croit toujours que les gens ne vont pas nous croire (...). En fait, c’est dans notre tête mais je crois que pour les personnes qui ont été abusées sexuellement, ils disent, on ne va jamais nous croire ce qu’on va raconter].</p>	<p>Social reaction and support Incredulity on the part of friends</p>
<p>24. [J’étais en infériorité (...)]. Savoir qu’ils ont cambriolé la maison m’a donné l’impression [qu’ils étaient capables de tout, même de me poignarder].</p>	<p>Fear the criminal</p>
<p>25. [J’ai cru que c’était de ma faute] car mon mari m’a dit que c’était moi qui l’avais poussé hors de lui. [J’avais honte], je n’arrivais pas à mettre des mots sur ce qui s’était passé. Je n’en ai parlé à personne. [Je me suis dit que j’étais vraiment une mauvaise épouse d’amener mon mari à faire de telle chose. Je n’ai pas osé me dire que j’étais une victime. J’ai pensé que s’il l’avait fait c’est que je le méritais. C’est mon mari qui s’est mis dans la position de victime]. (...) Après l’incident, j’ai refoulé mes sentiments à l’intérieur de moi. [Il a fallu des années pour que je réalise que dans les faits j’avais été battue et qu’il n’avait pas le droit de le faire]. (...) À l’époque où les événements se sont produits, [j’habitais dans une région de campagne. Mon mari et moi avions un commerce et étions très engagés dans une église. Il était impensable pour moi d’en parler à quelqu’un. J’avais peur aussi qu’on ne me croit pas (...). Je me disais que ce n’était pas si grave que cela].</p>	<p>Self-blame Shame Acknowledge the victim status Social reaction and support Incredulity on the part of friends Not so serious</p>
<p>27. J’ai téléphoné une fois au SPJ (...). [Ils ont été très dissuasifs. Ils ont dit: «Mais faites attention, c’est le papa de vos enfants, il est éducateur... sa carrière. Quand on est au début d’une séparation, même si c’est un an, il y a certains gestes qui peuvent être expliqués.».] Donc j’ai posé le téléphone un peu... — C’est décourageant, en fait! C’est décourageant, [mais il y avait même un côté de moi qui me disait (...). Ce n’est pas assez grave. Qu’est-ce que je vais dire au Juge? 150 SMS qu’il me traite de salope, qu’il me menace de mort (...). Je ne voyais pas à quoi ça pouvait m’amener. Ensuite, qu’est-ce qu’il risque? Une amende, l’interdiction de voir les enfants (...)].</p>	<p>Social reaction and support Not so serious Police would be unable to solve my case</p>

¹³⁰ As explained in chapter two, the victims’ quotes are in the original language of the interviews (French). The coded replies as well as the major themes identified during the content analysis are in English. We used:

- Brackets [...] for meaningful/important information;
- Different colors to identify the themes;
- Parentheses and dots (...) in order to demonstrate that the interviewee’s original reply to the question was only partially transcribed to the analysis.
- Hyphen (—) to identify the interviewer’s questions or comments within the interviewee’s quote.

<p>[Je suis allée voir un psy, juste une séance, et puis elle m'a dit la même chose: «J'ai dix cas comme ça, vous serez de toute façon déçue de la sentence, vous ne pourriez de toute façon rien faire. Le pire, ils vont lui donner une amende, lui dire d'arrêter, mais il va recommencer d'une autre manière»]</p> <p>[Je vais devoir me justifier; je vais devoir prouver. Je vais devoir reparler de tout ça; je vais devoir me trouver face à un juge qui forcément, j'espère, sera impartial. Donc il va aussi l'entendre (...).]</p> <p>[Je suis allée voir le site de Malley-Prairie, mais j'ai chaque fois l'impression que c'est pour des choses un peu plus graves (...). Moi, devant un juge je n'ai pas de courage. Il va dire: "Attendez, ce n'est pas assez grave". Parce que ce n'était pas assez grave] et la sentence (...) m'aurait créé que des problèmes, plutôt que de les régler.</p> <p>[Le plus drôle dans cette situation c'est d'espérer qu'il y ait de la violence physique pour pouvoir faire quelque chose. Mais plus c'est difficile à prouver de manière visible plus c'est difficile à justifier. Je pense que j'aurais eu moins honte d'aller porter plainte chez un juge avec un œil noir parce que je sais qu'il l'aurait vu. J'ai honte qu'il me prenne pour une hystérique qui veut les gamins, la pension]. Et on arrive à désirer de la violence physique pour pouvoir aller en justice. Ça me fait un peu bizarre. (...).J'aurais trop peur qu'un juge ne me croit pas. Ça aurait été vraiment le pire qui puisse m'arriver].</p>	<p>Incredulity</p>
<p>28. [Je ne voulais pas tout de suite y aller, je n'arrivais pas tout de suite à mettre des mots donc j'ai laissé passer un peu de temps, avant d'aller chez un psy. Et c'est d'autant plus difficile quand on est dans un couple parce que ce n'est pas forcément reconnu en tant que tel] (...).</p> <p>[J'ai aussi fermé les yeux pendant un moment (...). Je n'ai pas voulu me voir moi-même. (...) Donc j'ai mis un moment pour poser le mot là dessus et pour accepter qu'il y ait eu une situation qui n'était pas correcte et qui n'était pas tolérable].</p> <p>[Je l'ai longtemps protégé aussi. La principale raison c'était parce qu'il était sans papier ici en Suisse, il avait de problèmes financiers, je savais qu'il aurait été renvoyé tout de suite] et moi je ne voulais pas être responsable de ça. [Aussi à l'époque j'ai minimisé la chose. Je me suis dit ce n'est pas grave, tu exagères]. Vu que je n'ai pas parlé aux gens parce que quelque part [j'avais honte, je me sentais coupable], je me sentais seule et je n'aurais pas forcément pu le faire toute seule, en fait. Je ne voulais pas entreprendre une démarche toute seule du moment où je savais que ça aurait été dur et difficile]. Et peut-être parce que j'avais aussi besoin de temps pour cicatriser un peu, pour passer par dessus (...).</p> <p>[Et puis j'ai eu peur aussi des représailles de sa part].</p>	<p>Acknowledge the victim status</p> <p>Preserve the family or protect the offender</p> <p>Not so serious</p> <p>Shame</p> <p>Self-blame</p> <p>Fear the criminal</p>
<p>29. [Peut-être aussi parce qu'on dit souvent que les jeunes, ils provoquent leurs parents. Peut-être aussi la peur que, pas les autorités, mais les gens autour aient toujours des doutes]. Par exemple, que si maintenant, je les avais dénoncés, et que je vienne à l'Uni, qu'on savait que mon papa était en prison. Tout de suite les gens (...) ou bien ça pouvait être à l'esprit: "Mais qu'est-ce qu'elle a</p>	<p>Incredulity on the part of friends</p> <p>Self-blame</p> <p>Preserve the family or protect the</p>

<p>fait pour mériter ça”]. Je pense que ça vient d’avant. Déjà je n’ai jamais eu des grands liens avec mes parents. [Je pense que depuis longtemps j’avais l’espoir qu’avec l’âge on devienne unis. Et puis si j’avais porté plainte, je n’aurais plus eu la possibilité d’être heureuse ou amie avec eux (...).] [La famille à côté (...), est-ce qu’on croirait en moi plutôt qu’en lui? Peut-être ce qui m’a traversé l’esprit: la reconnaissance des autres]. Aussi, à mon avis [on n’est pas assez informé de comment ça se passe si on porte plainte (...). Je me suis dit: “Ça doit être une longue procédure. Peut-être qu’ils ne font rien à mes parents, ils resteront à la maison, et puis moi je fais quoi?].</p>	<p>offender Lack of knowledge concerning judicial proceedings</p>
<p>30. [Je ne veux pas passer trois heures au commissariat pour rien, ça ne vaut pas la peine. J’ai eu une expérience avec la police avant. Ça m’a pris du temps et ça n’a rien changé]. Je n’ai pas une très bonne opinion de la police. [De plus, les conséquences de l’agression n’étaient pas assez graves et ça ne serait rien pour les assurances].</p>	<p>Police would be unable to solve my case Not so serious</p>
<p>30.1 [Parce que c’était mon père]. On ne se parle pas depuis il y a déjà 7 ans.</p>	<p>Preserve the family or protect the offender</p>
<p>31. A chaque fois ça allait un peu plus loin. La fois suivante il a commencé à me toucher. [D’une fois à l’autre ça a été plus loin. Si vous voulez... ça n’était pas forcé]. Mais d’un autre côté il avait quand même l’emprise sur moi (...), pour faire ce qu’il voulait. Il me demandait si je voulais aller plus loin mais évidemment je ne disais pas non (...). J’avais 13 ans, donc à l’époque, pour moi, c’était mon copain. On se voyait. Mais après il y a eu quand même des choses que, sur le moment, je n’ai pas vécu comme ça (...). Je ne sais pas. Je ne voyais pas que c’était vraiment du viol, un abus. Dans ma tête, ça n’était pas une agression parce qu’il n’y a pas eu de la violence physique, mais plutôt psychologique (...)] [Je ne voyais pas où ça allait, si le procès changerait ma vie. Peut-être qu’un jour je le ferai. S’il avait une amende ça ne me ferait rien (...).] [J’ai eu de la reconnaissance de mon entourage, mes amis, ma famille, donc je ne cherche plus de la reconnaissance, donc je n’ai pas besoin de la justice. Être reconnue par les proches, c’était plus important pour moi que par la justice].</p>	<p>Acknowledge the victim status Police would be unable to solve my case Social reaction and support</p>
<p>32. [Mais moi je n’étais pas consciente qu’il avait un problème, je le sentais parce que je ne désirais pas, mais je n’en était pas consciente qu’il avait un problème]. Pour moi c’était quelqu’un qui voulait m’aider. Dès que mes parents ont su, après quand on a commencé à vraiment voir ce qui c’était passé, on a décidé d’aller chez lui, pour lui dire qu’ils savaient et qu’il ne devait plus revenir à la maison car j’ai aussi une petite sœur, de même que nos amis ont aussi des enfants. (...) [J’estime que la justice ne peut pas m’aider. Si j’ai un problème c’est à moi de le régler, mais ce n’est pas la prison, il ne sera pas envoyer en prison, mais ne sera pas ça qui va changer quelque chose. Ce n’est pas la justice qui va changer quelque chose. D’ailleurs on voit bien les personnes qui font un procès et qui même</p>	<p>Acknowledge the victim status Police would be unable to solve my case</p>

