

# COVIS HANDBOOK OF BEST PRACTICE FOR COURT-BASED SUPPORT

*Practical Guidelines and Recommendations*



# COVIS

VICTIM AND WITNESS SUPPORT IN COURT





**About the COVIS-project:**

COVIS (Court-Based Victim and Witness Support) is a two-year EU-funded project led by Victim Support Sweden, in partnership with APAV Portugal, V-SAC Ireland, RIKU Finland, Offerrådgivningen Denmark and Victim Support Europe. The COVIS-project supports the implementation of European victims' rights by developing materials, knowledge and tools to improve access to court-based support for victims/witnesses in connection with criminal proceedings. Improved availability of high-quality support throughout the criminal justice system will help victims feel more informed, calmer, safer and empowered in their ability to participate in the criminal justice process; provide their best evidence; and access justice in the aftermath of crime. By building capacity in court-based support, the COVIS-project ensures that delivered services will better meet the needs of victims/witnesses of crime; support their wellbeing during the criminal justice process; limit the risk of secondary victimisation; and improve victims' ability to recover from the negative impact of crime.

# COVIS HANDBOOK OF BEST PRACTICE FOR COURT-BASED SUPPORT *PRACTICAL GUIDELINES AND RECOMMENDATIONS*

## FOREWORD

Crime harms individual victims, witnesses and their loved ones as well as society as a whole. The full impact of crime is virtually impossible to estimate and includes physical, psychological, financial and societal damage. For anyone who has fallen victim to, or witnessed, a crime, society has a responsibility to care for their needs and ultimately help them to recover from the negative effects of crime.

Access to justice is a core component of a democratic society. The mission of the criminal justice system is to maintain public order and uphold the rule of law, while protecting the rights and freedoms of all citizens. Treating victims and witnesses of crime with dignity and respect, and ensuring that they can access their rights in the aftermath of crime, is critical to the fulfilment of this mission. Without support and guidance, many victims will not be able to complete their journey through the criminal justice system and attain justice. Failure to provide victims and witnesses with appropriate help and assistance in connection with criminal proceedings can expose them to secondary victimisation and reduce the criminal justice system's ability to administer and achieve justice. Alternatively, improved ability to access quality court-based support services helps victims/witnesses feel calmer, safer, more informed and better equipped to navigate the criminal justice system. Court-based support services aim to protect and promote victims' wellbeing; support their recovery from crime and minimise the risk of secondary victimisation; strengthen victims' and witnesses' ability to provide their best evidence; and thereby support the fair and effective administration of criminal justice.

Given the importance of supporting victims and witnesses in connection with criminal proceedings, I am pleased to present the COVIS Handbook of Best Practice for Court-based Support. The Handbook combines European best practice in methods and approaches to deliver information, emotional support and practical guidance to victims and witnesses throughout their engagement with criminal justice system. In the document, we have sprinkled quotes, positive inspiration, lessons learnt, and nuggets of pure genius from colleagues we have had the honour to encounter during the completion of the COVIS-project. I want to express my deepest gratitude to every victim, witness, court-based support staff member/volunteer, criminal justice partner and everyone else who has so graciously shared their experience and knowledge on this journey. I hope this Handbook will help you see the full potential of court-based support and guide you to tailor your own offer of support to the victims and witnesses you meet. Good luck, and I look forward to seeing you in court.

With gratitude and appreciation,

*Frida Wheldon*

Frida Wheldon,  
Project Manager, COVIS-project

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# 1. PURPOSE OF THE DOCUMENT

The COVIS Handbook of Best Practice for Court-based Support is intended to provide practical guidelines and recommendations for court-based supporters on their treatment of, and interaction with, victims and witnesses of crime in connection with criminal proceedings. It is recognised that the circumstances presented by each case cannot be adequately predicted in advance. Consequently, decisions regarding the treatment of victims and witnesses will often require individual assessments, evaluations and the exercise of independent judgment in light of national legislation and circumstances presented in the individual case. The purpose of this document is not to overrule national regulations but to provide practical guidance and recommendations on how to implement victims' rights in practice to anyone delivering support to victims and witnesses of crime in connection with criminal proceedings.

