

Voices for Justice

Research methodology & tools



VALIDITY



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INŠTITUT RS ZA SOCIALNO VARSTVO
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VOICES FOR JUSTICE: RESEARCH METHODOLOGY AND TOOLS

Improving access to information and effective communication for
victims with disabilities



RESEARCH METHODOLOGY

Contents

1.	Introduction	5
2.	Research Aims.....	5
3.	Research approach	6
3.1	Conceptual framework.....	7
3.2	Research focus, boundaries and definitions.....	8
3.3	Stakeholders and Research Participants.....	10
3.4	Forms of data and data collection	11
4.	Research Phases.....	11
4.1	Preparation: Approximately 1 to 2 months	11
4.2	Implementation and Data Collection: Approximately 3 to 4 months.....	12
4.3	Analysis and Report writing: Approximately 2 to 3 months	12
5.	Publication and Dissemination.....	12
6.	References	13

RESEARCH TOOLS

Contents

RT1	Data gathering topics and questions.....	16
RT2	Data collection: Desk research, interviews and observations	24
RT3	Analytical framework.....	34
RT4	Template for final report.....	42

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Voices for Justice: Communicating with Victims of Crime with Disability

Voices for Justice is a two-year project, co-funded by the European Commission Justice programme. It aims to improve access to justice for people with disabilities by focusing on information and communications needs and support. The rights of people with disabilities and victims of crime are set out in the legal frameworks of the United Nations and the European Union, specifically the UN Convention on the Rights of Persons with Disabilities and the EU Victims' Rights Directive (2012/29/EU). But this framework is not always well understood or implemented at the national level and many people with disabilities struggle to access justice at all.

This project aims to address these gaps by:

- Carrying out research at the national level, to help inform policy-makers and practitioners, and to support the development of policies and standards to protect the rights of people with disabilities who are victims of crime.
- Creating a set of practical tools for people with disabilities who are victims of crime, as well as for the judges, lawyers, police, social workers and others who are in contact with people with disabilities.
- Facilitating cross disciplinary co-operation to help ensure that the rights of victims with disabilities are upheld.
- Reviewing the international framework and making recommendations for future strategy and policy development at the EU level.

The project started in July 2020 and is taking place in seven EU countries (Bulgaria, Croatia, Czechia, Lithuania, Romania, Slovakia, Slovenia).

The official project name is: INFORMATION AND COMMUNICATIONS: Cornerstones of Justice for Victims of Crime with Disability (878604 — InfoComPWDs).

Website: validity.ngo/projects-2/

Consortium Partners

Project coordinator	Validity Foundation (formerly Mental Disability Advocacy Centre), brings 18 years substantive expertise in research, advocacy and strategic litigation on the rights of people with disabilities.
Bulgaria	Shans i Podkrepa, Chance and Support, brings 14 years experience working with people with disabilities, people from different ethnic groups (including Roma people), women and elderly people, developing new methodologies of social work, and providing direct support.
Croatia	Udruga za podršku žrtvama i svjedocima, Victim and Witness Support Service-VWSS , brings specialised expertise in providing information, psychological and legal aid to victims of crime, and operates a national call centre for victims of crime.
Czechia	Fórum pro lidská práva, Forum for Human Rights , brings expertise in human rights advocacy, strategic litigation, research and awareness-raising on the rights of vulnerable groups, including persons with disabilities, and the principle of non-discrimination.
Lithuania	Psichikos Sveikatos Perspektyvos, Mental Health Perspectives – PSP , brings extensive experience in disability-rights, including implementing a crucial project on enhancing procedural rights of suspects and accused persons with intellectual and/or psychosocial disabilities in criminal proceedings.
Romania	Centrul de Resurse Juridice, Centre for Legal Resources , has excellent experience and skills in providing complex legal and professional support to people with disabilities who have experienced human rights violations.
Slovakia	Fórum pro lidská práva, Forum for Human Rights , brings expertise in human rights advocacy, strategic litigation, research and awareness-raising on the rights of vulnerable groups, including persons with disabilities, and the principle of non-discrimination.
Slovenia	Pravno-informacijski center nevladnih organizacij, Legal-Informational Centre for NGOs – PIC , brings legal expertise in protecting, supporting and defending marginalised and vulnerable groups and provides legal assistance to more than 1,000 people with disabilities each year.
Slovenia	The Inštitut Republike Slovenije za socialno varstvo, Social Protection Institute of the Republic of Slovenia – IRRSV , supports the research and data collection component of the entire project. It has three decades of experience in evaluation and monitoring service provision for people with disabilities in Slovenia and has coordinated cross-border projects.
Slovenia	The Faculty of Social Work from the University of Ljubljana, University of Ljubljana , has developed action research methods and researched the rights of people with disabilities since the 1980s.

Research Methodology

1. Introduction

This paper provides guidance on research methods and tools for organisations across Europe to research and examine how persons with disabilities who are victims of crime can access justice and how they experience the criminal justice system. The intention is to inform the development of policy and practice in relation to the implementation of the European Union Victims' Rights Directive at the national level.

In particular, the methods and tools are focused on finding out more about: how has the Victims' Rights Directive been implemented in policy and practice at the national level, specifically for people with disabilities; how people with disabilities are provided with information and how communication takes place; what are the barriers and problems people experience in getting the right information at the right time; and what practices and resources exist that could be developed and invested in.

The methodology outlined here is relevant for a range of organisations, and could be implemented by individual organisations, by partnerships, or consortiums. Organisations likely to be interested include: human rights organisations, disability rights organisations, victim support services, professional legal associations, Ministries of Justice, courts, police, organisations of persons with disabilities, university departments. Carrying out the research would contribute to fulfilling international obligations set out in Article 31 of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) relating to statistics and data collection.

The research methodology and research tools should be used together. They support each other and provide an integrated approach. Having said that, both methods and tools should be adapted and shaped to suit the specific national context and the particular focus of the researcher(s).

2. Research aims

People with disabilities are more likely to be victims of crime and less likely to receive justice. A major challenge for people with disabilities is having the right information presented in the right way, so that they understand their rights, know how to report a crime, and can participate fully in the legal process. A challenge for professionals working in the justice system is that they often have little experience communicating with people with disabilities and a poor understanding of their needs. Further to this, many people with experience of providing support to people with disabilities, do not understand the legal process and how to support people who have been victims of a crime.

By law, people have equal rights to access justice, as set out clearly in Articles 12 and 13 of the CRPD. International legal frameworks at the European Union and United Nations level exist to ensure that victims of crime with disabilities are provided with forms of reasonable and procedural accommodations and support they need to access justice. Yet, the relevant laws, guidance and policies to address these challenges are not always well understood or implemented at the national level. This methodology aims to help organisations to research what happens in practice, to document the experiences of people with disabilities/victims of crime, and to identify what changes are needed for local practices to comply with national and international requirements.

Research findings are presented in national reports which will provide evidence and analysis on current policies and practices in the country alongside how people with disabilities experience the criminal justice system. Based on the findings and on consultations with experts and with people with disabilities, recommendations are made on how to improve policies and practices at the national level. The findings and recommendations in the different national settings will also contribute to the more comprehensive identification and dismantling of barriers experienced by victims with disabilities internationally, and will facilitate cross border collaboration in developing policy and practice.

The research aims to contribute to the knowledge and understanding of the issues affecting persons with disabilities in the criminal justice system. More specifically the purpose of the research is to develop an evidence base and set of multi-disciplinary recommendations at the national level on access to information and effective communication in criminal justice processes for persons with disabilities who are victims of crime.

The research will examine three main areas:

- *The legal and policy framework at the national level, including how international law has been transposed and implemented.*
- *The experiences and perspectives of persons with disabilities who are victims of crime, professionals in the criminal justice system, and those supporting people with disabilities and victims of crime.*
- *The ways in which information is provided and how communication takes place at all stages of the criminal justice process.*

3. Research approach

The research adopts an action research approach, where the organisations carrying out the research are themselves actors within the field and national context. The researchers are both experts and practitioners, providing services, support, expertise in one or more aspect of the provision of information to people with disabilities who are victims of crime. The research process is therefore a way of collecting and analysing data, but also a way to extend and deepen the expertise, networks, and practices of the organisations as researchers.