<p>après le procès gardent toujours cette rage.] (...) Peut-être c'est d'ailleurs aussi pour ça que je n'ai pas fais recours à la justice (...) [de me dire, oui, vous étiez consentante donc c'était aussi de votre faute (...) C'est quelque chose que j'ai très souvent ressenti, le sentiment de culpabilité de dire: «voilà, c'est de ma faute aussi».] [Je ne me suis pas du tout rendu compte]...ce qui est le plus dur à la limite c'est que ça serait plus facile s'il peut-être m'avait envoyé contre le mur parce qu'au moins on comprend ce qui s'est passé. Oui c'est violent, on a toujours des choses à régler mais au moins c'est claire. Ce qui est difficile à gérer c'est cette non clarté.</p>	<p>Self-blame</p>
<p>33. [Quand j'ai commencé à me rendre compte] (...). Je n'en parlais pas, j'avais peur et [j'avais honte], et puis je m'en voulais alors que je me sentais très coupable. [Quand je me posais comme victime j'avais peur qu'on m'ironise et qu'on me dise: "La pauvre petite, c'est toi qui es responsable de ta situation (...). Laisse-nous nous occuper des vrais viols et des vraies agressions sexuelles". Enfin, j'avais un peu le sentiment que c'était moi la coupable et puis que j'aurais été gonflée en quelque sorte d'aller chercher de l'aide ailleurs (...). [L'aversion sociale (...). J'avais le sentiment que c'était ce qui prévalait dans la société quand on entend que: «Cette petite fille de 13 ans qui s'habille en jupe. Il ne faut pas qu'elle s'étonne qu'elle se fasse violer». J'avais l'impression que je n'avais pas le droit. C'est ça: j'étais responsable pour moi. J'étais responsable de ma situation alors c'était à moi de m'en sortir. Je n'avais pas le droit d'aller chercher de l'aide ailleurs]. [C'est vrai que sur le moment je ne l'ai pas ressenti comme une agression mais ça m'a pris longtemps pour comprendre que cela n'était pas interdit par la loi pour rien. Je n'ai pas su dire "non" au moment où... et puis j'ai beaucoup regretté mais je me suis sentie coupable. Il m'a demandé de ne rien dire et puis il a continué à agir normalement. Et moi je ne me suis rendue compte que le lendemain. Au début je ne me sentais pas victime]. [Ça ne m'intéresse pas de remuer quelque chose qui est arrivé il y a longtemps. Au bout d'un moment, quand on a passé dessus on se dit, voilà, je suis de l'autre côté. A quoi ça sert de revenir en arrière pour en parler? Je n'ai pas envie de me faire du mal et puis au bout d'un moment il faut aller de l'avant. J'ai l'impression que ça ne m'apporterait rien. Que maintenant, remuer cette histoire après onze ans (...). J'ai le sentiment que cela ne me ferait pas de bien, c'est de l'énergie dépensée inutilement. J'ai l'impression que ça serait une grosse machine, une grosse procédure (...) pour quelque chose que finalement, maintenant, je suis passée par dessus].</p>	<p>Acknowledge the victim status Shame Self-blame Social reaction and support Acknowledge the victim status Self-blame Police would be unable to solve my case</p>
<p>41. [Il y a un serbe qui m'a dit: «Surtout pas la police, parce que la police elle va te traiter de voleur. Ils vont sûrement appeler le propriétaire, ils vont s'arranger entre eux et ils vont dévaliser tout ce que vous avez. La police est extrêmement corrompue ici, il ne faut pas demander qu'ils vous aident». Je ne savais vraiment pas où chercher, je ne savais pas qui pouvait m'aider].</p>	<p>Social reaction and support Lack of knowledge concerning judicial proceedings</p>

<p>42. Je pense d'ailleurs que votre thématique a fait que je commence à réfléchir un peu plus sur ça (...) [C'est lié à une tradition familiale en général. Déjà quand mon papa est décédé on n'en a pas parlé, donc après on n'en a jamais parlé, tout simplement].</p>	<p>Social reaction and support</p>
<p>44. [Tout d'abord je n'acceptais pas, pour moi c'était rien (...). J'avais plutôt honte, je considérais que c'était ma faute et que je ne pouvais pas me plaindre de quelque chose où j'étais coupable]. Je ne voulais surtout pas que mes parents sachent (...). Pour pouvoir mettre ça de côté sans que je me sente trop coupable, je ne suis pas allée porter plainte (...). [Etant donné que ça s'était passé en Turquie, je n'avais aucune preuve objective. Je ne pensais pas que ça allait aboutir à quoi que ce soit]. [[Indirectement c'était surtout parce que j'avais peur qu'on dise que c'est moi qui invente; que ce n'était pas vrai: "C'est de ta faute". Peur qu'on ne me prenne pas au sérieux]. Porter plainte... il fallait que je rentre sur le fait vraiment précis et ça je n'avais pas envie. J'avais envie de mettre ça de côté, une forme de déni total (...) [J'avais honte. Ma mère, je pensais bien qu'elle dirait que c'était de ma faute. Bah, elle l'a dit. C'est un climat de culpabilité].</p>	<p>Aknowledge the victim status Shame Self-blame Police would be unable to solve my case Incredulity on the part of friends</p>
<p>45. [J'étais déjà trop dans cette spirale de culpabilité, de me dire il y a un dysfonctionnement chez moi qui fait qu'il y a cette violence qui remonte chez l'autre (...) Il avait aussi la question sur les accusations sur la capacité cognitive, sur le fait que tout était dû à moi et je me suis retenue d'y aller]. (...) [En pensant aussi à mes filles et à sa fille: "Ah mon Dieu, il y a son papa qui sera en justice pour de la violence. Je pensais que j'étais peut-être coresponsable de manifestation de violence qu'il exprimait envers moi]. Et je n'avais pas les outils qui m'auraient permis de dire: "aujourd'hui, là je peux aller à la police et porter plainte". [Je ne me suis pas tout de suite reconnue comme une victime, c'était un peu plus tard. Et il avait encore... est-ce qu'on veut être victime ou pas? Ce qui est très personnel. Après il y a la question de comment, le fait de se considérer, peut-être comme une victime, est représenté dans la société. Ça m'a beaucoup énervé. (...). D'abord un rejet... j'ai rejeté; je ne veux pas être victime; je déteste].</p>	<p>Self-blame Preserve the family or protect the offender Acknowledge the victim status</p>

REHABILITATION

7. Êtes-vous encore affecté à cause de la violence subie? Pensez-vous à cet événement?

7.1. A quelle fréquence y pensez-vous?

YES, FREQUENTLY	
<p>24. [Je me rappelle encore de mon état d'incapacité de réagir]. Il n'y a pas eu de la violence physique mais cela a laissé des traces au niveau psychique. [Souvent la nuit, avant de dormir, le moindre bruit me rends paranoïaque].</p>	
<p>25. Je repense à l'événement plusieurs fois par année encore</p>	

<p>aujourd'hui. Presque 20 ans après, [je peux encore ressentir la souffrance physique et psychique que j'ai subie à l'époque].</p>	
<p>31. [J'ai eu beaucoup d'amis avec qui j'ai parlé de ça, donc j'ai quand même eu du soutien]. J'ai pris plus de temps à m'en rendre compte. Sur le moment, c'était mon copain mais j'ai de plus en plus de sentiments assez terribles à son égard. Mais même pendant des années, j'ai eu beaucoup de problème au niveau sexuel (...) Maintenant ça va mieux, j'arrive à gérer, mais il y a quand même encore de traces. [Je pense que je suis plus touchée qu'avant, de plus en plus. Aujourd'hui il y a tout le reste psychologique qui vient, pas trop du côté sexuel]. [Je pense assez souvent. Mais il y a des périodes où j'ai presque envie de le persécuter, il y a quelque chose qui déclenche de la rage, de la haine].</p>	<p>Speak up about the victimization</p>
<p>42. Oui, il y a encore. [C'est tous les jours. Justement parce que je suis en train de travailler dessus encore. C'est très long. Prendre conscience de ce qui est arrivé (...). Au moment où on prend conscience il faut pouvoir élaborer (...). J'avais refoulé le souvenir. Du moment qu'on arrive à prendre vraiment conscience de ce que c'est, c'est tout le temps là. [J'ai aussi un sentiment de culpabilisation mais plutôt pour l'abus à l'âge de 14 ans]. [Même si la justice pourrait aller plus loin, la peine ne serait pas très très grande. C'est un sursis, quoi]. Sont quand même des actes assez graves, donc [c'est pour ça que, la justice, je ne sais pas trop si vraiment ça sert à quelque chose. J'ai l'impression qu'en dehors du fait qu'il y aurait une audience au tribunal, qu'ils prennent des décisions (...). Ni du côté de la punition, ni du côté du soin ou de la remise en question de ces personnes... il n'aura pas grand chose]. Mais bon, en tant que victime il y a un moment où il faut pouvoir agir, faire quelque chose. Autrement on reste victime. — Donc la réaction c'est aussi une façon de... De sortir du rôle de victime, je crois. — Ça fait partie du processus de réhabilitation? Sans doute.</p>	<p>Aknowledge the victim status</p> <p>Self-blame</p> <p>Police would be unable to solve my case</p>
<p>YES, SOMETIMES</p>	
<p>28. [Oui, il y a des flashes. Parfois ce n'est pas tellement chronologique]. Il y a des moments où je n'y pense pas, où je suis très occupée. Par contre, il y a des fois où je peux avoir deux ou trois flashes par jour, par matinée même. [Ça dépend si je suis plus fragile, plus triste. Ça dépend de mon état d'esprit mais ça revient assez régulièrement]. Avant j'étais une bonne dormeuse, j'adorais aller au lit. Ces dernières années (...). [Je n'aime pas aller au lit. J'ai presque peur d'aller au lit. C'est un moment où je me sens plus sensible et plus vulnérable et puis où j'ai le temps de réfléchir aussi]. C'est plutôt la crainte de dire, voilà, la journée est finie, j'ai le temps de penser.</p>	<p>Ordinary activities</p>
<p>29. Plus maintenant, mais après que j'ai fait un traitement de deux ans avec un psychologue. [Oui, quand ça va mal je pense. Avec les études déjà, quand les examens arrivent, on est un peu stressé. Aussi on y pense quand les</p>	<p>Ordinary activities</p>

