

# **CRIME VICTIMS' RIGHT TO INFORMATION: PLAIN LANGUAGE AND ITS IMPLEMENTATION**

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## **Abstract**

The thorough fulfilment of crime victims' right to receive information presents itself as one of the crucial means to ensure that those suffering from the consequences of a criminal offense have the opportunity to enforce their remaining rights. Directive 2012/29/EU, concerning the rights of victims of crime, acknowledged this by assigning central relevance to this prerogative. It did so, namely, by establishing the obligation for Member States to ensure that communication with victims is conducted in simple and accessible language. Portugal, in this regard, has set forth in article 12, No. 2, of the Victim's Statute, the duty to provide information to victims in intelligible language, considering their personal characteristics. However, throughout the European Union, it remains clear that information is conveyed in language that is not simple, nor easy to understand.

Employing both hermeneutic and empirical methods, our aim is to, on the one hand, study the main provisions of European Union and national legislation that enshrine this right, and on the other hand, diagnose the primary issues concerning the effectiveness of how information is currently communicated to crime victims, clarify and specify what constitutes "plain language" as a communication technique to efficiently transmit information, consider existing best practices, and analyse the potential implementation of these and other best practices within law enforcement and judicial authorities.

**Keywords:** victims of crime, right to information, communication safeguards, plain language

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## Resumo

O cabal cumprimento do direito à informação das vítimas de crime apresenta-se como uma das principais formas de assegurar a quem sofre com as consequências de um ilícito penal a possibilidade de fazer valer os seus restantes direitos. A Diretiva 2012/29/UE, relativa aos direitos das vítimas de crime, veio positivar isso mesmo, atribuindo relevância central a esta prerrogativa. Fê-lo, nomeadamente, fixando a obrigação de os Estados-membros garantirem que a comunicação com as vítimas é feita através de linguagem simples e acessível. Portugal estabeleceu, nesse sentido, no artigo 12.º, n.º 2, do Estatuto da Vítima, o dever de a informação às vítimas ser prestada em linguagem inteligível, atendendo às suas características pessoais. Porém, por toda a União Europeia, continua a verificar-se que a informação é transmitida em linguagem pouco acessível.

Procuraremos, empregando os métodos hermenêutico e empírico, por um lado, estudar as normas legais mais relevantes da legislação comunitária e nacional que consagram este direito, e por outro, diagnosticar os principais problemas da forma como a informação é atualmente veiculada às vítimas de crime, esclarecer e concretizar em que consiste a “linguagem simples”, enquanto técnica de comunicação para transmitir informação de forma eficiente, ponderar boas-práticas existentes e analisar possíveis formas de implementação destas e de outras boas-práticas junto dos órgãos de polícia criminal e das autoridades judiciais.

**Palavras-chave:** vítimas de crimes, direito à informação, garantias de comunicação, linguagem simples

## 1. Introduction

The consideration of the Conference's theme – “Law and Language” – led us to the work we have conducted in the Portuguese Victim Support Association (hereinafter APAV) related to victims of crime's rights, specifically to their right to be informed, as it intertwines

with both fields. At a first glance, seemingly less relevant than, for example, protection against retaliation, this right's importance tends to be underestimated by the criminal justice system, even though it is a “key and uncontroversial right of victims” (Victim Support Europe, 2022, p. 6). One simple explanation that we think conveys its primary role is that, without knowledge of the remaining rights, i.e., without receiving and understanding timely information about them, the victim will not be able to exercise those prerogatives. In order for there to exist effective communication, language is determinant and, in the legal field, the need for it to be simplified is especially pressing. This was the premise that gave rise to the present paper. Moving forward, the law and the practice had to be examined.

Although there had been, in international and European law (Buczma, 2013), efforts to set some supranational basic standards on the statute of victims of crime, the fact is that, whether because of the non-binding nature of the legal instruments or of their specific fields of application, none of them had the impact 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, which replaced Council Framework Decision 2001/220/JHA (hereinafter the Directive or Directive on Victims' Rights).