Priority is given to adopting a victim-centred perspective, and to involving people with disabilities who are victims of crime in the research process. The research should be framed and guided directly by the experiences and priorities of people with disabilities. This may mean involving victims with disabilities as research participants who are interviewed or observed as part of the information gathering. It could also mean people with disabilities are the researchers, experts, or advocates, with roles in data collection and analysis as well as providing case studies and storytelling. Victims with disabilities could be part of an advisory or reference group to review research progress and findings. It is important that the experiences and recommendations of people with disabilities are communicated effectively throughout the research, and that the voices of victims with disabilities are at the heart of the work.

The research process should engage with a wide range of stakeholders across multiple disciplines, including professionals in the justice system and those providing support to victims of crime and people with disabilities. Stakeholders are key sources of expertise and information, but they are much more than

that. They are also actors in the field, whose input and commitment are necessary to creating new practices and to implementing and developing these practices over time. Stakeholders input to the project is therefore likely to take multiple forms and take place on multiple occasions, through direct personal contact, research interviews, as well as through consultations events, focus groups and roundtables.

3.1 Conceptual framework

The conceptual framework for the research is the nexus between:

- *the legal rights and obligations set out in the European Union Victims' Rights Directive (2012/29/EU);*
- *the United National Convention on the Rights of Persons with Disabilities (UN CRPD); and*
- *the four stages of the criminal justice process identified below.*

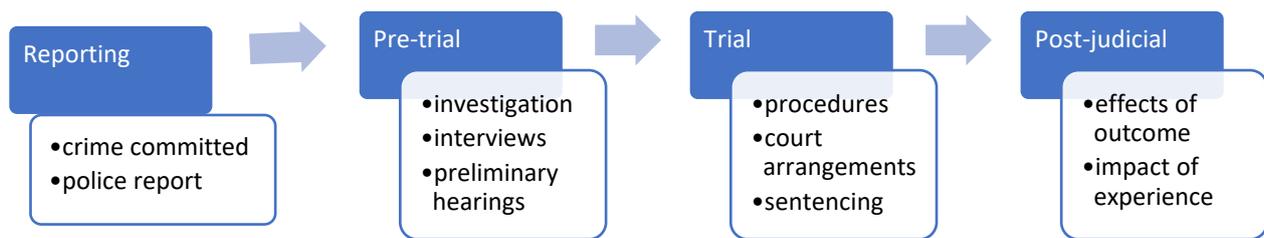
The UN CRPD establishes that people with disabilities have equal recognition before law (UN CRPD, Article 12) and access to justice (UN CRPD, Article 13). At the same time, the Victims' Rights Directive (2012/29/EU) establishes specific rights for all victims of crime, including people with disabilities:

"In applying this Directive, Member States should ensure that victims with disabilities are able to benefit fully from the rights set out in this Directive, on an equal basis with others, including by facilitating the accessibility to premises where criminal proceedings are conducted and access to information" (Victims' Rights Directive (2012/29/EU) para 15)

The rights set out in the Victims' Rights Directive (2012/29/EU) which have particular relevance to persons with disabilities and this research include the following. The right:

- *to understand and be understood, including taking into account the personal characteristics of the victim including any disability which may affect the ability to understand or to be understood (Article 3);*
- *to receive information from the first contact with a competent authority (Article 4);*
- *to make a complaint and receive written acknowledgement, specifically in a language they understand or with necessary linguistic assistance (Article 5);*
- *to receive information about their case (Article 6);*
- *to access victim support services (Article 8);*
- *to receive support from victim support services, including support where there is a risk of re-victimisation and for victims of sexual or gender-based violence (Article 9);*
- *to be heard (Article 10);*
- *to review in the event of a decision not to prosecute (Article 11);*
- *to an individual assessment for victims to identify vulnerabilities and the specific protection needs taking into account the characteristics of the victim, and the nature and circumstances of the crime (Articles 22); and*
- *to protection of victims with specific protection needs during criminal proceedings (Article 23).*

How these rights are legislated and enacted in policy and practice within the four stages of the criminal justice process then form the conceptual framework for the research.



The ways in which persons with disabilities access justice at each of these stages, along with their access to information and the nature of communications, will be examined. It is important that all four stages are researched, together with the transitions between the stages, in light of the rights outlined above. Each of the stages involves different processes and procedures, and also different actors and stakeholders. Meaning that the information needed and form that the information takes may be very different, for example from an initial reporting of an alleged crime to giving evidence in court in front of a judge.

3.2 Research focus, boundaries and definitions

The experiences of victims with disabilities and the ways in which their rights to information and communications are upheld in criminal justice systems are poorly researched in general, and in many countries are barely recognised as issues of concern. While the research is clearly focused on the provision of information and how communications take place within the criminal justice system as a whole, the precise boundaries and definitions of the research should be developed and refined as part of the research process to ensure that the experiences and voices of victims are at the centre.

While legal systems, policies and guidelines at the national and international level seek to set out clear definitions of, for example, who is a ‘victim’ and what is a ‘crime’, the reality for many people, and more specifically for persons with disabilities, may not easily conform with these definitions. International frameworks provide a starting point for considering definitions and focusing the research – and some of these are listed below. Where research shows that the experiences of people in the criminal system are contrary and exist beyond the definitions in use, this is important to document. Equally, where existing definitions and boundaries are too broad or fail to enable the kind of support and adaptations that are need, these should also be explored in the research.

	Definition	Comment
Victim		
Article 2, paragraph 1, Victims’ Rights Directive (2012/29/EU)	<p>(i) <i>a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;</i></p> <p>(ii) <i>family members of a person whose death was directly caused by a criminal offence and who have</i></p>	This limits the concept of ‘victim’ to where a criminal offence has taken place, and it may also be that someone has suffered harm from something that is not necessarily a crime, for example a traffic accident where there is no criminal liability.

suffered harm as a result of that person's death (Article 2).

Person with disability

Preamble, paragraph (e), UN Convention on the Rights of Persons with Disabilities (UN CRPD)	<i>Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.</i>	This is a fundamental paradigm shift away from locating “disability” within the individual and towards a human rights model of disability that highlights the barriers preventing persons with disabilities from exercising their rights.
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Communication

Article 2 Definition, UN Convention on the Rights of Persons with Disabilities (UN CRPD)	<i>“Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.</i>	This does not highlight the interactive nature of communication or that it requires dialogue between parties.
Article 2 Definition, UN Convention on the Rights of Persons with Disabilities (UN CRPD)	<i>“Language” includes spoken and signed languages and other forms of non spoken languages.</i>	This highlights that non spoken language is as important for communications as spoken language.

Information

Paragraph 21, Victims’ Rights Directive (2012/29/EU)	<i>Information and advice provided by competent authorities, victim support services and restorative justice services should, as far as possible, be given by means of a range of media and in a manner which can be understood by the victim. Such information and advice should be provided in simple and accessible language. It should also be ensured that the victim can be understood during proceedings. In this respect, the victim's knowledge of the language used to provide information, age, maturity, intellectual and emotional capacity, literacy and any mental or physical impairment should be taken into account. Particular account should be taken of difficulties in understanding or</i>	
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communicating which may be due to a disability of some kind, such as hearing or speech impediments. Equally, limitations on a victim's ability to communicate information should be taken into account during criminal proceedings.

Crime		
UN Office on Drugs and Crime	<i>The International Classification of Crime for Statistical Purposes (ICCS) provides a comprehensive framework for producing statistics on crime and criminal justice. Its primary unit of classification is the act or event that constitutes a criminal offence and the description of the criminal acts is based on behaviours and not on legal provisions.</i>	While this does not provide definitions of crime, which would be defined in national legislation, it may be a useful starting point for considering what 'constitutes a criminal offence' in international comparative standards.