<p>jeunes de mon âge, ils ne font pas attention, ils rigolent sur des gestes par exemple, ces geste comme ça (...). Donc il suffit que quelqu'un, sans faire exprès, fait comme ça, alors, là on est, ufa!]</p> <p>— Tu ne te sens pas bien.</p> <p>Non.</p> <p>— Et tu dors bien ?</p> <p>Maintenant oui.</p> <p>— Combien de temps après l'agression tu n'as pas bien dormi ?</p> <p>Pendant une année. Il m'a fallu un an.</p>	
<p>44. Je peux en parler normalement mais c'est quelque chose qui fait partie de moi. C'est un peu omniprésent, dans un certain sens.</p> <p>[Ça ne me fait pas spécialement souffrir d'en parler mais souvent les émissions, ça me touchera plus. Ça me démunira un peu de voir les émissions là-dessus. À la base, si je me sens mal je repense un peu donc il faut qu'il y ait un événement déclenchant].</p> <p>[Je me sens coupable. J'avais été rejoindre une copine dans sa chambre, je me sens coupable d'être allée parce que mes parents mon toujours interdit plein des choses (...) Plein d'interdictions et ça j'ai fait derrière le dos de mes parents. J'aurais pu éviter dans l'absolu. J'aurais pu éviter d'aller dans cette chambre et puis je ne l'ai pas fait (...). La pression aussi de dire que j'ai désobéi à ma mère. Je me suis sentie doublement coupable]. J'ai dit non, non, il n'a pas tenu compte. À partir d'un certain moment [je ne me suis plus défendue. J'avais trop peur. C'est pour ça aussi que je me sens coupable parce que j'étais tétanisée et je n'étais plus capable de rien faire].</p>	<p>Ordinary activities</p> <p>Self-blame</p>
<p>NO</p>	
<p>27. Non, plus j'arrive à mettre des barrières, à me protéger, à avoir l'impression d'arriver à protéger les enfants, moins j'y pense.</p>	
<p>30. Jamais. J'étais une personne assez violente quand j'étais jeune, j'étais assez agressive. Donc je pense que je n'ai pas aperçu de façon très difficile les autres deux agressions que j'ai subies.</p> <p>— Dans la rue par des agresseurs inconnus?</p> <p>Oui.</p>	
<p>41. Quand je suis rentré, je me sentais un petit peu paranoïaque. Je me suis dit: "Il faut que je parte de cette ville". C'était un moment spécial. [Maintenant plus vraiment. Maintenant ça me fait sourire. C'est une belle histoire à raconter. Je me dis toujours qu'il peut nous arriver pire. J'étais en bonne santé, ils ne m'ont pas touché, j'ai dû courir, j'étais épuisé, j'ai vomi quand j'étais au dessous de la voiture... mais j'étais quand même en bonne santé. J'étais content d'avoir vécu une expérience qui m'a fait peur mais j'ai su m'en sortir].</p> <p>[C'est aussi là: quand on se focalise sur le fait qu'on est qu'une victime, ça dépense trop d'énergie. Il faut se rappeler qu'on peut être victime de quelque chose mais on est là, on mange, on boit un chocolat chaud et il fait trop froid dehors et puis...c'est agréable! Donc la vie, elle est quand même belle. Quand on rentre à la maison, on a une personne qui nous aime (...)].</p>	
<p>45. Non, je peux l'oublier surtout parce que je fais des choses qui m'intéressent beaucoup, donc je peux ne pas y penser. Je dirais c'est guéri, je n'y pense pas comme ça mais [parfois, dans les circonstances, il y a juste un geste, juste un acte. Un geste dans le quotidien (...)]</p>	

7.2. Avez-vous des cauchemars ou de rêves étranges? Avez-vous des troubles de sommeil?

8. Avez-vous peur à cause de la violence subie ?

YES	
24. [Je ne me sens plus en sécurité nulle part].	Feelings of insecurity
25. [Après cela, je n'osais plus tenir tête à mon mari, j'avais peur de lui mais sans vraiment en avoir conscience]. Après cela j'ai accepté beaucoup de violence psychologique et j'ai eu beaucoup de peine à demander une séparation, puis le divorce.	Fear the criminal
27. Au début il avait quelqu'un qui venait me chercher à la sortie du travail parce que j'avais vraiment peur. Ça m'arrive. [Si je suis toute seule à la maison et que je vois sa voiture devant la maison, je peux avoir quelques angoisses en disant : "Si ce soir il décide d'appeler les enfants, il va voir tout de suite que je suis toute seule]. Est-ce qu'il risque de débarquer?". Et puis après, ça me passe assez vite. [Franchement j'ai moins peur qu'avant. Je ne crois pas qu'il pourra me faire du mal (...)]. Il peut m'angoisser, rentrer chez moi, mais il ne va pas me taper.	Fear the criminal
28. Aujourd'hui je n'ai plus peur de lui, parce que ça fait un bon moment que je ne le vois plus, que je ne le croise plus, je ne l'ai plus eu au téléphone donc je ne sais pas où il est. (...) [Je n'ai aucun problème à être avec des gens en société, aller manger, boire un café. Mais si c'est pour une relation affective, je pense que j'ai encore des problèmes. Je me sens mal à l'aise par rapport à mon propre corps. Je n'ai pas peur d'autres hommes mais j'ai peur de ce que ça se passe comme avant]. Il n'y a aucun problème si quelqu'un me touche. Du moment où ça dépasse un certain stade, là ça devient difficile pour moi. Là j'ai une crainte et j'ai une certaine méfiance.	Changed habits
29. J'ai encore peur [mais c'est de la peur s'il y a quelque chose qui ressemble, comme justement un geste qui ressemble à celui que j'ai connu. Où s'il y a une situation, si je suis de nouveau enfermée dans un endroit et que c'est possible que quelqu'un me fasse du mal]. Je n'aurais pas peur dans la situation complètement inverse, si je suis qu'avec des femmes, mais [si je suis avec un homme et que peut-être il fait un geste brusque... là j'aurais peur]. C'est dans une condition spéciale.	Ordinary activities
31. Un petit peu quand même. Oui et non. Parce qu'il ne m'a jamais agressée, il n'a jamais été violent, il n'a jamais eu de force. C'était que de la violence psychologique, parce que moi je vois comme ça. [En fait j'ai peur de ma réaction en disant que ces dernières années tout ce que j'ai sentais (...) s'est vraiment accéléré et je sens de plus en plus de la haine, ce que je ne ressentais pas avant. Et si je le croise, j'ai envie de le frapper. Je peux m'énerver]. Je l'ai croisé d'ailleurs, je suis allée vers lui et je l'ai affronté directement parce que là c'était un peu de la mauvaise chance parce que je l'avais croisé deux fois en trois jours. Je l'ai traité de pédophile. J'ai dit à sa copine: "Mais tu sais qu'il est un pédophile? On n'a plus eu de contact mais à chaque fois que je le croise, j'ai les jambes qui tremblent.	Other forms of fear
NO	
33. En fait je pense que maintenant que j'ai grandi je ne ferai pas la	

<p>même erreur. Et je n'ai pas été forcée, en fait. C'est juste que je n'avais pas les armes dans mes mains pour pouvoir dire "non" à ce moment-là. Pendant des années j'ai vraiment eu peur en fait (...)</p> <p>[J'avais très peur d'une maladie. Des fois je tremblais et j'avais des crises d'angoisse. De 13 à 18 ans je pensais que j'avais le SIDA parce que je n'étais pas sûre que ce fût protégé. Dès que j'avais un petit truc je pensais déjà que c'était un signe, et puis à 18 ans j'ai fait le test et j'ai vu que c'était négatif].</p>	Other forms of fear
<p>41. Je me sens généralement en sécurité, peut-être un peu trop, je fais trop confiance (...). En Suisse je n'ai pas de peine. [Mais je dirais qu'il y a des comportements dont je me méfie. Si on est trop sympa, si on me rend service, ce genre de chose, maintenant je regarde deux fois].</p>	Changed habits
<p>42. Je n'ai pas peur de rencontrer des gens. [J'ai peur de vivre tout simplement en fait, je n'ai pas forcément peur des autres, mais de moi-même].</p>	Other forms of fear
<p>44. Je n'ai pas peur des hommes parce que j'ai plus envie de prendre une revanche. En fait [je suis un peu agressive avec les hommes]. Ce n'est pas comme dans le film, on regarde vite on dit: "On va réagir, on va faire si". J'avais vraiment peur, j'ai dit: "Non, non". Il n'a pas tenu compte. À partir d'un certain moment je ne me suis plus défendue, à part avoir dit non et vouloir partir, après je ne me suis plus défendue parce que j'avais trop peur (...). Mon corps était différé, enfin il y avait mon corps et puis il y avait moi (...). Je voulais juste que la chose soit finie et que je parte.</p>	Changed habits

9. Avez-vous, une fois ou l'autre, éprouvé un sentiment de vengeance envers le(s) criminel(s)? Commettriez-vous un acte de violence envers le(s) criminel(s), dans l'hypothèse où vous en auriez la possibilité?

YES	
<p>23.1. [Je reconnais que j'ai un peu de la haine. Pas physique]. Ça c'est quelle chose que j'ai voulu faire quand j'étais adolescent. Je voulais tuer mon père. [Mais je reconnais que j'ai gardé au moins quelque chose de violent à l'intérieur].</p> <p>(...) Ma mère, elle était une femme soumise. Bon, les filles elles ont appris à être soumises. [Je reconnais que j'ai un sentiment comme ça, très dur. (...). Des fois je me dis: "Mais tu es mauvaise". Mais après je dis: "Non, c'est lui qui a été mauvais]. C'est juste qu'il paie. Est-ce qu'on appellerait ça de la vengeance? Peut-être aussi, je ne sais pas ! Moi, je pense que c'est de la justice.</p> <p>[Enfin que je réagis aussi, parce que tellement d'années on n'a rien osé dire et on se prend encore nous comme coupables. Maintenant je mets la culpabilité où elle est]. Donc je suis dure vis-à-vis de lui.</p> <p>— Donc le sentiment de culpabilité était présent.</p> <p>Ah, oui, des années, des années. Jusqu'à la thérapie mais ça a très duré et ça revient vite si je ne fais pas attention.</p>	<p>Anger</p> <p>Self-blame</p>
<p>24. Oui. [J'aurais tout fait pour essayer de les arrêter et appeler la police].</p>	Regret

25. J'ai ressenti un sentiment de vengeance mais [j'ai surtout regretté de ne pas avoir osé parler et su me faire respecter].	Regret
29. Oui, [je regrette des fois de n'ai pas avoir porté plainte pour qu'il ait le mal d'être en prison] C'est la vengeance pour l'acte en lui-même, quoi. [Des fois je regrette maintenant (...) que lui aussi, il ait des problèmes, qu'il souffre un petit peu]. Sur le moment je ne voulais pas qu'il aille en prison. Je pense que j'avais déjà dans la tête qu'un mineur agressé, il risque d'envoyer son agresseur en prison.	Regret
30. 30.1. Envers les autres oui, mais pas envers mon père.	
33. Si je le rencontrais je pense que oui, là oui. [J'aurais envie qu'il reconnaisse ma souffrance. J'aurais envie de lui dire: "Tu te rends compte de ce que tu m'as fait?" (...) J'aurais une très forte envie de lui montrer tout le mal qu'il m'a fait et puis de me venger]. Il a agi comme si rien n'était. Et puis, il avait 23 ans, donc mon âge maintenant. Et je me dis: "Mais comment est-ce qu'il a pu me faire ça, alors que j'avais 13 ans?" [Comment? Il a pu penser à tout le mal qu'il devrait me faire. Je pense que je me mettrais en colère, je pense que je ferais quelque chose si].	Anger
45. Parfois mais je ne vais pas le faire. Tout le monde se cache un peu la chose. [On ne parle pas de la violence, on fait comme si ça n'existait pas et les Messieurs, qu'importe d'où ils viennent, ils continuent à faire leur carrière. Une est dévastée, et puis là, je continue. Voilà, aller à l'autre et au revoir. Et encore la fille, ciao, ça ne me concerne pas]. Oui, des fois j'ai envie de vengeance.	Repugnance
NO	
41. Je ne pense pas que je n'avais pas envie de me venger parce que je n'avais pas envie de retourner là. J'avais plus de chance de me refaire agresser que d'arriver à me venger. (...) [Révolte. J'avais l'impression de ne pouvoir rien faire. C'est pour ça que je n'ai pas eu un sentiment de vengeance. C'était une frustration]. Ils sont tellement bien organisés, on ne peut pas se venger contre eux. C'est un système.	Repugnance
44. A mon avis il ne s'est même pas rendu compte de ce qu'il faisait. Etant donné que je ne me suis pas défendue (...). Il savait mais en même temps il a d'autres mentalités. Il couche avec trente mille filles tout le temps. Du moment où je ne me suis pas défendue, je n'ai pas battu, je n'ai pas crié, il ne pouvait pas non plus savoir.	