The thorough way in which the Directive established the right to information is quite significant of its importance. In the present work, we aim to describe how the European Union (EU) regulates the right to information, especially the right to understand and to be understood, in article 3 of the Directive<sup>2</sup>.

Until 16 November 2015, Member States had to “(...) bring into force the laws, regulations and administrative provisions necessary to comply with this Directive (...)”, according to its article 27. Despite the three-year interval during which Portuguese legislation

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<sup>2</sup> We must clarify from the beginning that although the theme being explored – the right to information and to understand and be understood – is closely connected to the right of victims to communicate and receive information in a language they can comprehend, as what we are examining is the connection between the former and generic right and the use of plain language, this will strictly be the scope of our brief work. We will not delve into issues related to the availability of information in multiple languages or translation.

could have been adapted to fulfil the minimum standards of the Directive, the law proposal that preceded Law No. 130/2015, of September 4<sup>th</sup> (hereinafter “Victim’s Statute”), was presented only five months before the end of the transposition period, which we can only regret (Portuguese Victim Support Association [APAV], 2015a, p. 1). Still, the Victim’s Statute was adopted, and it established “Communication safeguards” in its article 12, following the provision on the right to understand and to be understood of the Directive.

Once the EU and national legal provisions concerning this particular right are analysed, we will attempt to ascertain whether they are complied with, both in the EU generally, through the examination of reports and legislative proposals, and in Portugal. Regarding our country, in addition to these methods, we will also study current practices of transmitting information to crime victims.

In this process we will explain the concept of “plain language”, discuss some of the methods of communication using this technique, and test it against the means being used to convey information to victims of crime.

Having diagnosed some of the main communication problems observable in the transmission of information to victims of crime, whether in their first contact with authorities or throughout the criminal proceedings, we will ponder on possible solutions, namely by pointing out some best practices.

## **2. The right to information in EU and national law**

The need for information by victims of crime has been recognised since the beginning of the “Victim’s Rights Movement” (Maguire, 1991, p. 366-370).

However, as already explained, it was not until the Directive on Victims’ Rights that the duty of Member States to provide such information was generically affirmed in Europe. The contents of this right are clarified in recitals 21 to 33, and its aim “to ensure that victims

of crime receive appropriate information (...)” is stated clearly in the first article, among the first objectives of the Directive.

The information to be provided to crime victims should focus on their rights – otherwise, as observed, they will not be able to exercise them fully and informedly; on available support resources (psychological, legal, social), without which the recovery from the impact of victimisation will be slower and more challenging; and on the course of their case and general workings of criminal proceedings, enabling their participation to safeguard their interests effectively and enhance its quality, thereby contributing to the aims of the penal procedure. This results mainly from articles 4 and 6 of the Directive and from article 11 of the Victims’ Statute.

To illustrate the importance of properly complying with the victim’s right to receive information, one should ponder the example of rape victims who, due to the nature of the crime, suffer particularly from secondary victimisation during criminal proceedings and are therefore considered victims with special protection needs, according to the Directive, and as especially vulnerable victims, as described in the Victim’s Statute. If these victims are informed, in their first contact with authorities (or even previously), about the set of rights assisting them – namely, the one to be questioned preferably by the same person of the same sex, with proper training, that the contact between them and the defendant should be avoided during proceedings and that they can provide their statement without having to be present in the courtroom – in addition to being able to request the enforcement of these rights, should the competent authorities fail to provide it, they will likely feel more inclined to file a complaint and cooperate with the investigation. Knowledge about the protection that should be guaranteed to these victims might, then, have a strong impact in diminishing the number of cases in which sexual crimes’ victims decide not to report or to not go through with an initiated procedure, to avoid having their intimacy exposed and having to revisit and relive the crime. It was not coincidental that the origin of the “Victims’ Rights Movement” crossed

paths with the “Feminist Movement” in the 1970s and their campaigning on behalf of victims of sexual assault (Maguire, 1991, p. 370).