3.3 Stakeholders and research participants

The research should engage with and draw on the experiences of a range of professionals and lay-people who interact with victims with disabilities in the criminal justice system. The categories and types of stakeholder are listed below, bearing in mind that there may be other stakeholders unique to a particular country or location:

- *Persons with disabilities, and persons with disabilities who are victims of crime*
- *Judges*
- *Lawyers*
- *Prosecutors*
- *Defenders*
- *Legal assistants*
- *Court officials*
- *Justice Intermediaries (speech and language or communications professionals working in the justice system to facilitate communications)*
- *Guardians, carers, family members*
- *Victim support services*
- *Police*
- *Lay-advocates*
- *Health and care workers including doctors, nurses, health workers*
- *Social workers, care/support workers*
- *Civil servants, policy advisers*

- *Others (this might include psychologists, sign language interpreters, church official, receptionist at day care centre, porter, nurse, pharmacist, anyone else that a person with disabilities or victims have contact with or a trusting relationships)*

3.4 Forms of data and data collection

The research will draw on both qualitative and quantitative forms of data. In terms of the existing research literature and reports, it is anticipated that there is very little available data and analysis on the topic, at both the national and international levels.

Quantitative data may be limited, and it is also anticipated that there will be limited official statistics and data (for example alleged crimes, prosecuted crimes, victims with disabilities) which are disaggregated to disability. Efforts will be made to collect what statistics are available, and to point clearly to any gaps.

Qualitative data is collected through semi-structured interviews, focus groups and roundtables. As well as first-hand accounts from persons with disabilities and those with experience of the criminal justice system, there may be important information available in police records, court records, media reports, NGO/nonprofit/think tank reports, etc. All sources of data can be used together to help create a more complete picture of the existing provision, the shortcomings and the needs.

The primary ways in which data are collected are through **desk research** and **interviews**. In addition to interviews, focus groups, roundtables, observations in court rooms, observations in police stations, observations in victim support settings, media reports, court records, letters/information/messages given to victims and victims with disabilities, and images may also be valuable sources of data. The point is to try and collect as complete a picture as possible of what information is provided and how, and how communication takes place.

4. Research phases

The research takes place in three phases, over a period of between 6 and 9 months.

4.1 Preparation: Approximately 1 to 2 months

- Prepare and adapt the research methodology to your particular purposes and context.
- Prepare and adapt research tools, including data collection framework and interview guidelines, protocols for informed consent, data storage and data protection.
- Create a list of stakeholders, which will be a living document throughout the research, as new stakeholders are identified and engaged with.
- Write up a one to two page country profile, including population, demographics, structures of welfare provision.
- Prepare a one to two page problem statement, setting out initial understanding of the main problems and challenges, as well as any preliminary promising practices.

4.2 Implementation and Data Collection: Approximately 3 to 4 months

- Desk research – focused on the details of the relevant legislation, policy and practice in the country.
- Reach out to stakeholders and conduct interviews. Aim for between 10 and 20 interviews from a variety of stakeholders across the country. Interviews should be semi-structured. Where appropriate small group interviews and focus groups can take place.
- Where stakeholders cannot or will not contribute or agree to be interviewed, find out the reasons for this and include this as part of the research findings.
- Observations – researchers may collect observational information through photographs, videos, sketches, diaries, and written notes.
- Identify potential case studies and work with victims and research participants to document and gain agreement on how these might be presented given the often sensitive and personal nature of being a victim of crime.
- Review progress and identify gaps in information.
- Ensure that consent forms, audio-recordings, interview/observation notes, images and videos are collected and stored in compliance with privacy and confidentiality considerations, as well as data protection rules.

4.3 Analysis and report writing: Approximately 2 to 3 months

Use the analytical framework and assessment tool to analyse the data collected. Important to the final report are:

- Clarity on what gaps in knowledge and understanding the research is filling.
- Findings, conclusions and recommendations are more persuasive if they are supported by data from multiple sources. This can include reports from other countries
- The absence of information and data can be as important as what is found, and conclusions and recommendations can be made based on what is not found.
- It can help to consult with policy makers and practitioners on specific policy and practice recommendations in order to get their input and support prior to finalising these.
- The findings and conclusions can be strengthened by contextualising it in the EU legislative and policy frameworks related to the rights of persons with disabilities and victims with disabilities, and bringing EU added value to the field.
- It is critical that the voices and experiences of people with disabilities are present throughout the report, and that they support the arguments and conclusions. This can be achieved in different ways, including through case studies and the involvement of people with disabilities in writing and/or reviewing the final report.

5. Publication and dissemination

Having completed the research and the report writing, and having gained support from some key stakeholders including victims with disabilities, as much effort should be put into communicating and

disseminating the report, its findings and recommendations in order to achieve impact. Consideration can be given to a range of approaches, including:

- Should the report be printed or just published on-line? Should a summary be published separately, and how should this be tailored to specific audiences?
- Launch the report at a dedicated conference or seminar, or at a press conference.
- Identify who is important to reach – whether its policy makers, academics, social workers, legal professionals. Meet with stakeholders and research participants and brief them on the report.
- Publicise and send the report through your existing networks, national and international networks.

A report by McGrath (2016) for The Atlantic Philanthropies (listed in the references below) summarises how to approach publishing and disseminating research reports.

6. References

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime. Brussels, 11.5.2020, COM(2020) 188 final. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:188:FIN>

DG JUSTICE GUIDANCE DOCUMENT related to the transposition and implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

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http://www.mdac.org/sites/mdac.info/files/access_to_justice_children_ws1_data_collection_findings_synthesis.pdf

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Voices for Justice: Research Tools

The research tools included here intended to support the implementation of the research methodology. Taken together they provide guidance on all stages of the research process – what topics need to be addressed and researched; how to collect the data; how to analyse the data; how to write up the findings report.

- RT1 Data gathering topics and questions
- RT2 Data collection: Desk research, interviews and observations
- RT3 Analytical framework
- RT4 Template for final report

Voices for Justice: Research Tools

RT1: DATA GATHERING TOPICS AND QUESTIONS

The topics included in this research tool are intended as guidance for questions and data collection based on existing international legal frameworks. In practice, there are likely to be areas and issues which are more or less important depending on the national context and researcher priorities and expertise, and the topics and questions should be adapted as appropriate. Additional topics can be included, for example, it may make sense to collect information about disability hate crime or focus more tightly on gender or ethnicity.

PART 1. Legislative and Policy Framework

1.1 Legal framework: National legislation, EU Victims' Rights Directive, UN CRPD

- a) What legislative definitions of disability, a person with a disability, vulnerable person, or similar exist? Please focus on those relating to criminal law and legal processes but also include legislative definitions from other policy areas if you feel they are relevant. What are the purposes for these definitions for all legislative provisions? For example, providing access to social benefits, community support, or medical treatment, etc.
- b) In your experience, how do professionals in the justice system define and perceive people with disabilities? (*Including: police, prosecutors, intermediaries, professionals conducting individual assessments under Article 22 of the Victims' Rights Directive, lawyers, court clerks, legal aid providers, victim support services, judges, forensic experts, probation officers, court registrars, court reporters, media, lay-advocates, guardians ad litem, witnesses, legal guardians, ministry, NGOs.*)
- c) Describe the key government departments that oversee the police and main criminal justice institutions and provide an overview of how it is regulated by national policy and legislation. Include details of the police and investigation processes, prosecution and pre-trial, trial and court processes, sentencing and post-trial. Highlight details of relevant legislation and policies on victims of crime with disabilities
- d) Are e-courts or virtual hearings taking place, what forms do these take, and what is the impact on victims with disabilities? Provide evidence or reports if possible.
- e) How do national policy and legislation address the needs of people with disabilities in criminal justice processes, and how is access to communication and information regulated? Please be specific on how these needs are addressed in the 4 main stages of the criminal justice system (broadly understood as reporting, pre-trial, trial and post-trial)
- f) What system of alternative or restorative justice mechanisms exist, and how do people with disabilities access these? How are people informed about their options and their rights within these mechanisms? At what stage are these enacted?
- g) Are there certain types of crimes, such as hate crimes, sexual violence or trafficking, for which special measures or *exceptions* have been made in your country in general to procedural rules for reporting, investigation or prosecution? How does this impact on victims with disabilities, and how are they informed and supported during these procedures?