10. Aujourd'hui, quel est votre sentiment par rapport au tort subi? Vous vous sentez ...

BETTER	
28. Je n'ai toujours pas réglé un certain nombre de points. Je pense que j'ai fait une bonne partie du chemin. J'arrive par exemple à en parler sans pleurer. Moi je me suis demandée si j'aurais pleuré pendant l'entretien.(...) Ça va mieux mais ce n'est toujours pas bon.	
30.1. [J'ai fait du traitement avec une psycho pendant quatre ans]. J'étais dans une clinique de réhabilitation pour des drogués pendant quelques mois.	
42. [Avec la thérapie ça va mieux parce qu'on parle effectivement]. J'ai repris mes études, mon retour en psychologie je ne sais pas si c'est vraiment (...). Mais je vais gentiment. Il y a peut-être un lien. Disant qu'il y a du mouvement qu'il n'y avait pas avant. Avant c'était	

figé, qui ne bouge pas, comme de la glace.

— Le fait de parler sur le sujet a déjà commencé à aider un peu, j'imagine?

Oui, et puis le regard de l'autre, comment est-ce que la personne prend les choses? Est-ce qu'elle me restitue? C'est important.

44. Beaucoup mieux. C'est un événement qui est clos. Peut-être ça serait bien d'aller voir un psy pour bien juger et vraiment clore totalement l'affaire... Mais c'est quand même passé.

WORSE

31. Il y a eu une évolution quand même. Les premières années, je ne me rendais pas compte. Plus les années passent, plus ça me touche.

NOTHING HAD CHANGED

25. J'ai les mêmes sensations que lorsque j'ai subi la violence.

OTHERS

24. Ni meilleur ni pire. J'y songe encore beaucoup. Heureusement qu'il n'y a pas eu de séquelle physique.

33. [Je n'étais vraiment pas bien et puis il y a trois ans je suis allée chez le psychiatre, on en a parlé et puis ça m'a vraiment sauvée dans le processus]. J'ai fait une thérapie parce que j'avais très peur d'une maladie (...) Alors je suis allée chez le psychiatre pour savoir d'où ça venait et puis il m'a dit, il m'a appris que c'était mon sentiment de culpabilité par rapport à ça qui restait et qui sortait d'une autre manière et que c'était pour ça que j'avais encore très peur d'une maladie. Malgré le fait que je savais que je n'avais pas le SIDA. Et puis depuis ce jour-là je n'ai plus eu des crises d'angoisse, en fait. Donc, je me suis sentie soignée. C'est bon maintenant, je peux continuer, je suis guérie, je me sens bien.

45. Je ne me sens pas mieux, je me sens bien, parce que finalement j'ai su où m'adresser pour avoir de l'aide.

12. Chercheriez-vous/collaboreriez-vous avec la justice dans une situation pareille à l'avenir?

YES

23.1. Il faut dénoncer. On ne peut pas laisser faire. Si c'est juste c'est vrai. Même pour mon père il a 80 ans, on pourrait dire on fait ça à 80 ans, mais même pendant toute sa vie il a dominé, il a maîtrisé. Il a fait du mal et puis je n'avais rien à dire à personne. Ce n'est pas juste. J'aurais dû faire beaucoup plus vite, ça je sais. Du côté d'abus sexuel il faut faire quelque chose. Autrement toute sa vie entraîne ça.

Et puis LAVI, je dirais dans tous les cas, pour en parler, pour avoir un avis professionnel.

29. Je pense que oui. [Pour avoir, justement, sans devoir expliquer, avoir une reconnaissance de victime de tout le monde].

42. S'il y a une agression flagrante il faut quand même aller porter plainte. C'est nécessaire par rapport aux règles de la société. Maintenant est-ce que ça a vraiment une implication dans la guérison? Je n'en sais rien.

45. Tout de suite et je dirais à tout le monde d'aller tout de suite à la police.

NO

30. [Je ne comprends pas très bien leur rôle. Je pense que c'est mieux de faire soi-même. Pas pour tous les cas, bien sûr. Pour les cas moins graves, des petites agressions, des lésions corporelles, je ne chercherais pas la police. Sauf pour les cas plus graves, avec plus de dégâts matériels, aussi pour me faire rembourser. La police est comme un garde-fou, s'ils ne sont pas là, ça serait pire. Ils sont là pour empêcher, le rôle de prévention, mais ça n'empêche pas les gens.] Ça dépend du passé des gens mais pour moi ils sont inutiles. Ils sont des garants mais je ne m'adresserai jamais à eux. Ils sont super arrogants, ils pensent qu'ils sont supérieurs, qu'ils ont plus de droits. Porter plainte contre eux, c'est impossible, c'est un état dans l'état.

41. [J'ai de moins en moins envie (...) Ça rentre dans les statistiques. Également la politique de certains partis qui sont très axés sur le côté sécuritaire et qui joue beaucoup aussi sur les effractions (...) Notre sécurité aussi est extrêmement liée à ce qu'on possède] (...) J'ai plus peur qu'un jour on rentre dans un système qu'on fasse de plus en plus de prison, ou pour un oui ou pour un non, vous êtes observé (...). On vous juge (...). Sachant que ça rentre dans les statistiques, je n'ai pas envie. Trop de gens actuellement sont contents de dire: "C'est de plus en plus dangereux, il faut doubler l'effectif des policiers". Un, ce sont de choses qui coûtent tellement cher. Deux, je ne crois pas que c'est en doublant le nombre ni des policiers ni des avocats qu'on va régler les frustrations qui sont liées à certaines inégalités et à certaines stigmatisations (...) Je ne fais plus confiance. Je chercherai des médiateurs. Je sais que la justice fait de plus en plus de conciliation.

— Mais il faut porter plainte.

Oui, et ça coûte cher.

OTHERS

27. Ça c'est difficile. Je pense qu'aujourd'hui, s'il avait de nouveau des geste plus violent, de rentrer chez moi pendant la nuit, de me prendre par le bras pour me faire du mal (...). Je ne dis pas oui, mais [je pense que j'hésiterais plus fortement. Et qu'effectivement là je me dirais, un juge me servirait cette fois pour lui dire: "Maintenant ça suffit, stop. Vous n'avez pas le droit"]. Et puis surtout quand ça devient très violent après deux ans de séparation. On n'est plus dans une relation où on pourrait imaginer, comme ils m'ont dit au SPJ, qu'une séparation pourrait être douloureuse pour lui donc qu'il est malheureux et que le malheur l'a fait déraiper. Maintenant c'est bon quoi.

28. Je ne sais pas. [Peut-être que j'aurais cherché un centre d'aide mais je ne sais pas si j'aurais porté plainte aujourd'hui]. J'ai toujours un côté préservateur, même si moi j'ai eu mal et si moi j'ai souffert, je n'ai pas envie de faire mal à quelqu'un d'autre. [C'est-à-dire que la plainte c'est faire du mal?]. Pour moi dans cette logique là oui. Pas forcément la plainte mais les conséquences de la plainte.

33. [Peut-être, peut-être que je le dénoncerais, ça dépend]. Des fois, enfin, si je me fais voler un objet de peu de valeur, quelque chose qui n'est pas important je me dirais: "Bah, voilà! Je me suis fait voler! C'est tout". Et puis, si c'est quelque chose de plus important, si je me suis fait frapper, si on me vole mon ordinateur. Oui, je pense que j'irais à la police. [La police je pense que oui. Enfin, je pense que c'est son devoir d'aller poursuivre ce type d'infraction]. Ce n'est pas pour rien que c'est interdit.

[La société, je ne pense pas parce que j'entends toujours ça autours de moi. Tout le monde le critique, tout le monde pense que c'est bien de leur faute si elle se fait violer. Voilà, on est un petit peu les culpabilisées].

44. [Je ne sais pas. Il y a très peu de gens qui portent plainte parce que souvent on n'est pas pris au sérieux. Si tu n'étais pas battu, tu n'a pas reçu de coup de poings. C'est un peu ta faute donc il ne faut pas se plaindre. Une femme qui met une mini-jupe et qui s'est fait violer, c'est sa faute. Tout le monde dit: "C'est terrible mais de toute façon elle n'avait qu'à pas s'habiller comme ça. Elle avait qu'à réagir comme ça. On passe de lâche et de personne consentante. C'est un climat général de culpabilisation et de soumission. C'est toujours un peu de la faute de la victime].

EXTRA COMMENTS

29. Une fois on m'a dit que c'était une seule fois très violent comme ça. Un médecin qui m'a dit: "Ce n'est pas trop grave, c'était qu'une fois assez violent et puis ça va". Il devrait avoir une loi contre les gens qui disent ça. Je pense qu'on ne devrait pas donner un nombre de fois.

— Ou sous-estimé peut-être ?

Oui, c'est ça. Je lui ai toute de suite dit qu'il était un con et je suis partie. Aujourd'hui j'ai un autre médecin généraliste. Ça m'a trop enragé.

31. Beaucoup de gens croient que c'est de leur faute. Ça rajoute encore de la peine aux victimes, ça rajoute un autre problème. Je n'ai pas eu un sentiment de culpabilisation car j'étais bien entourée, par contre je sais qu'il y a d'autres victimes qui en ont.

41. Une victime c'est toujours dans un contexte, on n'est jamais isolé. Si on s'enferme trop en soit, et que l'on cherche absolument à se guérir, c'est qu'on n'a pas trouvé des explications. [On doit chercher des explications au monde qui nous entoure, à ce qu'il nous arrive. S'il nous arrive quelque chose d'injuste, on a besoin de comprendre. Aussi les victimes ont envie de se laver de toute sorte de culpabilité. C'est-à-dire, s'il y a eu quelque chose, on est habitué à ce que ce soit lié à une culpabilité, à une erreur commise. C'est qu'on pense que si on n'a jamais fait du mal, on ne mérite pas (...) Essaie de mettre la faute sur quelqu'un d'autre]. Faire souffrir quelqu'un d'autre, c'est faire un transfert. Ce n'est pas guérir, c'est se venger. Et on perd des fois tellement d'énergie à vouloir mettre la faute sur quelqu'un.

— Et chercher la justice?

C'est trop souvent vouloir réparer en faisant du mal ailleurs.

— Faire la justice c'est faire du mal?