## 2. CORE PRINCIPLES OF COURT-BASED SUPPORT

### 2.1. Aim of court-based support: The wellbeing of the victim/witness

The criminal justice system plays a fundamental role in the relationship between the State and its citizens. Members of the public expect a justice system to offer them protection from crime and an appropriate response whenever a crime is committed. But justice cannot be delivered without the involvement and contribution of victims.<sup>1</sup> Victims and witnesses of crime provide key information upon which the courts base their decisions. Attendance of victims and witnesses is often vital to the successful operation of the criminal justice system<sup>2</sup> and yet, securing their cooperation is one of the major challenges faced by criminal justice agencies during their investigation and prosecution of crime.<sup>3</sup>

Recent evidence has highlighted significant non-attendance of victims and witnesses, resulting in ineffective, adjourned or cancelled trials.<sup>4</sup> Studies have also identified that many victims choose to never report a crime again following a negative experience within the criminal justice process.<sup>5</sup> It is thus essential for States to find ways to improve victims' and witnesses' confidence in the criminal justice system, to increase their willingness to participate in criminal proceedings whilst minimising the risk of them suffering harm. Court-based victim and witness support services play a vital role in the fulfilment of all of these aims and is today seen as a fundamental part of criminal justice. They help to inform and prepare victims/witnesses for participation in criminal proceedings<sup>6</sup> while also providing reassurance, comfort and support to enhance their wellbeing and minimise the risk of secondary victimisation.

While acknowledging that victims and witnesses play a vital role in the criminal justice process, the aim of court-based support should always be to protect the wellbeing of the victim/witness, support their recovery from crime and minimise further trauma arising from the criminal justice process. A victim/witness who feels safe, supported and who understands the criminal justice system and their role within the system will be better able to provide their best evidence, presenting the court with the best basis upon which to determine their verdict. The focus of court-based support services on victims' and witnesses' wellbeing will therefore lead to a more fair and effective criminal justice system for all.

*“Court-based victim and witness support is a prerequisite for a well-functioning court process”*

Judge

## 2.2. Presumption of victimhood

A cornerstone in recognising the rights and needs of victims of crime is the presumption of victimhood.<sup>7</sup> A person may be considered a victim regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted.<sup>8</sup> Similar to the manner in which the presumption of innocence protects the rights of the suspect to be treated as not-guilty, it is in the interest of victims that agencies and organisations within the criminal justice system treat them as if the crime has taken place.<sup>9</sup>

The presumption of victimhood is a vital principle for court-based support services. The victim should be treated as if a crime has taken place in the manner described by the victim. Courts do not determine whether a person has fallen victim to crime; many victims choose to never report a crime to the police but the incident has still occurred. Even if a suspect is acquitted at the end of the court process, the verdict may not determine whether the victim suffered a crime,<sup>10</sup> merely that the court decided that the evidence presented did not prove beyond a reasonable doubt that the accused committed the crime as described by the prosecutor. Many victims of crime, in particular victims of domestic violence, rape or other serious sexual offences where the evidence often relies on contradictory statements given by the victim and the accused, feel betrayed and let down by the criminal justice system if the accused is acquitted.

Feelings of hopelessness and of not being believed impacts on victims' ability to recover and may give rise to secondary victimisation and an assertion that the victim will never again engage with the criminal justice system. In contrast, if a victim feels supported, treated with respect and has their experience acknowledged, it increases the chance of a victim deriving a more positive overall experience from the court proceeding, regardless of the final verdict. It is therefore of vital importance that court-based supporters are mindful of the needs and perceived experiences of the victim, regardless of the outcome of the criminal justice process.