- h) To what extent has your country addressed, acknowledged and taken steps to implement the Victims' Rights Directive (with a particular focus on the part regarding information and communication)?
- *Please describe when it was transposed, in which laws, and if they mention disability or people with disabilities. Do the laws mention access to information or effective communication for victims? If so, please provide details.*
 - *Are there any criticisms of how the Directive has been transposed or the way it operates in practice?*
 - *Have there been any legal developments, policy developments, campaigns, or other activities relating to criminal justice and victims' rights in recent years? If so, please provide details.*
 - *What steps have been taken to raise awareness amongst the general population and victims of crime about their rights under the Directive and how to access them?*
 - *To what extent are organisations or people with disabilities (in particular those of people with intellectual or psychosocial disabilities) actively involved and consulted in policy-making processes concerning criminal justice and victims' rights?*
 - *Has transposition resulted in (or coincided with) any shifts in policy toward people with disabilities? If so, please provide details.*
 - *Has the European Commission initiated infringement proceedings against your country? If so, please provide details.*
- i) List and describe what provisions are made in national legislation and policy supporting the right to access information and communication. Please summarise any examples of experiences of people with disabilities, police, judges, and other professionals involved in the criminal justice proceedings regarding communication and information.
- j) The extent to which your country has addressed, acknowledged, and has taken steps to implement the CRPD.
- *(When was it ratified, in which laws has it been integrated into domestic law and what is the government focal point (see Article 33(1) CRPD).*
 - *Which bodies take part in monitoring framework (see Article 33(2), which bodies take part in monitoring under Article 16(3).*
 - *To what extent are organisations of people with disabilities (OPDs), and in particular those of people with intellectual or psychosocial disabilities, actively involved and consulted in policy-making processes (see Article 4(3) CRPD), Has ratification resulted in (or coincided with) any shifts in policy toward people with disabilities, If so, please provide details.*
 - *Have there been any legal developments, policy developments, campaigns or other activities relating to disability and access to justice in recent years? If so, please provide details.*
 - *Have there been any legal developments, policy developments, campaigns or other activities relating to access to information and effective communication in recent years, if so, please provide details*
 - *What steps have been taken to raise awareness amongst the general population and amongst people with disabilities in particular about their rights and how to access them.*
 - *Do any of your country's State reports to the Committee on the Rights of Persons with Disabilities mention accessing the justice system, if so, please provide details.*
 - *Do any of your country's State reports to the Committee on the Rights of Persons with Disabilities mention access to information and effective communication, If so, please provide details.*
 - *Have any Concluding Observations of the Committee on the Rights of Persons with Disabilities drawn particular attention to the situation of persons with disabilities in the criminal justice system in your country? If so, please provide details*

- *Has the CRPD featured in campaigns or other activities of legal advocacy organisations or others working to improve victims' rights.*
 - *Have legal advocacy organisations, victim support organisations and others working to secure the rights of victims of crime generally incorporated disability into their work and their arguments)*
- k) Supplementary question: What are the ongoing impacts of COVID policies and regulations on the operations of the justice system and access to justice in general and for people with disabilities? Provide evidence or examples, if possible.

1.2 Equality and non-discrimination obligations

- a) Are there any legal obligations on courts, investigative authorities, and restorative justice professionals not to discriminate on the grounds of disability or to promote disability equality?
- b) Describe the policies and practices not to discriminate against people with disabilities and where they are set out. (including whether they require reasonable accommodations to be provided, how assessments of support needs are made, and how support and reasonable accommodations are provided and by whom or what organisation)
- c) Describe the duties to promote equality for people with disabilities and where they are set out.
- d) Describe any actions or strategies designed to ensure compliance.
- e) Describe if there is a system of representation or legal aid for victims of crime with disabilities, or if existing legal aid services have taken steps to ensure that they are accessible to people with disabilities.
- f) Are there pro bono legal clinics supporting victims of crime with disabilities in the criminal justice system?
- g) Provide examples of any specific cases which have been brought against courts, investigative authorities, or restorative justice professionals for disability discrimination.
- h) What, if any, are the strengths of these laws de jure and de facto, and are there specific examples of how they improved participation of victims of crime with disabilities?
- i) What, if any, are the weaknesses of these laws de jure and de facto, and are there specific examples of how they have not worked well to improve participation of victims of crime with disabilities?
- j) Are there any proposals or campaigns for reform?

1.3 Legal capacity

- a) What laws, policies, and relevant measures exist for governing the legal capacity of people with disabilities in your country.
- b) If a victim has their legal capacity restricted, is it possible for them to participate in criminal justice processes as a witness, and if so, how?
- c) In what situations is a victim of a crime with disabilities legally excluded from criminal justice processes and their opinion not taken into account?

Please provide examples of specific cases.

1.4 Other relevant laws, policies, guidance

Provide details of other laws, policies, guidance which might be relevant, for example to provide physical access for people with disabilities.

1.5 Statistics and other data

Provide available data and statistics relating to allegations, crimes and types of criminal offences, victims (for example by gender, location, ethnicity), data related to people with disabilities and crime and criminal offences. List the data that is missing and what would be important to be disaggregated in the country.

Provide any relevant media, think tank, NGO, civil society, legal, ombudsperson, watchdog or other reports.

PART 2: The Criminal Justice Processes and Practices

For each of the four stages of the criminal justice process, the following areas should be covered – the questions are set out in more detail below.

Topic	Articles in the EU Victims' Rights Directive
Structures and mechanisms	Article 11 on rights in the event of a decision not to prosecute Articles 22 on individual assessment of victims to identify vulnerabilities and the specific protection needs taking into account the characteristics of the victim, and the nature and circumstances of the crime Article 23 on the right to protection of victims with specific protection needs during criminal proceedings Article 25 on the training of practitioners Article 26 on cooperation and coordination of services across Member States and raising awareness nationally of victim's rights
Right to understand and be understood	Article 3 on the right to understand and be understood, including taking into account the personal characteristics of the victim including any disability which may affect the ability to understand or to be understood Article 10 on the right to be heard
Right to receive information	Articles 4 on the right to receive information from the first contact with a competent authority Article 6 on the right to receive information about their case Article 11 on rights in the event of a decision not to prosecute
Right to interpretation and translation	Article 5 on the right of victims when making a complaint (specifically in a language they understand or with necessary linguistic assistance) Article 7 on the right to interpretation and translation
Right to access victim support services	Article 8 on the right to access victim support services Article 9 on the right to receive support from victim support services, including support where there is a risk of re-victimisation and for victims of sexual or gender-based violence.
Right to individual assessment and protection	Article 22 on the right to individual assessments Article 23 on the right to protection during criminal proceedings

2.1 Stages of the criminal justice process

Stage 1: Reporting the crime

Stage 2: Pre-trial and investigation

Stage 3: Trial and court processes

Stage 4: Post-judicial processes

2.2 Topics and questions

These apply to each of the four identified stage of the criminal justice process, and should be tailored where necessary to the specific requirements of that stage.