Focusing on the provisions of the Directive, we can observe that this European standard broke down the right to information into other complementary rights, allowing for its realisation. Therefore, in its second chapter, under the title “Provision of information and support”, it enshrined the “Right to understand and to be understood” in article 3, the “Right to receive information from the first contact with a competent authority” in article 4, the “Right of victims when making a complaint” in article 5, the “Right to receive information about their case” in article 6, and the “Right to interpretation and translation” in article 7.

The right to understand and to be understood is one of particular interest to explore the concrete topic of this paper – ensuring the fulfilment of the right to information through the use of plain language. Article 3 states, in No. 1 and No. 2:

1. Member States shall take appropriate measures to assist victims to understand and to be understood from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings, including where information is provided by that authority.
2. Member States shall ensure that *communications with victims are given in simple and accessible language, orally or in writing. Such communications shall take into account the personal characteristics of the victim including any disability which may affect the ability to understand or to be understood* [emphasis added].

Law No. 130/2015, of September 4<sup>th</sup>, transposed this Directive into the Portuguese legal system and as previously explained, became known as the Victim's Statute. Regarding the right to information, it established a general principle in article 8, the set of information to be provided to victims in their initial contact with competent authorities and during the criminal process in article 11, and finally, in article 12, it established the so-called “Communication Safeguards”, reproducing the content of the right to understand and to be

understood recognised by the Directive. Hence, since the entry into force of the Victim's Statute, communication with all victims of crime must be conducted in simple and accessible language, taking into account their personal characteristics.

Specifically, regarding Portugal, it is worth mentioning that Law No. 112/2009, of September 16<sup>th</sup>, establishes the Legal Regime Applicable to Domestic Violence Prevention, Protection and Assistance to its Victims (hereinafter "Law on Domestic Violence"). Article 11 establishes a general "Principle of information", while article 15 deals with the right to information and its content, and article 17 with the "Communication Safeguards". This last norm, which, let us reinforce, is only applied to domestic violence victims, establishes that problems of communication should be reduced as much as possible, both regarding the understanding of information and the intervention of the victim in criminal proceedings. As a result, the "Communication Safeguards" of the generic and more recent Victim's Statute are clearer in enshrining the right to understand and to be understood.

### **3. Implementation of the right to information of crime victims**

In order to comprehend if the right to information of victims of crime has been properly implemented at the EU level, regarding the right to understand and to be understood established by article 3, we will, firstly, point out some of the conclusions reached by reports and proposals of EU institutions. The Report from the Commission to the European Parliament and the Council (European Commission, 2020, p. 4), on the implementation of the Directive, concluded that the enactment of this right has revealed itself difficult in a number of Member States, as some have "(...) failed to transpose the obligation to proactively assist victims when communicating with them (...) [and] to ensure that the communication is provided in a simple language and with a consideration of the personal characteristics of the victim (...)". The Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence

(European Commission, 2022a, p. 12), in the “Explanatory Memorandum”, refers to the results of an open public consultation held on the Commission’s website, in 2021, on the subject of “protecting victims and punishing offenders”. Of those who participated, 60% deemed it necessary to improve the current information structures for victims of violence against women and domestic violence, in what regards their rights, the services available to them, and the follow-up given to their complaints. The Commission Staff Working Document – Evaluation of the Directive 2012/29/EU (European Commission, 2022b, p. 13-15) states that, even though there have been improvements in the transmission of information, notably the standardisation of its dissemination in a widespread manner, several other problems have been identified, some precisely related to this standardisation, which results in a lack of adaptation to concrete circumstances. In most EU Member States “(...) competent authorities do not use language tailored to the victim. This is because there are no formal procedures for authorities to assess victims’ communication needs”. The recent Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU (European Commission, 2023, p. 13) reinforces these results: competent authorities often use language that is not adapted to victims’ needs, which is particularly prejudicial to people with disabilities, people who do not speak the national language, children, and the elderly.