Idéologiquement non, dans la réalité ça arrive (...). Finalement faire payer cher quelqu'un. Il faudrait qu'il le laisse discuter avec. Souvent on dit: "Vous êtes victime, il faut surtout que vous ne voyez pas votre agresseur". Mais la meilleure guérison on la trouverait en discutant, en faisant connaissance, la médiation. Le but de la justice c'est que les personnes aient de bons rapports, qu'on ne se sente pas trop coupable, ni trop victime. A faire le transfert j'ai l'impression que les gens se sentent très victimes et tout le monde est un petit peu perdus. Une justice qui soit à l'écoute du contexte, du passé des gens. Mettre quelqu'un en prison c'est détruire la personne. Finalement on ne répare pas jamais, on transfert.

42. Chaque victime doit faire son propre parcours, comme tout le monde. Il faut juste trouver un mouvement, trouver ce qui permet de sortir de l'immobilité parce qu'autrement on va vers le suicide, ça c'est clair. Il n'y a pas d'autre porte de sortie. Si on reste dans ses pensées, même si on ne se rend pas compte, c'est fini, donc je cherche du mouvement. (...) On parle de pédophilie toujours comme si c'était quelqu'un qui est à l'extérieure de la famille mais dans la majorité des cas ils font partie de la famille.

APPENDIX VIII – Overview of Brazilian Victims Interviewed

INT	Type of crime	Offender	Victim and case's description
00.	More than one offense: Aggravated assault	Partner	The interviewee was a victim of partner violence. He threatened, insulted, and assaulted her. He burned parties of her body, he locked her up at home and did not let her out and he left her for days without food. Police came to her house once, after being called by the neighbors; he opened the door and said that nothing had happened. Therefore they left without further inquiries. Finally, she reported the aggressions to the police when she once went to visit her daughter and she encouraged her to do so.
01.	More than one offense: Minor offenses	Partner	The interviewee was a victim of partner violence. When he threatened her and broke her property at home, she finally decided to report.
02.	More than one offense: Aggravated assault	Father	The interviewee was assaulted by her father several times, who insisted that he was doing it for her education. Her mother never supported her in reporting the crime and finally together with her sister who was also victimized by him, they decided to report to the police.
03.	One offense: Robbery followed by Homicide	Stranger	The interviewee's husband was murdered by two men who had tried to rob him in front of the university at a snack bar. Although this is a crime which should be prosecuted ex officio, she had decided to follow the investigation because days later the crime the police had not started the proceeding.
04.	One offense: Aggravated assault	Neighbor	The interviewee, along with her mother, was assaulted by a neighbor, as a result of a disagreement in front of their house. The police arrived and took everyone involved, including witnesses, to the police station where they started the proceeding.
05.	One offense: Aggravated assault	Neighbor	The interviewee and her mother were seriously assaulted by a neighbor as a result of a disagreement.
06.	More than one offense: Aggravated assault	Partner	The interviewee lived together for three years with her partner. Six months after moving in together, he became very aggressive. He used to drink, arrive home late at night and beat her. She left the house and decided to report the crime.
10.	More than one offense: Aggravated assault	Partner	The interviewee was married and had suffered several assaults. One day he beat her and locked himself inside the bedroom with her daughter. She called the police for help. They came and took her and the child to her mother's house.

			After that, she filed a complaint at the police station.
11.	More than one offense: Minor offenses	Partner	The interviewee was victim of partner violence. Her partner used to insult and threaten her. She decided to break up with him and reported to the police.
12.	One offense: Aggravated assault	Husband	The interviewee separated from her husband and left to go to her mother's house. Then her husband came by and punched her in the nose and insulted her mother. She went to the police and reported.
13.	More than one offense: Homicide, Rape	Husband	The interviewee was an indirect victim of homicide. His sister-in-law was raped and murdered by her husband in the presence of their 12 year old child.
17.	More than one offense: Rape and threat	Father	When the interviewee was 16 years old, during her vacation, she decided to visit her father who is divorced from her mother and lives in São Paulo. When she arrived, her father raped her and threatened her, telling her not to tell her mother. When she returned to Maceió, she told her mother and reported to the police.
18.	More than one offense: Rape and threat	Father	The interviewee is an indirect victim of rape. Her daughter was raped and threatened by her ex-husband.
21.	One offense: Homicide	Husband	The interviewee is an indirect victim of attempted homicide. Her 12 year old son was playing with his friends in the street when a man under the influence of drugs appeared and started to provoke the children. Her son told him to leave the place and the man reacted by shooting the child in the mouth. As a result, the child is now handicapped.
22.	One offense: Minor offenses	Ex-husband	The interviewee's two year old daughter was kidnapped by her ex-husband, the child's father. He had also threatened her saying that he would kill her if she called the police.
23.	One offense: Aggravated assault	Neighbor	The interviewee's neighbor accused her son of having stolen his wallet. She defended her son and they started to argue. As a result, her neighbor assaulted her and her older daughter.
24.	More than one offense: Attempted Rape, Aggravated assault	Neighbor	The interviewee was at home; suddenly a neighbor who had only recently moved in entered her house, locked her in the bedroom and tried to rape her. She reacted and defended herself, he had a knife and he seriously injured her. She continued to fight, he punched her in the face and left. She took her son (who was in the living room and had heard everything) and called her sister and next-door neighbor for help. They took her to

			the hospital and the next day she went to the police.
25.	More than one offense: Aggravated assault	Husband	The interviewee was married for eight years and had two kids with her husband. Since the beginning of the marriage they had experienced problems and serious of minor offenses. During the last series of aggressions, he assaulted her in front of many people in the street. She decided to report to the police.
26.	One offense: Homicide	Husband	The interviewee is an indirect victim of homicide. His parents had a discussion and his father tried shoot his mother. As a result, she was seriously injured and stayed in the hospital for three months and then died. Although this is a crime which should be prosecuted ex officio, he had to go to the police together with other members of his family to report and to ask the police to start the investigation.

APPENDIX IX – Content Analysis of Brazilian Victims’ Statements¹³¹

A POLICIA

3. De uma maneira geral, a Sra. / Sr. está satisfeito com a forma pela qual a polícia cuidou do seu caso?

YES	
10.[Eu fiquei satisfeita porque elas me atenderam direito], em momento nenhum elas criticaram nada, [elas me entenderam no momento que eu estava passando de aflição, estava nervosa. Elas me compreenderam], fizeram o B. O. e me levaram pra eu ter apoio de uma psicóloga no CAV.	Cared about the victim
12. Fui bem tratada, eu e minha família, [nós fomos ouvidas, né. Eu fiquei muito satisfeita].	Cared about the victim
25. No momento em que eu fui lá procurar a polícia, a polícia estava de greve. Aí eu fui na Delegacia da Mulher, [chegando lá, fui bem recebida. Chegando lá, muito bem recebida!].	Cared about the victim
NO	
0. [A polícia não se deu ao trabalho de investigar, ou se quer entrar na minha casa. Eu estava amarrada, ameaçada e ainda tinha o rosto cheio de marcas de pancadas. O policial falou com ele que disse que deveria ter havido um engano, fingindo que nada estava acontecendo.Ele ficou mais nervoso ainda e eu apanhei, além da ameaça à minha familia].	Lack of support and disrespect Lack of investigation
1. [Quando ele tomou conhecimento do endereço, ele já sabia do que se tratava e demorou muito a vir atender. Quando atendeu me tratou mal e independentemente de que eu voltasse ou não(...)independente do que fosse particular meu e do meu companheiro, ele teria que vir atender e não dizer: “Mas aquele caso novamente?”. Eu não gostei da polícia não(...)A chefe de serviço praticamente deu razão a ele. Inclusive eu olhei para ela e disse “isso aqui não é defesa da mulher”](...).Eu já fui com uma advogada e foi totalmente diferente o atendimento. Ela me atendeu melhor! Eu tomei a decisão que não queria mais aí foi quando eu fui pra delegacia e eu disse então não existe delegacia de defesa. Não gostei em hipótese nenhuma do trabalho da Delegacia das Mulheres.	Lack of support and disrespect
2. [O fato de você ter que chegar até a delegacia já existe um constrangimento(...)você é vítima de um crime, você é mulher e ao invés de lhe atender uma mulher, quem lhe atende é um homem(...)perguntam em voz alta: “Qual o seu problema?”. Primeira coisa assim é o constrangimento(...)A mulher que fez o B.O, no momento em que eu fui falar o que aconteceu, quis de alguma forma influenciar para que eu não fizesse: “Não, porque é seu pai, ele tem direito de fazer isso. Eu também	The gender aspects of police’s intervention Social reaction and support

¹³¹ As explained in chapter two, the victims’ quotes and the protocol are in the original language of the interviews (Portuguese). The coded replies as well as the major themes identified during the content analysis are in English. We used:

- Brackets [...] for meaningful/important information;
- Different colors to identify the themes;
- Parentheses and dots (...) in order to demonstrate that the interviewee’s original reply to the question was only partially transcribed to the analysis.
- Hyphen (—) to identify the interviewer’s questions or comments within the interviewee’s quote.

<p>por parte da família do acusado com o delegado(...) Porque não é possível uma coisa dessa. Ser tratado com tanto descaso!].</p>	
<p>18. [Ele era procurado da Justiça. Então tinha alguma coisa aqui que ia incriminar ele quando puxasse na delegacia. E quando ele chegou, foi logo falando com todos, então quer dizer que ele já conhecia o pessoal da delegacia. E quando foi colocado lá o sistema que puxa, não constava nada. Então a gente que conhecia, sabia que tinha alguma coisa errada. A gente não tinha como entrar na sala, ver como saiu, nem acusar de que eles estavam coniventes com ele, mas a gente sabia que havia uma conivência do pessoal da delegacia com ele(...) De acordo com isso, disseram que ele não podia ficar preso, soltaram(...)Dava para sentir a indignação, porque a gente estava ali procurando a justiça e nós éramos a vítima e quem estava sendo tratado como vítima era ele. A gente chegou ali de manhã cedo, 8:00 horas da manhã e saiu mais de 6:00 horas da tarde. E passou o dia lá, todinho, todinho, todinho. Passou a manhã todinha lá sentada esperando para ser atendida](...)A polícia civil do estado de Alagoas é como se fosse uma coisa a parte. [Você pode sofrer o que for, mas se aquela pessoa que lhe agrediu tiver um conhecido dentro daquela delegacia, eu digo CIAPC, não sei outra delegacia, mas CIAPC, pode ser 1, 2 ou 3, se tiver um conhecido ali, ele é acobertado].</p>	<p>Corruption</p> <p>Blame</p> <p>Lack of support and disrespect</p>
<p>22. Não. Eu não fiquei não! [Porque eu tive que penar muito, eu fui lá umas 10 vezes naquela Delegacia, porque eles julgam, que todas as mulheres que vão denunciar, vão lá retirar queixa, mas não é assim: cada caso é um caso, eles têm que ouvir cada caso! Eu fui tratada mal, inclusive levei até alguns desaforos].</p>	<p>Underestimate the violence</p> <p>Lack of support and disrespect</p>
<p>24. [Aí, eu não fiquei não satisfeita, eu acho que eles tratam com muito descaso(...) Eu estava lá toda machucada, não podia sentar, nem ficar em pé(...) Eu acho que foi descaso mesmo. Eles não tiveram nenhuma preocupação de saber o que era que tinha acontecido, o que tinha sido o caso para me separar, me colocar em outra área. Me colocaram lá junto com as mulheres que tinham sido agredida pelos maridos.]. E de certa forma eu fiquei constrangida. [A pessoa que recebeu já estava tão acostumada a ver um monte de mulher, acho que ela pensou que era meu marido que tinha me agredido].</p>	<p>Lack of support and disrespect</p> <p>Underestimate the violence</p>
<p>26. [Insatisfação, a sensação de impunidade. Fomos a Delegacia das Mulheres e essa delegada falou que em pouco tempo ele estaria solto, porque nós não tínhamos provas suficientes que tinha sido ele que tinha feito aquilo, aí veio a insatisfação(...)A minha família ficou em depressão, todo mundo sentindo a sensação de impunidade, os vizinhos(...) porque como uma pessoa(...)estava na cara que tinha sido ele, tinha testemunhas. Mesmo assim a delegada disse que ele ia ser solto]. A primeira delegada não nos atendeu bem, a gente ia falando com ela e iam surgindo as dúvidas. Aí a gente voltava para falar com ela de novo, mas nem sempre ela atendia, dizia que estava ocupada(...) A segunda já foi mais prestativa. A primeira não demonstrou interesse em ajudar(...) como eu posso dizer(...) [Ela era neutra. Indiferente. Eu acho que ela tratou aquilo como algo comum, que aquilo ela já estava acostumada a ver e as pessoas geralmente deixam na mão da Justiça e não procuram saber].</p>	<p>Lack of support and disrespect</p> <p>Lack of investigation</p> <p>Underestimate the violence</p>