2.2.1 Structures and mechanisms

- a) Do victims of crime have the right to participate in the stage of the criminal justice process? How are people with disabilities informed about their rights and do they understand their rights? Are there any special supports for people with disabilities, who provides these and how do people with disabilities access these? What are the problems and gaps in support provided?
- b) Is it possible for independent organisations or other third parties to institute a criminal complaint on behalf of a victim of crime with disabilities? If this happens, how does communication with the victim take place and what information is provided?
- c) If victims do not have the right to participate in any stage of the criminal justice processes, how are they informed, what are the implications, and who represents their interests? Do victims of crime with disabilities have the right to object to decisions excluding them from participating in criminal proceedings or providing evidence? How are they informed about this, who provides support, and do they have access to legal advice and representation?
- d) What is the perception and experience of these measures for people with disabilities? What types of support do they find useful? What types of support do the police and other professionals involved find useful? To what extent do professionals involved understand each other's roles and how to work together to ensure the rights of victims with disabilities are upheld (for example, police, social workers, lawyers)?

2.2.2 People with disabilities and the right to understand and to be understood

- a) What steps have been taken in the national legislation, policy and practice towards assisting people with disabilities to understand and be understood? What guidance and measures are in place to provide simple and accessible information? What information is provided, in what formats, when and by whom? Are there specific processes in place that are designed to support victims with disabilities to ask questions and to communicate about their case, what form do these take?
- b) What measures are in place for victims to be accompanied by a person of their choice? What is the perception and experience of these measures for people with disabilities? What supports do they find useful? What supports do the police and other professionals involved find useful?

2.2.3 People with disabilities and the right to receive information about their case, including from the first contact with the competent authority

- a) What steps have been taken in the national legislation and practice towards implementing the right to receive information about their case, including from the first contact with the competent authority when reporting a crime? What organisations, professionals, individuals etc do people with disabilities turn to for support and information? Are those people informed and able to provide information in an accessible and timely way? What are the gaps and problems?
- b) How is information provided to victims with disabilities about what support is available and how to access it? Including access to medical support, psychological support, communications support, physical and other accommodations. Who provides this, and what formats are provided?

- c) How are victims with disabilities informed about how to make a complaint, and what support is available to them when making a complaint?
- d) How and under what conditions can people with disabilities obtain special protection measures, including professional measures? How and under what conditions can they access legal advice, legal aid, and any other sort of advice? How and under what conditions are people with disabilities reporting a crime entitled to interpretation and translation?
- e) If they are a resident in a Member State, other than that where the criminal offense was committed, are there any special measures, procedures or arrangements, which are available to them to protect their interests in the Member State, where the first contact with the competent authority is made?
- f) Are there any available procedures for making complaints where the rights of people with disabilities are not respected by the competent authority operating within the context of criminal proceedings?
- g) Are persons with disabilities reporting a crime provided with the contact details for communications about their case? Are people with disabilities informed about the restorative justice services?
- h) If it is possible to reclaim expenses, how are people with disabilities reporting a crime informed how and under what conditions can the expenses incurred as a result of their participation in the criminal proceeding be reimbursed?
- i) What is the perception and experience of these measures for people with disabilities? What supports do they find useful? What supports do the police and other professionals involved find useful?

2.2.4 People with disabilities and the right to interpretation and translation

- a) What steps have been taken in the national legislation and practice towards the implementation of the right to interpretation and translation? Is any provision specific to the needs of people with disabilities for example sign language or through alternative communication specialists? How are people with disabilities provided with interpretation and translation and who provides it?
- b) What is the perception and experience of these measures for people with disabilities? What supports do they find useful? What supports do the police and other professionals involved find useful?

2.2.5 People with disabilities and the right to access victim support services

- a) What victim support services exist and what support services do they provide at each stage of the criminal justice process? How are these accessible to people with disabilities? Where and how are services provided? What services are being established or are planned to be established? How is confidentiality provided? How are they financed? How do they respect the interests of the victim? How are family members provided with the support services? How are victims referred to the competent authorities? What are the gaps and problems? What is the perception and experience of these measures for people with disabilities? What supports do they find useful? What supports do the police and other professionals involved find useful?

2.2.6 Right to individual assessment and protection

- a) What are the laws, policies and procedures regulating individual assessments (see Article 22, Directive 2012/29) and are there special provisions for people with disabilities? When and how are individual assessments of victims conducted, and who makes the assessments? What information do victims receive about individual assessments, and is there information for victims with disabilities? What supports are provided to victims with disabilities to communicate effectively during individual

assessments? If assessments are not free of charge, explain who pays for them. What procedural and reasonable accommodations and special protections measures can be put in place following an individual assessment?

2.2.7 Statistical information and data

- a) What data and statistics are available, and what data is missing? Which of these data is relevant to people with disabilities? Describe the available statistics and figures. Who collects this data, and how reliable is it?

2.2.8 Cases and situations when the rights of victims with disabilities were effectively and ineffectively protected

Describe at least one effective and one problematic case or situation.

Voices for Justice: Research Tools

RT2: DATA COLLECTION: DESK RESEARCH, INTERVIEWS AND OBSERVATIONS

Introduction

This research tool should be used in conjunction with RT1 Data Gathering Topics and Questions. This tool goes through some of the main ways to collect information and data – desk research, observations, and interviews – and how to apply these to the topic of information and communications for victims with disabilities.

1. Desk research

The first stage of data collection is through desk research. Information collection should focus on the data gathering topics and questions. Where information and data is not available, that should be recorded, and is a finding in its own right. For example, many countries do not collect statistics about numbers and types of crimes involving a victim with a disability.

Potential sources of information for desk research include:

- Government statistics (eg government statistical body)
- Official statistics (eg police, courts)
- University, think tank or other research reports
- Research reports by universities, institutions, think-tanks, etc
- Reports by non-governmental and non-profit organisation (NGOs), informal civil society organisations, associations, organisations of people with disabilities (self-advocacy or peer support)
- Relevant reports or statements by multi-national bodies, eg United Nations (UN), Organisation for Security and Co-operation in Europe (OSCE), European Union (EU)
- Relevant reports or statements by international NGOs or think tanks, eg Transparency International, Validity Foundation, European Network on Independent Living, Fair Trials, Victim Support Europe.
- Media reports – including radio, TV, press.
- Blogs, vlogs, other (credible) social media based reports
- Court reports
- Legal reports and databases
- Statements by opinion formers
- Autobiography or biography
- Own experiences, and experience of others in your organisation and networks.

Record the following information about the source:

Name of publication	Organisation(s)
Date published	Relevant pages
Place published	Web address
Edition	Date accessed (this is very important for information on the internet)
Author(s)	
Publisher	

The point is that any data or information source should be clearly identifiable so that someone else can easily find it. Where possible download and file any documents or reports referenced, take screen shots if download is not possible, or make a list of websites. For more detailed information on how to record references see the [OSCOLA Ireland](#) guidance.

2. Observations and experiences

There may also be opportunities to observe and record the experiences of victims with disabilities in different settings, including in police stations and courtrooms, or with victim support or civil society or public sector services. Observations may be made with permission or all parties, and can take the form of notes, videos, photographs, drawing, or audio recordings. The point is to demonstrate and personalise the experiences of victims with disabilities, so that we also see what happens. This is meant to add to and supplement that information from interviews. It may also be possible to write a diary, record your own experiences, or be interviewed by a colleague, if you have relevant information and experience.

3. Interviews and focus groups

There are different ways to engage with people and hearing about their experiences. These are options to consider:

- One to one semi-structured interviews. There is an interview guide with a short list of approximately 5 questions or topics/prompts that should be covered in an interview. The role of the interviewer is to encourage the interviewee to talk in their own words about their experiences, to focus and follow up any areas of interest. The interviewer should be curious and show interest in what the interviewee is saying. Often it is best to follow up on what the person says, asking them to expand on what they are saying, or ask about what happened next, rather than jump to new questions.
- Informal, unstructured conversations. These are most likely to be an existing part of your day-to-day work, where you are already in contact with people, and you can use such opportunities to introduce the project and ask some preliminary questions to sound people out about their interest, initial thoughts or ideas, and potential contribution to the project.
- Focus groups. Small group discussions. Approx. 5 to 10 people who are comfortable in each other's company and willing to talk openly in front of each other, but also have a variety of views or experiences. Interviewer has a guide or list of questions and prompts to cover. May include scenarios as way to encourage discussion. Idea is to come to some agreement or conclusions about the topic.