Contributing to the results presented and acted upon by the EU documents just mentioned, there were other works conducted mainly by victim support associations that are worth pointing out. Victim Support Europe (2019, p. 19-22 and 2022, p. 16, 24, 27-29, 34-38, 43) through its partnership with various national victim support associations, namely with APAV, aided by EU fundings, co-produced some of the conclusions described in the previous paragraphs. They also observed that in several Member States an informative sheet is provided to crime victims, on their first contact with authorities or with the entities those authorities refer them to, which they must sign to confirm its reception and consequently to



acknowledge the supposed fulfilment of their right to be informed. In some states, this document is a copy of national legal provisions, handed out to the victim without further explanations. These reports highlight that the lack of professional training plays a significant role in the communication problems detected.

In Portugal, in 2010, Decree No. 229-A/2010 from the Presidency of the Council of Ministers and Ministries of Internal Affairs and Justice was published to regulate article 14, No. 2, of the Law on Domestic Violence, that established that the victim of domestic violence should be provided with a document certifying their victim status, mentioning the rights and duties recognised in that law. The said decree approved a model document for that purpose and, ultimately, also regulated the right to information of victims of domestic violence. Therefore, only these victims were given a Victim's Statute sheet, that contained the legal provisions applicable. Following the transposition of the Directive, a "Generic Victim's Statute" started being handed out to all crime victims. Especially vulnerable victims received, in addition to the general one, an "Especially Vulnerable Victims' Statute". Domestic violence victims, which fit the definition of especially vulnerable victims as well, were given three different documents: the "Generic Victims' Statute", the "Especially Vulnerable Victims' Statute" and the one they already received due to the special regime applicable to them – the "Domestic Violence Victims' Statute". The number of documents received represented an additional factor of misunderstanding of their rights. Furthermore, these documents were drafted in the same terms as the law, using purely legal and technical language.

Decree No. 138-E/2021 from the Presidency of the Council of Ministers and Ministries of Internal Affairs and Justice revoking the previous one, from 2010, aimed to address these issues. Nowadays, the "Generic Victims' Statute" delivered to all crime victims is a nine-page document, which must be signed by the victim. If the victim is considered especially vulnerable, a different document, with ten pages – the "Especially Vulnerable

Victims' Statute" – replaces the previous and generic one. If the especially vulnerable victim is one that suffered domestic violence, to those ten pages, four more are added, mentioning the special rights assisting victims of this type of criminality.

The language used in these new model documents was simplified in an effort to make it accessible, understandable, and usable by all victims of crime.

One aspect worth noticing regarding these "statutes" is that they do not inform victims about their right to information, as it is not mentioned in the document. This omission may point to the assumption on the State's part that the obligation of law enforcement and judicial authorities to inform victims is fulfilled with the delivery and signature of the document. Such assumption is not compatible to what the Directive and the Victims' Statute imposes, not only regarding the information's content and the period during which it should be available and continuously provided, but also concerning the right to understand. The act of delivering an informative sheet to a victim does not guarantee at all that said victim effectively receives the information, as it does not guarantee that they understand it.

In a related matter, let us point out that these documents aim to give information to victims about their rights and their duties, the support services available to them and the main aspects of the workings of the criminal procedure. But, as previously mentioned, all crime victims have the right to be informed about the course of their cases, if they wish, in order to participate in the criminal proceedings and safeguard their interests. The issue at this point is that this type of information continues to be delivered merely through court notifications that contain solely legal language.

We will continue to try to ascertain if the right to understand, in the context of the right to information, established by the Directive on Victims' Rights, was effectively transposed in the EU and in Portugal, in the next part of this paper, by examining the concept of "plain language" and some of its implications.