CEAV

4.3. A Sra./Sr. Poderia falar da assistência oferecida pelo CEAV Crime? Quais foram os benefícios concedidos ?

4.3.2. De uma maneira geral, a Sra. / Sr. está satisfeito com a forma pela qual o CEAV Crime cuidou do seu caso ?

4.4. A Sra. / Sr. acredita que o apoio do CEAV tenha lhe ajudado a minimizar as consequências da violência sofrida?

YES	
0. O CEAV foi um verdadeiro apoio. [Fiquei muito satisfeita com o atendimento de modo geral. Gostei muito do psicólogo, o apoio foi imprescindível(...)eu vivia em constante medo].	Increases self-confidence
1. Com o CEAV? Super satisfeita! Sem dúvida. Todos me atendiam bem, além de protegida, [eu me senti, é uma fortaleza. Qualquer coisa eu vinha, tinha psicóloga, eu tinha com quem conversar. Eles nunca deixaram de acompanhar meu processo].	Increases self-confidence Counseling and listening Legal advice
3. [O Dr. E. ficava me orientando como eu devia me comportar dentro da delegacia, o que eu podia dizer, o que eu não deveria] mesmo que eu ouvisse uma coisa que me desagradasse(...) [De certa forma ajudou porque quando eu cheguei no CAV eu estava debilitada, sem dormir, meus filhos já estavam ficando sem paciência porque eu não queria fazer nada, não queria ir para lugar nenhum. Depois da terapia, eu comecei a voltar um pouco da vida normal].	Legal advice Increases self-confidence
5. [Foi o único canto que eu fui bem recebida, só foi aqui no CAV], mas o resto, foi tudo diferente. O resto para mim foi tudo falho. Fiquei bem satisfeita. Porque eu achei uma casa. Me apoiou, todo o apoio. [Escutavam, me deram conselhos, conversavam comigo, foram na minha casa(...)].	Counseling and listening
6. Fui muito bem atendida, nossa! [Foi como se fosse uma família, uma nova família. Fui muito bem atendida na hora em que eu mais precisei, eles me deram o maior apoio, em todos os setores]. A maneira como eles tratam a pessoa passa uma segurança, né? Me senti mais protegida.	Counseling and listening
10. [Elas demonstraram bastante interesse(...)Do lado da gente, tiveram bastante interesse no assunto da gente(...)dava alguma opinião, para gente não se atrapalhar no momento quando tivesse audiência com o juiz], com a psicóloga(...)o advogado junto para a gente não focar, ansiosos nem falar demais(...)Eu gostei! Fiquei muito emocionada, gostei muito, porque realmente ele agiu mesmo no momento certo e na hora certa e deu uma palavra correta mesmo, porque naquele momento se fosse outra coisa, eu não sei o que seria de mim. Com certeza! [Porque me tirou do fundo do poço que eu estava já morrendo, me acabando pela minha filha]. Eu pensava que minha filha ia passar o final de semana com meu ex-marido, eu ficava aflita como seria o dia de amanhã, como é que ela vinha, por causa da violência que a gente sofreu.	Counseling and listening Legal advice
11. Hoje, meu único ponto de resolver alguma coisa ainda é o CAV. [Mas tem lugar que você chega que você não consegue nem contar o problema	Counseling and listening

todo, mas aqui não, eu fui escutada do começo até o final].	
12. [Me atenderam super bem, conversaram comigo, me perguntaram o que foi, me encaminharam para o Poço, disseram que ia ter advogado especificamente só pra isso, para ir lá no 3º Juizado Criminal, que ia me defender]. Também me ofereceram cursos, só que também eu não estava podendo fazer. Eu gostei muito!	Counseling and listening Legal advice
12. Sim, teve. [Eles conversaram comigo, me passaram palavras amigas. Gostei mesmo].	Counseling and listening
17. [Eu estava com medo até de sair na rua] e tudo, e do jeito que ele é poderia mandar alguém fazer alguma coisa comigo, com minha família, aí eu tinha medo de sair na rua, só vivia dentro de casa, aí eu senti uma melhora muito grande].	Increases self-confidence
18. [Pelo menos eu sabia que qualquer coisa, qualquer problema que houvesse, eu tinha um lugar para ir, um lugar aonde buscar apoio]. Não precisei, mas sabia que qualquer problema eu podia buscar apoio.	Counseling and listening
22. Foi ótima, foi ótima. [A primeira vez que eu cheguei aqui eu estava muito nervosa, aí a atendente lá me deu água. Eu fui comentar alguma coisa, aí ela falou: “Não, você não precisa falar aqui essas coisas. Você vai conversar com o advogado lá dentro. Não precisa se expor”. Aí eu achei muito interessante isso, porque geralmente você chega na atendente para marcar alguma coisa, quer saber do que se trata primeiro(...) Não, ela me deixou bem à vontade(...) [e quando chegou na audiência do fórum, eu estava muito mais nervosa, e saber que eu estava com um apoio jurídico perto de mim, foi ótimo! Eu me senti amparada! Foi muito importante a presença dela].	Counseling and listening Legal advice
23. Foi bom! Na época eu não teria condições nem de conseguir um médico pra fazer a minha cirurgia. Aí eu também consegui outros médicos. Foi bom! Me ajudou muito e até hoje ainda me dão assistência. [Quando a gente está aqui, pelo menos a gente tem para quem reclamar, alguém para conversar, se acontecer alguma coisa a gente tem quem oriente para atitude certa. Às vezes a gente não sabe como agir, principalmente quando a gente é uma vítima que está muito frágil]. Uma proteção, uma conversa, é muito bom! Porque no momento a gente não sabe o que fazer, como agir.	Counseling and listening
24. Na época a psicóloga era L., [foi ela que me ajudou, porque eu não saía de casa, estava com medo de tudo e foram eles que ajudaram]. Ajudou e muito! É como eu disse: [antes dela ir lá, eu não estava saindo nem(...) Se você tivesse ligado para mim eu não conseguiria vir sozinha de ônibus. Eu saía assim, na luz do dia, acompanhada de pessoas, mas sozinha, eu não saía! Mas foi depois do tratamento que eu comecei a melhorar].	Increases self-confidence
25. Olhe, pra ser sincera, eu acho! [Porque eu não tenho condições de pagar um advogado, então o CAV me ajudou e está me ajudando até agora. Foi porque quando a gente passa por um negócio desse, mexe muito com o psicológico da pessoa, a gente pensa muito em fazer besteira. Eu tive apoio, eu tive!]. Diminuiu. [A gente sozinha é uma coisa, a gente com ajuda de outra pessoa é outra coisa].	Legal advice Counseling and listening
26. Eu considero que o CAV nos apoiou muito, por isso nós temos a maior consideração por vocês, quando vocês ligaram, minha tia disse logo “Olhe, vá lá que eles foram muito prestativos”. [Não imaginava que ia ser	Counseling and

tanto, por ser uma entidade pública, e a gente não está pagando pelo serviço de vocês. Pelo contrário, vocês sempre estavam ali, quando menos esperava vocês ligavam: “Olhe, vai ter audiência(...) se você precisar a gente vai estar aqui esperando você, oferecendo psicóloga e tal”].	listening
26. [Eu tinha espaço pra falar]. Só que no momento do ocorrido, eu me encontrava muito traumatizado. Eu procurava não falar muito, eu não gostava de lembrar o que estava acontecendo.	Counseling and listening
OTHERS	
2. Faltou um pouquinho mais de esclarecimento, um pouquinho mais de conversa com relação a lei. A assistência seria o serviço social, informação seria o jurídico e apoio, o psicológico, então eles não trabalharam assim, em conjunto. Eu não poderia dizer sempre por conta da questão judicial.	Lack of legal advice
13. Não deu atenção maior, por causa das dificuldades que o CAV está tento. O apoio foi dentro do normal, né? Nós somos de uma cidade aqui próxima, não somos de Maceió, ela também falou dessas dificuldades por morarmos longe. Não, não, ainda está deficiente. Nossos contatos foram poucos. A gente vinha aqui, para o menino ser assistido psicologicamente, aí procurava saber como estava indo, aí me informavam que estava no aguardo da decisão da Justiça.	Lack of legal advice

O JUIZ

5. De uma maneira geral, a Sra. / Sr. está satisfeito com a forma pela qual o juiz cuidou do seu caso?

YES	
10. Eu fiquei satisfeita muito, viu! Sabe porque? [Apertei assim na mão dele e disse: “Muito obrigado, Deus que lhe abençoe”]. Porque realmente ele resolveu mesmo meu problema, meu processo. [Mostrou interesse e muito, como um pai, como um pai mesmo].	Cared about the victim
12. Com certeza, [ele foi sempre à favor de mim].	Cared about the victim
17. Fiquei satisfeita porque [ele mostrou interesse em saber o que realmente tinha acontecido, quando minha irmã falou que era tudo mentira, ele prestou muito atenção], aí eu falei a verdade o que tinha realmente e o que não tinha(...)Ele colocou ela contra a parede pra ela falar a verdade(...)[Eu fiquei satisfeita porque ele deu uma pena para ele cumprir].	Cared about the victim
24. Na verdade eu estava tão abalada que eu só dei meu depoimento e saí. Eu não quis nem ficar para participar de nada. [Tratou bem. Até me deixou muito à vontade para eu falar. Quando eu começava a chorar ele aguardava, pedia para eu tomar água, para eu continuar o depoimento. Ele me tratou bem]. Só pediu para eu falar alto, para que todo mundo que estivesse na sala ouvisse(...) [Eu não notei nenhum tipo de preconceito, nem hostilidade, nada.].	Cared about the victim
25. [Não sei se só foi comigo, mas comigo ele foi a favor, porque o agressor chegou até a ser preso lá na audiência mesmo]. Porque ele tinha a ficha suja já, foi uma coisa que aconteceu com ele em 1997. Eu achei que ele era a favor da pessoa que é violentada.	Cared about the victim