## 2.3. Victim-centric support services

Having to address the legal ramification of crime by attending a criminal proceeding whilst at the same time dealing with the emotional, practical and financial impact of crime can be traumatising for both victims and witnesses of crime. It is therefore important that court-based support services are tailored around the victim's/witness's needs and that victim support services act in the interests of the victim before, during and after criminal proceedings.<sup>11</sup>

A victim-centred approach is defined by the UN as “a way of engaging with victim(s) that prioritises listening to the victim(s), avoids re-traumatisation, and systematically focuses on their safety, rights, wellbeing, expressed needs and choices, thereby giving back as much control to victim(s) as feasible and ensuring the empathetic and sensitive delivery of services and accompaniment in a non-judgmental manner”.<sup>12</sup> In practice, this means placing the needs and wishes of the victim at the centre of all prevention and response efforts by victim support services.<sup>13</sup>

The use of a victim-centred approach is acknowledged as international best practice when working with victims of crime within the criminal justice system. Victims having experienced physical or/and psychological trauma, sometimes over prolonged periods of time, often feel that they are not in control of their own lives. Using a victim-centred approach allows victims the ability to regain a sense of control to reclaim their lives,<sup>14</sup> which is a vital part of recovery and of building resilience in the aftermath of crime.

To operate within a victim-centred approach, victim support service providers must have a genuine understanding of the full impact of crime and trauma on victims and apply this knowledge in their interaction with the victim. When tailoring support to meet the individual needs of victims, there is no single answer as to what is 'best' for the victim. To determine the most suitable approach for the victim you are supporting in connection with a criminal justice proceeding, you must ask for their views and



preferences. Court-based support staff/volunteers could for instance explain how the criminal justice process works and what rights and options the victim has within the criminal justice system, but allow the victim to decide whether they wish to, for instance, apply for special protective measures or ask to give evidence from another location. Involving the victim in making decisions in their own case allows them to feel more empowered and regain a sense of control, something that many victims feel was taken away from them during the crime and throughout the formal criminal justice process.

*“Victims and witnesses who have received support in connection with criminal proceedings are much easier to cross-examine in court. You can see a difference in the confidence of the victim/witness and it is easier to engage with and reach them.”*

Judge

## 2.4. Trauma-informed support service

Trauma can affect victims and witnesses of crime in different ways. While some manage well despite their experience of trauma, the same event can severely affect another victim’s mental and/or physical health, relationships, and the way they view themselves and the world around them.

*“Trauma can affect our sense of ourselves leading to feelings of shame, fear and responsibility. It can affect our relationships with others leading to difficulties trusting others and feeling afraid of others. It can affect our ability to manage our emotions, sometimes leading to coping strategies that may be harmful in the long-term but might feel like it is the only way of surviving in the short-term.”<sup>15</sup>*

Victims and witnesses are more likely than others to have been exposed to traumatic events. The impact of trauma may influence their ability to cope with stress and make decisions within strict deadlines, as required by the criminal justice system. Trauma can also impact on how memories are stored and recalled, as well as our general ability to understand new and complicated information at times of stress. The most serious of offences may leave victims and witnesses most vulnerable to re-victimisation and least able to recall, think or talk about the crime.<sup>16</sup>

Court proceedings impact victims in various ways and may bring back memories of the trauma, giving rise to a range of emotional and physical reactions throughout the criminal justice process. To support victims/witnesses in connection with criminal proceedings, trauma-informed victim support services should develop service delivery methods that enable supporters to:<sup>17</sup>

- ✓ Realise how common the experience of trauma is for victims/witnesses participating in court proceedings
- ✓ Recognise the different ways in which trauma can affect victims/witnesses throughout the criminal justice system
- ✓ Adapt support services to reduce barriers, support victim/witness recovery and build resilience
- ✓ Minimise risk of re-traumatisation and offer a greater sense of choice, trust, empowerment, collaboration and safety for victims/witnesses of crime
- ✓ Recognise the central importance of relationships in order to deliver victim and witness support services

The criminal justice system can often feel impersonal to the victim/witness. The systems and agencies involved sometimes lose sight of the fact that the victim is not just a case file, but an individual impacted by trauma. However, re-traumatisation and re-victimisation are not inevitable consequences for victims and witnesses participating in the justice process. Fostering trauma-informed care has the potential to ensure that the victim remains the focal point of all those involved in the criminal justice process.<sup>18</sup> By criminal justice agencies and court-based support services collaborating with victims and witnesses to better understand what they need to feel safe, to make the process predictable and understandable, and to empower each victim and witness to participate effectively, will help minimise the risk of harm. In this way, a trauma-informed criminal justice system can support improved recovery from crime as well as enabling a more effective engagement within the criminal justice process by allowing for better recall and a more coherent account of events.<sup>19</sup>