#### 4. Plain language

According to the International Plain Language Federation (2024), “a communication is in plain language if its wording, structure, and design are so clear that the intended readers can easily find what they need, understand what they find, and use that information”.

Thus, the main concern when trying to communicate clearly should be the audience. Legal language, then, might be considered plain language if the recipient is someone that deals with the law and its interpretation and can easily use the information given in such terms. Nevertheless, generically, like other sciences, the law uses technical and specific language, with its own lexicon, being incomprehensible or at least hard to understand to the general public.

The need for “legalese” to be understandable is, however, greater than that of other scientific languages, since the law itself, aiming to regulate peoples’ lives, should be understandable by all.

This necessity has been emphasised by the “Plain Language Movement”, which, of course, has its detractors, mainly within the legal professions (Boyd, 2019; Kimble, 1994-1995; for some critics, consult Stephenson, 2017; Tiersma, 2006). Some of the criticism that has been levelled against this movement is that the attempt to simplify legal terms may lead to imprecisions.

In the United States of America, the “Plain Language Movement” has already resulted in the signature of the Plain Writing Act of 2010, with the full title “An act to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes”. Federal departments and agencies must, namely, follow the Plain Writing Guidelines (United States Government, 2011), structured in three main parts that concern the understanding of the audience, the organisation of the text and one final section devoted to the writing itself, which contains tips and techniques to simplify the language. Canada has also adopted a Directive on the

Management of Communications, that emphasises that plain language is to be used in all communications with the public. In New Zealand, in 2022, a Plain Language Act has been enacted, and in Australia there is a style manual to produce government content that focuses on the use of plain language (Australian Government, 2023). All these frameworks highlight that the language has to be adapted to the public, and define a set of principles in order to simplify the structure and the wording of the text, such as using everyday words, short sentences and paragraphs, clear headings, examples, lists and tables, as well as avoiding legal, foreign, and technical jargon.

Returning to our main topic, i.e., the right to information of victims of crime, this simultaneously specific and vast audience is the one to be considered. Hence, one cannot assume that “crime victims”, as a public, understand legal terms. Due to the need for clarity, the risk of some minor imprecisions or incompleteness needs to be taken. So, firstly, language needs to be adapted to the knowledge characteristics of the general population, as any individual may be a victim of crime. Secondly, we must consider that our audience is made up of people who suffer the consequences of a criminal conduct and who are, most likely, nervous, afraid, or otherwise distressed. Thirdly, communication should, in each case, be tailored to the specific needs of the concrete victim. All of this in order for it to be “plain”, understandable, and therefore, to comply with the demands of EU and national law. Has this been achieved? If not, what can be done to fully implement this right?

##### **5. Do victims understand the information provided?**

As far as the EU generically is concerned, as, namely, the reports and proposals of its own institutions have signalled, despite the positive impact produced by the Directive concerning the right to information of victims of crime and the possibility of identifying best practices throughout its Member States, there are still a number of obstacles to the right of victims to understand the information that they receive. The standardisation and

generalisation of information provision through the delivery of a document represents an improvement, as it guarantees that all victims of crime receive a written summary of their rights, allowing them to support and participate in the penal procedure. However, this measure, if not accompanied by others, falls short of the Directive's goal, namely, to *effectively* transmit information to all crime victims.

The criticism addressed to most EU Member States also applies to the concrete context of Portugal.

As we have seen, an effort was made to write the Victims' Statute sheets in plain language. The documents are written in a well readable font, the sentences are spaced, the information is divided in clearly distinct topics, long sentences are avoided, as well as technical terms.

However, the oral provision of information and its adaptation to the victims' needs is dependent on the police officer or magistrate's will, disposition, and specific capacities, as the only "procedure" to provide information consists in the delivery of the already mentioned documents. There is no systematic assessment of victims' communication needs, nor a cohesive and generic training program to communicate with victims (APAV, 2019, p. 82). As APAV (2019, p. 18) explains, "Communication with victims and, particularly, with victims who have special communication needs requires clarity, calmness and patience, which is often lacking among law enforcement and judicial authorities".