26. [Na hora do meu depoimento, teve coisas que eu não me lembrava, que ele me fez lembrar, o juiz. A gente ficou muito satisfeito! Aí no momento do depoimento dele, eu não estava presente, e no momento do meu depoimento, o juiz pediu para que ele se retirasse. Eu achei que isso foi um tratamento diferenciado e isso foi bom].	Cared about the victim
NO	
2. [Ela me tratou de forma áspera]. Acho que ela me comparou aos filhos dela que chegam e saem, essas coisas..[Achei que foi mais como uma coisa banal, que acontece todos os dias].	Disrespect Disregard
4. [Porque ela não tratava bem as pessoas. Era como quem tinha preconceito(...)] Ela não tratou a gente bem. Tratou a gente com ignorância. A gente não podia falar nada, ela não escutava a gente, ela não dava o direito da gente de falar. Dava direito mais ao agressor do que para a gente que foi vítima]. Ele foi mais bem tratado do que a gente que foi a vítima.	Discrimination Disrespect
5. [Porque eu não fui bem recebida. Porque até que a gente não pode falar. Eu fui falar que ele era acostumado a fazer essas maldades (...) A juíza não gostou, me expulsou da sala, porque eu fui falar a verdade]. Eu disse: “Olhe Dra., ele é acostumado a fazer isso. Eu não sou a primeira vítima dele. Se for pesquisar, ele é acostumado a fazer isso! Se a senhora for procurar a senhora vai descobrir muita coisa dele”. Ele disse: “Essa mulher é doida! Isso é uma doida!”.[Aí ela disse: “Fora! Saía daqui da minha sala, vá para fora!”. Não quis ver nem minhas testemunhas, mandou minha filha logo para lá. Não olhou se minha filha estava doente]. Depois dessa pancada na cabeça a minha filha está doente(...)ela só vive vomitando, e ela botou minha filha para trabalhar para pagar cesta básica.	Disrespect Lack of interest or lack of a thorough investigation
6. Mas um dia quando eu saía do Fórum, encontrei na porta com ele. Ele disse: “Acima do juiz está a lei da bala”. [Eu voltei para o Juiz para dizer o que tinha acontecido. O juiz de maneira ríspida, falando alto e na frente de todo mundo me acusou de tentar pressioná-lo, forçando a situação, o que me deixou terrivelmente decepcionada]. [Acho um absurdo o agressor estar solto e a demora nas buscas, enquanto eu que nada fiz estou com medo de sair de casa]. Mas ainda acredito na Justiça e que meu caso vai ser solucionado. Eu poderia ter feito justiça com as próprias mãos, pois ele também dormia e eu poderia fazer algo a ele. Mas preferi confiar meu caso as autoridades, tendo fé que será resolvido].	Disrespect Proceeding is long and slow
21. Só teve uma primeira vez audiência. Mandou o menino tirar a roupa, mandou ele levantar a roupa. O juiz queria colocar frente a frente com ele, eu não quis não! Nem eu nem meu filho! Quis não! Posso não! Ficar de frente com esse homem? Deus me livre, meu Deus! Eu disse: “Não seu juiz, eu não quero não! O senhor atenda ele primeiro, que eu me escondo aqui nesse quarto”. [Ah, eu estou achando que está demorando, demorando assim, para saber quantos anos ele vai pegar, para saber! Pouca informação! Porque eu queria saber, porque já completou um ano].	Proceeding is long and slow Lack of information
22. [Não é como eu esperava. Porque a sentença, ela é muito, como é que eu posso dizer, maleável contra o acusado, porque pode ser que ele pense que hoje em dia seja muito fácil. Eu acho assim: que não intimida nem um pouco o agressor!]. Não sei se cabe a ele porque a lei é uma só,	Decision was lenient

mas... satisfeita eu não fiquei não! [Eu acho injusto a mulher passar por tudo isso e acabar do jeito que acaba. Eu esperava mais da Justiça, que a Justiça cobrasse dele tudo legalmente]. O modo da gente resolver por conta própria existe muitas, mas eu queria o apoio da Justiça. Eu queria legalmente, eu queria que ele visse que eu era amparada pela Justiça.	
OTHERS	
3. Nenhum contato com ela. Eu só tive com o promotor que é o Dr. S., [Eu fui falar com ele e achei ele alheio ao inquérito. Ele disse: “Ah! Esse aí eu mandei chamar a esposa e a filha do rapaz, da vítima”. Aí eu disse “Porque a esposa e a filha se a esposa e a filha não viram nada? A filha estava em Recife, dando plantão. Eu estava tendo aula lá na faculdade na hora que aconteceu o fato. Então porque nós duas? Porque não as duas testemunhas que estavam lá no bar? Por que não chamar o F. que foi apontado como quem atirou nele?” Aí ele disse: “Eu vou dar uma olhada”].	Lack of interest or lack of a thorough investigation
11. Fui muito bem entrevistada, mas se você me perguntar se resolveu, eu não resolvi. E hoje se for para resolver num acordo, na calçada, aonde der, com advogado, menos resolver judicialmente.	
13. [Eu não tive nenhum contato com alguém da Justiça para ver...eu estou achando falho a Justiça, a Justiça não nos procurou pra nada].	Lack of interest or lack of a thorough investigation Lack of information

5.2. De que forma a Sra. / Sr. percebeu o processo penal?

UNFAIR	
6. [Tá sendo injusto! Ele fez isso comigo, nada até agora foi feito, e agora que ele cometeu isso aí? Será que vai ser feito alguma coisa? Do homicídio que ele cometeu, né. Ele não me matou, mas nada foi feito pela violência que ele cometeu]. E o homicídio que ele fez? Também não está pagando, né? Então é isso: às vezes eu acho tudo uma injustiça.	Proceeding is long and slow
11. [Olha, como depende muito de tempo, de prazo, e quando você é vítima tudo é muito longo, porque a pessoa fica ligando]. Tem a pressão psicológica por telefone. Aí eu acho não, [a Justiça tem uma lentidão] mas quanto ao aparelho do Estado, deixar segura a pessoa, não! Se ele tivesse de me matar, ele me matava.	Proceeding is long and slow
13. [Depois que ele deu esse laudo psiquiátrico, ele foi só, não foi ouvido ninguém não...Está sendo injusta. Enquanto ele não for realmente julgado, como deveria ser, eu estou me sentindo injustiçado].	Lack of interest or lack of a thorough investigation
17. Só não fiquei muito satisfeita com a Justiça, entendeu? [Porque falaram pra mim que ele foi condenado a 13 anos, no caso 2004 . Eu acho que ele passou 4 ou 5 anos na cadeia, porque agora ele já está solto. Eu estou inconformada com a Justiça, porque ele já foi solto] (...) Eu achei que foi justo e injusto. Justo porque a Justiça, né...deu a pena dele e tudo, não foi tão pouco, mas foi que na época, quando me disseram quanto pegava, foi pouco. [Já foi pouco e agora nem a metade da pena e ele já está fora, aí assim não adiantou...].	Decision was lenient

18. [Depois de quase 4 anos...por bom comportamento, ele cumpriu um terço da pena, saiu, e agora a gente já está sabendo que ele está naquele que você passa o dia e volta só pra dormir. Ninguém informou a gente, quer dizer que se ele tiver com um mau pensamento, como ele me ameaçou quando estava preso, que quando saísse. O que a gente já ouviu falar foi que ele já saiu. Eu acho que a Justiça deveria entrar em contato com a família e avisar, porque a gente não sabe].	Lack of information
22. [De impunidade mesmo! Até hoje uma história que ficou impune, porque ele está aí para contar a história, porque eu acho que para ele não pesou em nada, está entendendo? Eu acho que ele se sentiu, com a sentença que ele teve (...) como se tivesse ficado por isso mesmo	Decision was lenient
23. Às vezes a gente não fica satisfeita, mas é obrigado a se conformar com aquilo. Também eu parei por aí, porque isso machuca muito a gente. A gente está dentro de processo e Justiça, ter que encarar o agressor de frente. É difícil! Infelizmente	
24. [Injusto, né! Porque faz o que faz com a pessoa, quando tiver 18 anos está com a ficha limpa, não vai acontecer nada].	Decision was lenient
25. [Injusto, né, porque está demorando demais!].	Proceeding is long and slow

A PENA APLICADA, A CONCILIAÇÃO

5.5.1. A Sra. / Sr. está contente com a pena imposta ao delinquente / com os termos da conciliação?

NO, DECISION WAS LENIENT	
2. [Na verdade não houve uma pena. A gente fez uma conciliação, ficou nesse sentido de dizer que isso não ia mais acontecer. Espero que não aconteça aí ele falou: “Não, isso não vai mais acontecer”. É como se você tivesse falando para uma criança: “não faça bagunça se não você não assiste televisão”. E foi só isso (...)]. Eu nunca quis, de maneira nenhuma que meu pai fosse preso [Eu acho que ele deveria, se fala muito em trabalho comunitário, acompanhar um trabalho de ressocialização...participar dessa questão, para ver se ele aprendia].	
4. Foi uma injustiça. [Ele deveria ser preso].	
5. Eu acho que ele deveria pagar pelo que ele fez, pela maldade que ele fez. Se eu pudesse, [a pena que eu queria para ele era cadeia. Ainda era pouco para ele porque ele já fez muito maldade].	
6. [Que ele fosse preso. Pagasse por muito tempo].	
17. [Eu acho que, sei que não existe pena de morte, acho que... num caso desses, você...fez com uma filha, você é um pai. Eu acho que a morte seria pouco pra ele], não só pelo que ele fez comigo, mas por todos os crimes que ele fez por aí.	
18. O juiz julgou, condenou como ele deveria ser condenado, a questão não é nem da Justiça, são as pessoas, os policiais civis, militares. Quem faz parte do presídio, as pessoas do presídio. Seres humanos! São os seres humanos que não cumprem com a justiça, com o que a Justiça determina. Pronto! É isso! [O criminoso era para estar preso, preso trancado, mas como ele tem dinheiro está solto. Como ele tem conhecimento, ele dá algum trocado ali, e abre os portões para ele sair. Isso acontece direto aqui	Corruption

nos presídios].	
22. [Porque eu me senti humilhada de procurar a delegacia, de ouvir certos desaforos, de ficar de desde manhãzinha, até altas horas da tarde, ou até da noite na Defensoria Pública, procurando meus direitos e terminar numa sala e em menos de uma hora de relógio acabar de uma forma tão fácil pra ele. Eu queria que ele ficasse preso alguns dias ou meses] sei lá, porque eu acho que não tem forma de ele se educar, porque isso não sai nem do bolso dele, ele tem apoio da mãe e tudo... pra mim não surtiu nada, eu queria que ele pagasse mesmo.	
23. [Não porque eu esperava mais, mas infelizmente não pode. Uma punição mais severa para essa pessoa, porque se eu faço alguma coisa errada, eu vou logo aprontar outra e se eu tenho a punição mais severa]. Para ele aprender que não só eu, mas com qualquer pessoa, quando pensasse em fazer mal a alguém, pensasse duas/três vezes que poderia ser punido. Porque às vezes acontece isso, porque as punições são tão pequenas, brandas, que as pessoas não estão nem se importando, como que aquilo fosse um divertimento.	
24. [Eu acho que ele deveria ficar uns anos para ele pagar pelo que ele fez, porque 3 anos. Não é nem pela quantidade de anos, é que ele vai sair como se nada tivesse acontecido e vai ter uma vida normal]. Eu acho que deveria mudar, acho que ele deveria ficar fichado na polícia. Caso voltasse a acontecer, aí teria uma pena maior	

7. A Sra. / Sr. tem um sentimento de vingança em relação ao criminoso? Cometeria algo de ruim contra o criminoso, se tivesse uma oportunidade?