*“The Dutch criminal justice system enables victims and witnesses to provide their evidence to a magistrate during the investigation phase of a criminal case, avoiding the need for them to testify and be cross-examined in open court. The right for victims to explain the impact of the crime and trauma in a calm and secure environment provides huge benefits for their wellbeing. They feel safer and more empowered to share the full details of the crime to the judge. It also prevents secondary victimisation and decreases their fear and worry. Through this set-up, the Dutch criminal justice system helps to protect the wellbeing and dignity of victims and witnesses, of which I am very proud.”*

**Robin Fontijne, Slachtofferhulp Nederland**

## 2.5. Referrals ensure timely access to support

If left unaddressed, the psychological and emotional impact of crime on victims/witnesses has the potential of becoming chronic. Chronic psychological symptoms are more difficult to resolve and may impact on the victim’s ability to begin their recovery journey. Interaction with the criminal justice system and participation in criminal justice procedures can have either a positive or negative impact on the victim/witness, affecting the speed of their recovery from the negative impact of crime. Early intervention is key to supporting victim recovery; securing better participation in the criminal justice system; and preventing the need for intervention at a later stage when the symptoms and impact of crime and the criminal proceedings are more pronounced and problematic to address.<sup>20</sup>

When a victim/witness is called to attend a criminal justice proceeding, they may experience a range of thoughts, reactions and emotions. While some feel anxious and worried, others have questions about the criminal justice process and what will be expected from them in court. Witnesses, who have not heard from the police since their initial statement, may feel surprised or angry at being called to court in a case they thought was closed. To help victims and witnesses deal with their emotions and to answer their questions, support must be offered in connection with the victim/witness being called to court. While support on the day(s) of the court hearing is very important to provide information and emotional reassurance, most victims and witnesses need more time to prepare themselves for attending a criminal proceeding.<sup>21</sup> The victim/witness should therefore be contacted as early as possible in the criminal justice process, in order to help the person prepare, answer any questions and clarify any doubts or fears that the person might have about the court proceedings.

In line with European best practice, several countries have already established well-functioning referral systems between criminal justice agencies and court-based support services. This enables court-based

support staff/volunteers to contact each victim/witness before the criminal proceeding to ask how they are feeling; whether they have any questions or concerns; and if they would like information regarding the criminal justice process. If, during this conversation, the victim/witness expresses any fear or worries, the court-based supporter can provide reassurance, information and, if necessary, arrangements can be made to increase their sense of safety.

Northern Ireland has adopted a national referral system whereby **Victim Support Northern Ireland** receives the contact details of all victims and witnesses attending a criminal justice proceeding. This enables Victim Support to proactively contact each victim/witness and provide them with any information and support required before they attend the court proceeding.

Merely informing victims/witnesses of available support services in connection with being called to court forces victims/witnesses themselves to contact the service and ask for help and reassurance before the trial. As most victims/witnesses have not been to court before, they are unsure as to what information and support they may need, let alone what court-based support can offer. Referral systems ensure that all victims/witnesses are offered the chance of receiving information, emotional support and practical guidance to help them prepare for the court proceeding. By engaging with the person to build trust, provide reassurance and address any worries and fears that they may have in the run-up to the criminal proceeding, court-based support services also help to improve the victim's/witness's wellbeing, limiting the risk of secondary victimisation. Finally, victims/witnesses who receive pre-trial support are more likely to attend the court hearing, limiting the cost of delayed and cancelled trials due to no-shows.<sup>22</sup>

France has adopted a referral system that provides **France Victimes'** court-based support services with details of all victims/witnesses scheduled to attend a criminal trial. This enables Victim Support to proactively contact each victim/witness to offer support and information. French criminal justice agencies use a single case management system covering police, prosecution and court, which makes it easier to facilitate referrals and follow the progression of a case through the criminal justice system.