- Roundtable discussions. This is an occasion where the main purpose is to get professional and expert opinion and input. Likely to be part of on-going relationships and engagement. Approx. 5 to 25 people attend a meeting for between 30 mins to 2 hours. The meeting is facilitated, and detailed notes should be taken. Participants may be shown materials, given lists of priorities or shown practices for comment and input. The atmosphere should allow for open and informal discussion, so professionals and experts can talk 'off the record'. Participants should receive feedback and follow up after the discussion, so that they know their time and input were taken seriously.

3.1 Before the interview or group meeting

Make sure you arrange enough time for the interview in an appropriate space. For professionals, this may mean in their offices or place of work. For people with disabilities, it is important that the person being interviewed has choice over where the interview takes place, to ensure they feel safe and in control. Some may prefer to have somebody by their side to support them.

Before the interview inform the participants, what is the purpose of the interview and how the information is going to be handled. The person should sign a consent form. If this is not possible, then make sure you have recorded a clear spoken consent.

3.2 Location and set-up

Interviews and group discussion can take place in person or online.

- In-person meetings. These should be at a location which is accessible to the interviewees/ participants, where they feel safe (this is especially important for victims of crime), and where you can talk uninterrupted. This could be somewhere neutral such as a café or a park, it could be a familiar place such as their home, it could be a more formal location such as a university room, hospital or day centre. Interviews can be recorded and/or notes taken. Consent must be provided by the interviewee. All personal meetings must comply with COVID-19 related regulations and guidance.
- Remote or virtual meetings. Individual and group meetings can take place over Skype, Zoom or Google meets or other technology platform. An advantage of meeting remotely is that for some people it means they do not have to travel and access is not an issue. For other people, they may not have access to smartphone or computer, or it may not be possible for them to use the technology. There may also be concerns about being monitored for people who do not have access to a private space. A disadvantage of virtual meetings is that it is harder to notice and follow up on body language and other non-verbal cues.

3.3 Consent, ethics, and follow-up

All interviewees and research participants should sign a consent form consistent with data protection laws and ethical standards. While it may also be required under national laws to obtain permission from a legal guardian of a person with disability, this cannot substitute for obtaining permission from the person themselves.

Explain that the data will be anonymised so that it would not be possible to attribute what they say. If they would like to be identified, and make a more public contribution to the project, that is also possible. For victims or people who might be sharing any difficult or traumatic experiences, identify and provide support they might need before, during or after the interview.

Create a positive relationship, treat everyone with respect, value their input and ideas, give feedback and check in with them to confirm what you have heard what you understand by what they say.

3.4 Forms of interview data

- Written notes – take notes, especially to make sure that you have covered all the relevant topics for the particular interview. It is important to listen carefully and pay attention to the person being interviewed, which may mean not taking comprehensive notes. This is why it is also important to record the interview. It is a good idea to inform participants why you are taking notes and that they will also be kept confidential.
- Recordings – make audio recordings. Recordings may be transcribed later or perhaps more realistically, you can listen again to the interview and take notes on the relevant information. Check your equipment before the interview to make sure it is working. Some people are nervous about being recorded, but will often agree with the right reassurance that the information is confidential and will be anonymised.
- Also, if relevant, take notes on non-verbal communications such as body language, gestures, emotions.
- Visual - take pictures, draw sketches, video recordings and if appropriate the interviewee may be able to communicate through drawings or a visual representation. Make sure the interviewee is comfortable with this.

3.5 Storing data

Data should be stored as documents, recordings, images etc compliant with international and national data protection laws and guidance. This may mean anonymising or pseudonymising the data, so that the person cannot be easily identified, and their personal data cannot be accessed. Consent forms or other forms of consent should also be stored in a data protection compliant manner.

3.6 Starting the interview

Make sure you have all the necessary information for each research participant:

- Name
- Age range (you do not need to ask this, please feel free to make a reasonable judgement on it)
- Gender
- Disability (self-identification, and/or diagnosis/official disability status, if the person agrees)
- Profession/Position/Organisation:
- Location (region, city):

- Contact details (email or telephone or address) (so that you can follow up or provide information to them)

Introductions

- Introduce yourself.
- Introduction to the project and the interview. Explain what will happen and what to expect afterwards.
- Explain that the interview is confidential and give them the information sheet and consent form and go through it, making sure that they understand it.
- Check that they are happy to be audio recorded. Where you may want to undertake some observations on this occasion or at a later time, ask to take photos and/or short videos in addition to notes.
- Ask to sign **consent form** – in some cases this may be sent to the participant before the interview.
- If an interview participant cannot sign the form, for example because the interview is conducted remotely over zoom, or if they are unable to sign for any reason, **consent** can be **video recorded**. Some people may be able to make a mark or provide a fingerprint, in which case there should be a witness.

4. Interviewing victims with disabilities

In this section, we set out some basic guidelines for the interviews with victims with disabilities, including topics and orientational questions. It is crucial to ensure that victims' perspectives and the perspectives of people with disabilities are at the centre of the project. Opting for a victim-based approach in research means to systematically adopt a victim's point of view, therefore to always try to adopt a victim's "lens" when trying to understand phenomena in the research.

Interviewing people with disabilities should not be any different than interviewing people without disabilities. The nature of different disabilities, however, may mean that the form of communications need to be tailored to the particular person and their abilities. Victims of crime may also have particular needs, such as paying particular attention to where is a safe space, what support they might need both during and after an interview, how recent and what impact the crime has had. In some cases, a victim of crime may only be able to speak for ten to twenty minutes about their experience, and it may be that several meetings are necessary. It may be beneficial to work closely with a psychologist or expert in victim support when conducting interviews with victims with disabilities.

When interviewing a person with an intellectual disability or a person who experiences cognitive barriers, pay special attention to how you communicate and what words you use. Abstract concepts may be hard to understand, so use concrete concepts and be as practical and specific as you can. Questions must be phrased as simply as possible, use short sentences, each sentence dealing with a single point. Avoid questions related to time or numbers, such as: 'how much?', 'how often?' 'since when?' and questions that ask for a 'yes' or a 'no' response. If needed, provide options / examples but only limited number at time and in randomised order (people often tend to select the last option provided). When people with an intellectual disability are asked to evaluate something, it is important to consider that not all people have the same set of experiences and, their expectations might be low. Pay attention to non-verbal communication. The interviewer should be alert to body gestures, facial expressions, etc., more so when the interviewee has severe communication difficulties. Always allow enough time for the communication, the responses. If needed, rephrase comments or questions for clarity. Stay focused on the person as he or she responds to

you. Check in that you have understood them correctly, and let them know you are listening carefully to what they say.

For people with more limited verbal communication skills, using flash cards, dolls, drawings and other supports, can be helpful. There is guidance and support available, including the [CHARM Toolkit](#) (on monitoring human rights of children in institutions) has a section on communications with people with disabilities (p92-112) which may be helpful. The [Achieving Best Evidence](#) guidance may also be helpful. In addition, victim support services, disability rights NGOs, self-advocates, psychologists, speech and language professionals, may be able to provide expertise and support for interviews, or training.

The main questions for victims of crime differ slightly from questions aimed towards the professionals in the field of criminal proceedings and are oriented towards “what does it mean to be a victim” and “what are the victim’s experiences in each of the phases of the criminal proceeding”. We also pay attention to what are the possible community and policy factors that improve or worsen the experience of victims in the criminal justice system. The central focus should always be on nature of information and communication and how these are experienced - including what information is provided, in what forms, by whom, how is it understood, is it relevant to that point in the process, how and when does follow-up and clarification take place, and how does communication take place with professionals and support staff in the criminal justice system.