YES	
0. Quero que ele pague pelo que fez, embora acho que nenhuma pena compensaria, mas se ele fosse preso ficaria mais aliviada.	
4. Eu gostaria que ele pagasse na mesma moeda, que acontecesse a mesma coisa que eu e minha mãe sofremos.	
6. Se eu pudesse, sim. Não é assim, o que eu quero! Mas é o que eu penso! Para ele pagar por tudo.	
17. Faria. Se pudesse eu matava ele. Algo de ruim não; eu matava ele!	
NO	
3. Tive. Tive vontade de matar tudinho e inclusive mandar matar a família toda. Hoje não. Hoje eu já estou assim, é como diz, o tempo muda a gente.	
5. [Eu botei na mão de Deus! Eu botei na mão de Deus! Eu queria, já que a da terra falhou comigo, eu pediria a do céu]. O que eu digo e repito na Justiça, que [do jeito que ele derramou o sangue da minha filha, eu vou ver o sangue dele derramado e não vai ser por mim nem vai ser pela minha família, vai ser pelas maldades que ele fez].	The impact of the religion
1. [Nenhuma mágoa. Não tenho amor. Dizer assim: “Ah, eu ainda gosto dele”. Não tenho esse tipo de sentimento não, mas também não tenho raiva, não tenho pavor, sabe?].	
10. Vingança? Não. Não eu sempre fui da paz. Eu acho que esse negócio de violência, acho que não leva a nada. Violência gera mais violência.	
18. Não, porque eu sou evangélica e o que ele fez aqui ele paga aqui. O que ele fez com minha filha, ele não pagou ainda não, a prisão dele lá. Lá ele	The impact of the religion

estava guardado, ele estava comendo, estava bebendo, ele estava dormindo, estava tranqüilo, entendeu? O que ele fez com ela, ele vai pagar aqui, quem vai fazer a justiça com ele é Deus! O que a gente faz aqui, a gente paga aqui. Se Deus achar que ele é merecedor, com certeza ele vai ter o castigo dele.	
21. Deus toma conta! Nada eu fazia com ele, Deus me livre, meu Deus! Eu perdô! Só não quero que ele vá mexer com meu filho mais, só isso!	The impact of the religion
26. Não, não tenho nenhum sentimento de vingança. A Justiça fez a parte dela. Com relação à isso, eu estou satisfeito!	

DIREITOS DAS VITIMAS

8. Acredita que seus direitos enquanto vítima foram respeitados?

YES
12. O que eu achava foi feito, né, que era tomar providência. O pessoal da Justiça tomou com relação ao meu ex-marido, que ele foi punido. Foi certo!
NO
3. Eu acho que muito pouco. Muito pouco mesmo. Principalmente dentro da delegacia e a Justiça, essa nem se fala! Não fui respeitada em nenhum momento. Pois se em nenhum momento não quiseram me ouvir, não me chamaram, eu que fui lá procurar eles. De repente ela tem lá as razões dela para não ter dado o menor valor, porque ela não deu o menor valor!
11. Eu não sei nem de que direito você está falando. Enquanto vítima, eu passei por todas as instituições, mas até agora não vi nada. Você precisa ir com alguém, porque lê o que você vai assinar, vê se está faltando alguma coisa, porque enquanto vítima, por mais que você esteja certa, é vítima!

9. Colaboraria com a justiça numa situação futura?

YES
3. Infelizmente a gente tem que procurar é a Justiça mesmo, porque, digamos, eu não vou pegar uma arma para ir e matar alguém porque provavelmente, se eu for pegar uma arma e for matar um desses que ainda está vivo no outro dia a minha cara está na televisão, porque dá ibope. “Professora matou menor, um pobre menor”. E o menor, ninguém nunca mostrou na televisão.
11. Hoje sim. Eu sei o que é que a gente passa, quer e não tem. As pessoas se omitem, dizem que não querem se envolver (...) No meu caso foi tanta testemunha, mas eu não quis ir na casa de ninguém, a testemunha não tem querer não, a gente intima!
22. Cada um tem que fazer o lado da gente pra tentar mudar, porque a gente tem que mudar tem que mudar muito e cada um tem que fazer o seu lado, e não é porque eu fiquei descontente (...) Eu quero fazer, levar pra frente. Sem dúvida, ajudaria!
23. Se fosse sigiloso (...) Porque hoje a gente não pode se expor (...) Tem tanta coisa por aí que a gente às vezes tem que se fazer que não viu, escutar e se fazer que não escutou, para que não seja a próxima vítima. Porque eu conheço pessoas que foram ajudar e aconteceu algo e até hoje nada foi feito.

APPENDIX X - Socio- Demographic Data of Victims Interviewed in Switzerland

Gender (N=35)

Women	29 (82.9%)
Men	6 (17.1%)

Age (N=35)

< 21 years old	5 (14.3%)
22-41 years old	17 (48.6%)
>42 years old	12 (34.3%)
Not informed	01 (2.9%)

Marital status (N=35)

Single	13 (37.1%)
Divorced/Legal Separation	12 (34.3%)
Married	6 (17.1%)
Durable relationship	2 (5.7%)
Widow	2 (5.7%)

Education degree (N=35)

University/ Polytechnic	18 (51.4%)
Professional education	8 (22.9%)
Compulsory school	5 (14.3%)
High school	2 (5.7%)
Illiterate	2 (5.7%)

Working status (N=35)

Working	15 (42.9%)
Student	11 (31.4%)
Unemployed/ Social benefit	9 (25.7%)

Nationality (N=35)

Swiss	17 (48.6%)
European	6 (17.1%)
African	6 (17.1%)
Double nationality Swiss	6 (17.1%)

Foreigners living in Switzerland (N=18)

> 10 years	13 (72.2%)
5-10 years	3 (16.7%)
1-5 years	2 (11.1%)

APPENDIX XI – Socio-Demographic Data of Plaintiffs - Document Research

Gender (N=32)

Man (<i>n</i>)	10 (31.3%)
Woman (<i>n</i>)	22 (68.8%)

Age (N=32)

< 21	9 (28.1%)
22 – 41	18 (56.3%)
> 42	5 (15.6%)

Nationality (N=32)

Swiss	15 (50.0%)
Western Europe	10 (33.3%)
African	3 (10.0%)
Eastern Europe	1 (3.3%)
Latin America	1 (3.3%)

APPENDIX XII - Socio-Demographic Data of Victims Interviewed in Brazil

Gender (N=19)

Women	17 (89.5%)
Men	2 (10.5%)

Age (N=19)

< 21 years old	5 (26.3%)
22-41 years old	6 (31.6%)
>42 years old	8 (42.1%)

Marital status (N=19)

Single	13 (68.4%)
Durable relationship	3 (15.8%)
Married	2 (10.5%)
Widow	1 (5.3%)

Working status (N=19)

Working	7 (36.8%)
Unemployed	7 (36.8%)
Student	3 (15.8%)
Retired/Pensionist	2 (10.5%)

Education degree (N=19)

High school	9 (47.4%)
Compulsory school	6 (31.6%)
University/ Polytechnic	4 (21.1%)

APPENDIX XIII – Overview of Victims Interviewed (Seven excluded cases)

INT	Type of Crime	Offender	Victim and case's description
23.1	More than one offense: Sexual violence against minor	Father	The interviewee was sexually assaulted by her father several times during her childhood. She has never reported the crime because she was afraid of the social reaction, a lack of support and that she would not be believed. However, she has requested psychological support at the Center LAVI.
35.	One offense: Rape	Husband	The interviewee was victim of partner violence, mostly psychological, and incidence of rape. She did not report the crime because she thought that the police would be unable to help her. When she finally decided to report, she requested support at the Center LAVI and consulted a lawyer. The lawyer then told her that the case had been thrown out because it had happened too many years ago and therefore her complaint would not be forwarded to the judge and there would be no suit.
36.	More than one offense: minor offenses, verbal offenses, threat	Wife	The interviewee was victim of partner violence. It all started with verbal offenses until the point that she became accustomed to threatening him if he did not give her money. Even after having left the house she continued to harass and threaten him. He has never reported the crime to the police because for him, as a man, it is very difficult to acknowledge that he has been a victim of partner violence. Further, he thinks that police would be unable to help him. Still, he consulted Center LAVI in order to find a lawyer and the lawyer discouraged him from reporting, suggesting instead that he simply get a divorce.
37.	More than one offense: Minor offenses, Simple assault	Partner	The interviewee is female, Swiss, 23 years old, single, university student. She was a victim of partner violence committed by her boyfriend. The police intervened two times after being called by the neighbors, but she always lied and said that nothing had happened. After the third time she decided to leave the house in which they lived together but she has never reported the crime to the police because the police would be unable to help her; she feared reprisals and at the same time wanted to avoid more problems with the police to him because he was foreigner. Moreover, she did not want to disappoint her parents. However, she has requested psychological support at the Center LAVI.

39.	More than one offense: Sexual violence against minor	Colleague	The interviewee's daughter, at the age of 14, was sexually harassed by a family friend with whom they had spent holidays together. When they returned from holiday he followed her to school so she decided to tell her mother. She has never reported the crime because her daughter had never wanted her to. Her daughter did not want to create problems or harm the family of the offender with whom she had friendship. Since no physical offenses had happened, she respected her daughter's wishes.
40.	One offense: Robbery	Stranger	The interviewee was going home and a stranger threatened her with a gun to steal her bag. She shouted for help and the neighbors called the police, who then came and collected evidence of the crime. The police officers however asked her to come to the police station in order to give her testimony. She did not request support at center LAVI.
41.	One offense: Assault	Stranger	The interviewee was going on a weekend trip with other two friends. There was a discussion in traffic with two other men and they fought. He went to the police to report the offense but he did not request assistance at center LAVI.