## 2.6. Support tailored in accordance with need

Court-based support services play a crucial role in helping victims/witnesses stay informed, engaged and protected as they navigate the criminal justice system, and it is recognised that victims/witnesses are better able to cope with the negative impact of crime and enhance their chances of recovery if they are offered support and provided with an opportunity to talk openly and in confidence about their experiences.<sup>23</sup>

*“Acknowledging that everyone experiences victimisation differently emphasises the need for a range of support services that offer accessible and flexible services, so that the right interventions can be offered to those who want them at a time when they need them most”<sup>24</sup>*

Victims, witnesses and their family members may experience a range of reactions, thoughts and emotions following victimisation and in connection with attending criminal proceedings. Court-based support services, tailored to meet the individual needs of the victim/witness, provides positive impact and value both for the individual and to the criminal justice system as a whole.

<b>VICTIMS/WITNESSES WHO HAVE RECEIVED SUPPORT IN ACCORDANCE WITH THEIR INDIVIDUAL NEEDS, ARE MORE LIKELY TO FEEL<sup>25</sup></b>	<b>IMPACT OF COURT-BASED SUPPORT IN CONNECTION WITH CRIMINAL PROCEEDINGS</b>
<b>Treated in a respectful and professional manner</b>	A more positive overall experience and view of the criminal justice system, acknowledging the victim's/witness's experience and supporting their recovery
<b>More informed about the criminal justice system and their role in the court proceedings</b>	Victims/witnesses know what to expect and are better able to make informed choices about their participation, making them feel more empowered and in control. Decreases the time criminal justice professionals need to spend informing the victim/witness, making their job more efficient. Victims/witnesses who are informed that delays may occur often feel less anxious and more composed if the trial is postponed/delayed, decreasing the risk of secondary victimisation
<b>Supported, comforted and reassured</b>	Builds resilience and enables a better chance of recovery from the negative impact of crime. Victim-centric support services ensure that victims' wellbeing is prioritised and protected, decreasing risk of secondary victimisation. Facilitates better engagement with, and participation in, the criminal justice process
<b>Safer</b>	Increases personal safety and decreases the risk of threat or intimidation in court. Impact is greatly enhanced in courts with separate waiting rooms for victims/witnesses to avoid contact with the accused, in line with victims' right to protection
<b>Calmer</b>	Victims/witnesses are better able to remember details from the crime, enabling them to give their best evidence and thereby providing the court with the best basis for the verdict
<b>Their questions are answered</b>	Victims/witnesses have a better understanding of the criminal justice system and their role in the court proceeding, decreasing the risk of secondary victimisation and increasing their overall wellbeing and sense of control
<b>Better able to participate in the criminal proceedings</b>	The criminal justice proceeding can start on time with fewer delays or cancellations due to victim/witness no-shows. Victims/witnesses who have received practical assistance to give evidence via video-link are better acquainted and more comfortable with the technical equipment, facilitating better participation. By improved participation, victims/witnesses feel more content, proud or relieved that they fulfilled their role in the best way possible
<b>Better able to give evidence</b>	Better quality evidence and information upon which the court can base its verdict, ensuring a more fair, safe and effective justice system for all
<b>They would recommend court-based support to other victims and witnesses</b>	All victims and witnesses being offered access to court-based support in connection with criminal justice proceedings ensures a calmer and safer justice process, enhancing victim/witness wellbeing and recovery, minimising the risk of secondary victimisation and improving victims' access to justice

## 2.7. Increase sense of safety in court

Stress and trauma impact on both an individual's wellbeing and their memory. Victims/witnesses who feel stressed, anxious or frightened in court may therefore be less able to remember all details of the incident when giving evidence.<sup>26</sup> On the other hand, victims/witnesses who feel calmer and more composed are more likely to be able to give their best evidence and participate in the criminal justice proceedings in a meaningful way,<sup>27</sup> giving the court the best basis for its verdict. Victims/witnesses who feel that their needs for support and protection are met are also less likely to suffer secondary victimisation.