4.1 Contextualising the data

In an informal way, try to get to know your interviewee and make sure that (s)he also gets to know you. You are trying to establish a relationship that may be on-going for at least the period of the project. After the interview, write some basic personal data (approximate age, gender, ethnicity, nature of disability), and a person’s everyday context (place of living, income, social nets, everyday life, life events, institutional experience etc.). Do not worry if you cannot cover all the mentioned data – it is just about contextualising the data from the interview.

After the interview, provide a short but thick description of the context in which the interview took place. You can also take photographs or short videos, but always make sure you ask for permission. These pieces of information will be important as they might put the content of the interview in a specific frame, therefore they will help to understand how the content was produced. For instance, consider if you had enough time, the way the place was adapted for the interview, which questions the person had difficulties in answering etc.

4.2 Example questions and interview structure

If you do not know the person you are interviewing, try to find out some information before the interview so that you can focus questions appropriately and provide the right environment and support for them. You will not be able to cover all the question below, but should focus on what the person is willing and able to communicate about.

Talking with a victim of crime must be brief – maybe 20 minutes. For this project, it is more important to focus on two or three questions in detail, rather than try to cover everything. The nature of the crime may be important to how they experience the criminal justice system, and if they are willing to share what

happened that can be helpful, but victims should not feel under pressure to talk about anything that they don't want to. They may be willing to be interviewed again, and be able to give more information over time.

Trust building

Find a point of personal contact to ask about or comment on. Help the person feel as safe and comfortable as possible.

Your rights

- Do you know about your rights as a victim of a crime? (try to establish whether they have been informed of their rights by the authorities)

Stage 1: Reporting

- Were you able to tell anyone what happened? Who did you tell about? Did you get any advice or help? Did you feel listened to and understood?
- If you didn't tell anyone, what stopped you from reporting what happened?
- Has something happened to you, which you thought was a crime, but you were told it wasn't?
- Was there a decision to investigate the crime (or not investigate it) after your report? Were you told how that decision was made?
- What was good when you reported or talked to someone about what happened? (eg some of the information you were given, someone who supported you)
- What would you change, what should be done better?

Stage 2: Investigation and pre-trial

- During investigation, were you told you had to go talk to the police, or a prosecutor about what happened to you? Were you able to say everything that you wanted? Did you feel understood?
- Where did the interview(s) take place? Was it a place where you felt safe? Was it accessible to you?
- Did someone help or support you – was that what you wanted? Did you feel the process was explained to you and your questions were answered?
- Were you told that your case was going to court? Were you told how and why that decision was made?
- What was helpful to you when you talked with the police or prosecutor? What about when you received letters or information about your case?
- What would you change, what should be done better?

Stage 3: Trial and court processes

- Were you ever told you had to go to court? Were you told what to expect in the court room? Did you understand what was happening?
- How did you feel to be in the court? Did you have someone with you to support you?
- Were you able to ask for any support you needed, and was it provided? (physical and other accommodations, including help with communicating)

- Did the judge and others in the court listen to what you said respectfully? Do you think they understood you?
- What worked or was helpful to you in court?
- What would you change, what should be done better?

Stage 4: Post-judicial

- Did you understand how your case ended? And what the final decision (verdict) meant?
- How were you told about the way your case ended? How was it explained to you?
- Was there some support for you after your case ended?

Looking back at the whole process...

- Do you feel that you have received enough support, information, or do you feel you were more on your own? (try to be concrete, provide examples)
- Who were the easiest people to communicate with? And who were the most helpful?
- Who were the hardest people to communicate with?
- What would you advise the police? Lawyers? Judges? Other professionals you are/were in contact with?

Other

- Are you a member of a support group or association? Did they provide any help or support through the process? What form did it take? Were there any barriers to accessing their help or involving them in the criminal justice process?

Covid questions

- Did Covid or Covid restrictions impact on your experiences of the criminal justice process? (For example, perhaps you couldn't talk to a lawyer, police investigations might have been delayed, court hearings might have been delayed)

Thank the person/people.

- Let them know what happens next, what follow-up to expect.
- Ask if they are willing to be interviewed again, or to be consulted or attend meetings in the future.

5. Interviewing professionals

The purpose of interviewing professionals includes both collecting data and information as well as building on existing relationships as well as creating new relationships. The different stakeholders have multiple roles in the project: as research participants, answering questions and providing data and information; and as potential partners in raising awareness of issues and identifying relevant policies and promising practices.

Aim to interview between 10 and 20 professionals. This is likely to include:

- Professionals in the legal and criminal justice system – police, judges, prosecutors, defenders, lawyers, court officials, legal assistants, justice intermediaries
- Professionals in contact with people with disabilities – social workers, health care workers, doctors, psychologists, community support staff
- Civil society – victim support services, specialist support services or advocacy (disability, hate crime, domestic and gender based violence, minority rights)
- Family members, guardians, lay-advocates
- Others, as appropriate – policy advisers, sign language interpreters, receptionists at institutions or facilities for people with disabilities, church officials, pharmacists, etc

5.1 Example questions and interview structure

You are likely to know something about the people you interview, so focus questions on what stages of the criminal justice system they are involved in, and what their experiences are. You don't have to ask all the questions, just the ones that are relevant. Follow up on the information they provide by asking for more detail. And ask additional questions not included where they will add to your understanding and knowledge of the topic. Always try to get answers which are as specific and detailed as possible.

Your experiences, role and responsibilities

- What stages of the criminal justice process are you involved in and responsible for?
- What is your experience of people with disabilities as victims of crime?
- Expand on - What were the circumstances? What happened? What worked well? What were the difficulties or challenges?

Information for victims with disabilities (focus on information)

- Who provides information to victims with disabilities? On their rights, on the criminal justice process, on how to access support and services (including victim support services), on communicating with a lawyer, on what accommodations are available and how to access them
- What formats are available (for example easy-to-read, braille, audio, video)? And is this for only some information or for all information?
- Who or what agency is responsible for making sure that information is provided and provided in an accessible way?
- Where and how is information provided? (In an interview room or office? Sent by email? In the post? Through a support worker?)
- When is information provided and how is it made clear its relevance to the different stages of the criminal justice process?
- How do you know they understand the information provided, and what it means for them?

Communications with victims with disabilities (focus on communications)

- How does communication with a victim with disabilities take place? For example, when they give a statement or a testimony

- Are experts or support workers involved? For example a psychologist, speech/language professional, victim support worker.
- How are decisions communicated during the criminal justice process? For example, a decision to investigate or prosecute. Also, the final verdict and what it means.
- How does a victim with disabilities ask questions, give an opinion, and participate in the justice process?
- Are individual assessments used with victims with disabilities? Give examples and details.
- How does a victim with disabilities make a complaint?
- Can you think of what that might help a victim with disabilities understand their rights and help them to communicate effectively?
- In your experience, what has been helpful in enabling persons with disabilities to report a crime, participate during investigations and at trial?

Support and information in your role

- What help is available for you when communicating with a victim with disabilities? (eg support person, an adviser or interpreter, written information, informal guidance, formal instructions)
- What would be useful for you?

Legislation and policy (if appropriate and helpful)

- What do you understand to be the relevant laws or guidance for victims of crime, people with disabilities? (Prompt for all stages of criminal justice process and for relevant Articles.)

Covid questions

- In what way, if at all, have COVID-19 and COVID-19 related restrictions affected the participation of victims with disabilities in the criminal justice system? And on how information is provided to victims with disabilities and how communications take place?

Thank the person/people.

- Let them know what happens next, what follow-up to expect.
- Ask if they are willing to be interviewed again, or to be consulted or attend meetings in the future.

Voices for Justice: Research Tools

RT3: ANALYTICAL FRAMEWORK

Introduction

The purpose of this framework is to allow an assessment of how and to what extent victims' rights for people with disabilities, as set out in the relevant Articles of the Victims' Rights Directive, are upheld in law and policy, and in practice, at each of the four stages of the criminal justice process.

The findings of this assessment should support the second aim of the research: to identify the key issues, challenges and opportunities (including any promising practices) from the victim perspective and also from the perspective of professionals.