The Statutes themselves are still long and only contain written information, and "(...) the truth is that there is no assurance that all victims understand this information" (APAV, 2019, p. 20). As we have noticed, the Victim Statute's sheets delivered do not mention, among the other rights, the right to receive information, implicitly conveying the message that the fulfilment of this right is limited to the mere delivery of those forms.

Regarding the information to be conveyed during criminal proceedings, as we have seen, it is only provided through notifications from the court, that use exclusively legal

language. If the victim is not represented by a lawyer, the information will hardly be understood by its recipient.

Hence, the answer to our section title question has to be, generically, negative.

## **6. Moving forward and implementing the right to information through the use of plain language**

In this almost final moment of our brief reflection, we would like to suggest some possible ways of effectively implementing and transposing the Directive in what concerns the understanding of information by victims of crime, namely by pointing out some best practices.

First of all, victims' communication needs must be assessed on their first contact with authorities, alongside their protection needs (APAV, 2015b, p. 26). This first step is an indispensable part of the protocol of informing victims, which will allow for their characteristics to be fully taken into account. The implementation of such a protocol is in line with the Proposal for a Directive of the European Parliament and of the Council amending the Directive, as it establishes the Member States' obligation, through article 26a, No. 1, a), to set up specific procedures in cooperation with law enforcement, judicial authorities (prosecutors and judges) and support organisations to ensure that victims receive information that is adapted to their specific needs (European Commission, 2023, p. 14 and 32).

We believe it to be important, as is already the norm amongst Member States, for a document to be delivered to victims, mentioning their rights, the support services available to them and an explanation of the criminal proceedings. In Portugal, this document includes the "Generic Victims' Statute" or the "Especially Vulnerable Victims' Statute", and it is already organised clearly and written in simple terms, as it should be. But, as mentioned above, these materials need to be adapted to the victims' characteristics. Hence, a disabled

person, a child victim, or a foreign individual need to be handed documents tailored to their capacities, comprehension skills and language. Regarding the two types of informative materials that currently exist in Portugal, although already free of jargon and “legalese”, their length still discourages their reading, particularly in a moment of stress to the victim, when they first contact the authorities, at the place of the crime or later in a police station or a prosecutor’s office. So, a good practice could be, as APAV suggests, delivering “leaflets containing a list and small description of victims’ rights” (2019, p. 20), in addition to the more thorough document. Actually, APAV has produced brochures in such terms, that have been distributed in police stations, prosecutor’s offices, and courts, in the context of the “Infovictims” project.

But a more pressing need is to not limit the fulfilment of the obligation of authorities to provide information to victims to the delivery of these documents. Unfortunately, as already pointed out, this is still the case in many Member States, including Portugal. When giving a statute and a leaflet explaining their rights to crime victims, authorities must, in all cases, explain the contents of those documents and answer any questions the victims might have, by using accessible and tailored language, according to each victim’s needs. The established informative protocol/procedure should include, alongside the delivery of the documents, a mandatory oral explanation, preferably face to face, so that body language can be used as well. For authorities to play this role, regular training “on developing communication skills and learning how to communicate in a victim-sensitive and trauma-informed manner” is of the utmost importance (Victim Support Europe, 2022, p. 24).

A good example of an imaginative way to make sure victims understand information comes from the Netherlands, where information, besides being provided orally, is often completed with educational videos and infographics. As ensuring that victims with mental disabilities and literacy problems are effectively informed about their rights has been identified as particularly challenging, a working group has been created, with representatives

from the prosecution's office, police, victim support and other criminal justice agencies, to develop adapted tools for these groups (Victim Support Europe, 2019, p. 20).