1. The framework

The analytical framework is based on two main questions for each element

1. **Legal/policy framework:** To what extent and in what ways is there a legal, policy and practice framework that supports sharing information and communication for people with disabilities who are victims of crime?
2. **Implementation/action:** is there evidence that the framework is being used? At this point, questions could be broken down in some detail – whether information is offered about their rights to support, information, etc. at each stage, in what form, whether anecdotal/ interview evidence suggest that victims felt they were treated with dignity and respect. Case studies can be used to evidence whether obligations were or were not met at each stage of the victim experience.

The assessment is based on the international normative framework as set out by the relevant obligations in the VRD and CRPD. It is underpinned by the rights to access to justice and the right to equal recognition before the law, (Articles 12 and 13 of the UNCRPD) as well as the right to protection against exploitation and abuse (Article 16), the right to life (Article 10), the right to freedom from torture and inhuman treatment (Article 15) and the right to protecting the integrity of the person (Article 17) . Assessment focuses on the interface between these articles and the implementation of the Victims' Rights Directive in the EU.

2. Definitions

Access to information. Victims receive information tailored to their needs in a way that enables them to understand their rights at each stage of the reporting and criminal justice process and in a way that enables them to understand and participate in the justice process.

There are two levels to its implementation.

1. General: victims have access to information from the first point of contact about all of their rights as victims of crime as defined by the VRD.
2. Specific: victims that are involved in a case have access to information at each stage of the process.

Access to effective communication. Victims are communicated with in a way that they can understand and are supported to communicate so that they are understood, throughout each stage of the criminal justice process. Effective communication also entails being treated with dignity, respect and without discrimination.

3. How to use the framework

The assessment framework is where you can insert a record of your assessment based on the data you have collected. It is divided into two main parts:

Part 1: General Standards, such as individual needs assessments, disability discrimination legislation, the involvement of representative organisations of people with disabilities, the existence of specialist support organisations, training and data collection and publication.

Part 2: Stages of the criminal justice process. The four stages of the process where data have been collected.

4. Guidance on completing the evidence section

The purpose of the assessment sheet is to support your evidence-gathering process. This means that you may decide to amend/ revise the tool as it suits you. We suggest that rather than presenting any evidence here, including law and case-law, you prepare a short summary and synthesis of the evidence. This process will support the report-writing stage later. If you want everything in one place, you might want to create more sheets with detailed evidence for each section and stage.

When assessing whether a legal/policy framework has been implemented, consider p. 5 of the European Commission guidance, which presents options for national implementation of the Victims' Rights Directive. Also p.9 where the Commission 'invites' Member States to consider adopting a national policy on the rights of crime victims and codes of conduct and guidance for practitioners (See guidance for detail¹).

It is important to note the two-stage consideration of the 'role' of the victim as defined by the Victims' Rights Directive and how it relates to national law in terms of the legal status of victims.

1. The definition of victim set out in Article 2 (Definition, including the definition of 'victim'), Recitals 19 and 20 applies regardless of their legally defined role at the national level;
2. The procedural rights defined in the VRD will be affected by 'role' of the victim within the national system. In other words, if victims have no legal status they will not necessarily be entitled to the Victims' Rights Directive procedural rights, but will be entitled to, for example, information on their right to an independent needs assessment, support, etc. 'A person should be seen as a victim regardless of whether an offender is identified, apprehended, prosecuted or convicted'.

¹ REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2020:188:FIN>

5. ASSESSMENT FRAMEWORK

PART 1: GENERAL STANDARDS		
Evidence of national legal/ policy/technical framework that can embed these standards		
Individual needs assessment, and the right to understand and be understood		
Evidence of national legal/ policy/technical framework that can embed these standards	Action: evidence that technical/ legal/ policy framework is being used	Comments on relevant procedural issues. (for example, national criminal procedure might exclude certain processes/ actions)
Disability discrimination legislation that ensures equality in relation to substantive and procedural rights with regard to the criminal justice system		
Evidence of national legal/ policy/technical framework that can embed these standards	Action: evidence that technical/ legal/ policy framework is being used	Comments on relevant procedural issues. (for example, national criminal procedure might exclude certain processes/ actions)

'Nothing about us without us' - Organisations of persons with disabilities are actively consulted		
Evidence of national legal/ policy/technical framework that can embed these standards	Action: evidence that technical/ legal/ policy framework is being used	Comments on relevant procedural issues. (for example, national criminal procedure might exclude certain processes/ actions)
The existence of specialist support organisations		
Evidence of national legal/ policy/technical framework that can embed these standards	Action: evidence that technical/ legal/ policy framework is being used	Comments on relevant procedural issues. (for example, national criminal procedure might exclude certain processes/ actions)

Training		
Evidence of national legal/ policy/technical framework that can embed these standards	Action: evidence that technical/ legal/ policy framework is being used	Comments on relevant procedural issues. (for example, national criminal procedure might exclude certain processes/ actions)
Data collection and publication		
Evidence of national legal/ policy/technical framework that can embed these standards	Action: evidence that technical/ legal/ policy framework is being used	Comments on relevant procedural issues. (for example, national criminal procedure might exclude certain processes/ actions)

PART 2: STAGES OF CRIMINAL JUSTICE PROCESS		
Stage one: reporting the crime (the act of notifying the state that a criminal offence has occurred)		
INFORMATION: Evidence of national legal/ policy/technical framework that can embed these standards?	INFORMATION: Action: evidence that technical/ legal/ policy framework is being used?	
COMMUNICATION: Evidence of national legal/ policy/technical framework that can embed these standards	COMMUNICATION: Action: evidence that technical/ legal/ policy framework is being used	
Stage two: investigation and pre-trial. This includes evidence gathering, interviewing victims, witnesses, and potentially, offenders, deciding on criminal charges and commencing indictments		
INFORMATION: Evidence of national legal/ policy/technical framework that can embed these standards?	INFORMATION: Action: evidence that technical/ legal/ policy framework is being used?	

COMMUNICATION: Evidence of national legal/ policy/technical framework that can embed these standards	COMMUNICATION: Action: evidence that technical/ legal/ policy framework is being used	
Stage three: trial and court process This includes preparing to give and giving evidence, the verdict and the sentencing decision		
INFORMATION: Evidence of national legal/ policy/technical framework that can embed these standards?	INFORMATION: Action: evidence that technical/ legal/ policy framework is being used?	
COMMUNICATION: Evidence of national legal/ policy/technical framework that can embed these standards	COMMUNICATION: Action: evidence that technical/ legal/ policy framework is being used	

Stage four: post judicial. This includes conditions of release and restorative justice		
INFORMATION: Evidence of national legal/ policy/technical framework that can embed these standards?	INFORMATION: Action: evidence that technical/ legal/ policy framework is being used?	
COMMUNICATION: Evidence of national legal/ policy/technical framework that can embed these standards	COMMUNICATION: Action: evidence that technical/ legal/ policy framework is being used	

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RT4: TEMPLATE FOR FINAL REPORT

The exact length and structure of the report will depend not only on the findings but also on the audiences and what precise findings and recommendations are important to emphasise. Below is a suggested table of contents and indications of number of pages.

Suggested Table of Contents

<i>Suggested section heading</i>	<i>Suggested length</i>
Preface	½ to 1 page
Executive Summary	2 pages
1. Introduction/Project background and purpose	1 page
2. Methodology	1 page
3. Country overview	2 to 3 pages
4. Legal and policy framework	2 to 4 pages
5. Case study(ies)	1 to 4 pages
6. Stage 1: Reporting the crime	2 to 4 pages
7. Stage 2: Pre-trial and investigation	2 to 4 pages
8. Stage 3: Trial and court processes	2 to 4 pages
9. Stage 4: Post-judicial	2 to 4 pages
10. Key findings	2 to 4 pages
11. Conclusions and recommendations	2 to 4 pages



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(878604 — InfoComPWDs)