Another option is for this information to be provided with the help of victim support technicians, namely trained psychologists. There are already several prosecutors' offices in Portugal that employ one such technician and the results have been encouraging. However, these technicians tend to work mainly in domestic violence cases (see Protocol between the Ministry of Justice and the Public Prosecutor's Office, 2019).

The EU institutions' work on the assessment of the implementation of the rights of crime victims has resulted in a proposal for the amendment of the Directive, which, in article 3a, puts forward the creation of helplines, through an EU 116 006 telephone number and "(...) a website with state-of-the-art technology to give optimal access in most spoken languages and to persons with disabilities" (European Commission, 2023, p. 14, 26 and 27). This would be a way to convey information in an accessible and personalised manner, both to victims who report and to those who do not, but still need support, eventually to feel confident to file a complaint. The website would also allow for information to be provided through images, animations, and videos, which can play a definitive role in the transmission and understanding of information. The "Infovictims" project (2022) has shown another example of best practices in its website. Among other features, the website allows victims to virtually visit a courtroom and understand where they will give testimony, if required, and where the other participants in the criminal proceedings, namely, the defendant, will be.

As for the information regarding the progress of the criminal proceedings, the modification of the language used in court notifications could fit into a widespread reform concerning how communication is conducted between state bodies and citizens. Ultimately, then, a Statewide reform should be pondered, in line with the "Plain Language Movement". One good practice observable in Europe concerns the Swedish case, where a 1982 Ordinance states that the Director-General for Legal Affairs must "encourage the greatest possible



simplicity and clarity in the language used in statutes and other decisions” – an aim that has been pursued by a team of language experts and lawyers. There is also a government appointed campaign group – the “Plain Swedish Group” – whose work has resulted in the involvement of the majority of Swedish government authorities in systematic plain language work (Ehrenberg-Sundin, 2004).

Another solution could involve the existence of a 'contact person' within the scope of the criminal proceedings, who, as part of their duties, would regularly inform the victim about the course of proceedings and would be available to answer questions throughout the process. This is partially available to victims of domestic violence in Portugal – see article 15, No. 4, of the Law on Domestic Violence, that states that the victim must be informed “(...) of the name of the agent responsible for the investigation, as well as the possibility of contacting them to obtain information about the status of the criminal proceedings” –, but not, for example, to other especially vulnerable people, like children, the elderly, disabled individuals, migrants or victims of sexual and/or violent crimes. The Directive on Victims' Rights includes, in the set of information to be provided to crime victims from the first contact with authorities, the contact details that they can use to communicate about the case – see article 4, No. 1, i). Regrettably and incomprehensibly, the content of this paragraph was not transposed to the Victims' Statute.

## **7. Conclusions**

As Member States are not assuring that information is being generically provided to all victims of crime in a way that they understand it, there is still a great amount of work to be done in order to fully implement the victims' right to receive information. Plain language seems to be, not only a set of characteristics of language, but mainly a goal, or better yet, an achievement: that is, to allow the audience to comprehend and use information. In such a way, it can greatly contribute to the practical transposition of the victims' right to understand

information, not only by dictating that the documents given to victims, or any other informative materials, are written in clear and simple terms throughout the criminal procedure and that information provided orally or via a helpline is accessible and intelligible, but also by emphasising the importance of adapting the language and the means of communication to the audience and the need to consider victims' specific characteristics in order to inform them properly.

The generalised delivery of information sheets to victims does not take into account their distressing situation and specific needs, as these needs are not initially assessed and later addressed by the professionals who should make sure that the information is understood. Establishing information protocols or procedures that contemplate, namely, the needs' assessment, the moment to deliver clearly written information, accompanied by a tailored explanation of its content, preferably in person, and the designation of a contact person to keep victims informed about their cases, seems to be the way of ensuring an improvement in the implementation of this right. A victim's right which cannot be considered transposed if the people in charge of informing them are not frequently and thoroughly trained to do so.

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