To help victims/witnesses compose themselves before being called into court, they should be offered a safe and calm environment where they can wait for the court proceeding to start. The *2012 EU Directive establishing minimum standards on the rights, support and protection of victims of crime* includes strong protection rights for victims, including the right to avoid contact between victim and offender in court buildings. The Directive dictates that necessary conditions must be made in all criminal courts to enable avoidance of contact between victims and their families with the accused. All new court buildings must provide separate waiting rooms for victims of crime and their family members.<sup>28</sup> Ideally, court buildings should also offer separate entrances that victims/witnesses may use to avoid contact with the accused.<sup>29</sup>



**The Criminal Courts of Justice in Dublin** has established a separate Victim Support Area that victims, their families and witnesses can access via a dedicated and unmarked lift. The Victim Support Area includes a separate reception where each visitor needs to register, to ensure that no unauthorised persons can enter. The waiting area consists of a large open space and several smaller waiting rooms. The Victim Support Area, which is a shared space for victim support organisations, is coordinated by Victim Support at Court (V-SAC), an NGO providing information and emotional support to victims, their families and witnesses in connection with criminal proceedings.

The purpose of the separate waiting room/area is to provide a calm environment for victims/witnesses to wait, rest and compose themselves before being called into the courtroom, and during breaks in the trial. To meet this purpose, the waiting room should include all the essentials that a victim/witness may need, including privacy, comfortable seating, refreshments such as water/tea/coffee, toilet facilities and a peaceful environment. Minimising contact with others and offering separate waiting rooms also limits the risk of intimidation, interference and threats, thus increasing the victim's/witness's sense of safety and ability to give their best evidence. Court-based support staff/volunteers should be available in the waiting room to offer information, support and reassurance in a safe and secure manner, in accordance with the victim's/witness's individual needs. It is advisable for the waiting room to be located near to the video-link room, so that victims/witnesses can use the separate waiting room and access court-based support regardless of whether they will provide their evidence in person or through video-link. Placing the waiting room in connection with the video-link room will also ensure that victims/witnesses do not have to enter the public areas on their way to and from the room.

*“The layout of the court made me very uneasy, since everyone was waiting in the same room for the trial to start. I do not want to wait alongside the person who committed the crime against me!”*

**Victim**



## 2.8. Confidentiality

When providing support in connection with criminal justice proceedings, court-based supporters often come into contact with sensitive personal information and details of criminal events. Such data must be managed and maintained in line with strict confidentiality regulations. All court-based support services must be confidential, and staff/volunteers have a responsibility to protect the privacy and integrity of the victim/witness and their family members at all times, including their personal details and other sensitive information. Support staff/volunteers are never allowed to divulge any confidential case information or pass on any information that could identify a victim/witness without their expressed permission. Victim and witness support services are sometimes asked by the media to comment on an ongoing case or to provide 'case studies' to illustrate the overall impact of crime and trauma on victims, witnesses and their families. Support services must never comment on individual cases or disclose any details without the explicit consent or request of the victim/witness involved.

Maintaining strict confidentiality and ensuring the privacy of everyone involved in a criminal case is a core requirement for court-based support services being able to cooperate with criminal justice agencies; receive referrals and details contained in the case file; and work directly with victims/witnesses in connection with criminal proceedings. Confidentiality and non-disclosure agreements must therefore be signed by all staff and volunteers operating within court-based support services. Any notes and case management records must be kept in line with applicable data protection and confidentiality laws and regulations. If a supporter is assigned to a case where they know any of the parties involved, they should immediately notify the support manager so that they can be removed from the case, and another supporter allocated.

**Victim Support Sweden** has developed a new case management system, which enables the personal data of each victim/witness to be managed and maintained in accordance with strict confidentiality and data protection regulations. The case management system facilitates court-based services to receive secure referrals of victims'/witnesses' details to offer support in preparation for trial. Court-based support managers can also refer the victim/witness on to access support outside of the court, if needed, after the court proceeding has ended. Every activity undertaken in a case will be recorded digitally; reminders can be set to ensure that agreed actions are complete; and recording of basic details ensures that the victim/witness does not have to repeat their story several times, minimising the risk of secondary victimisation as their case progresses through the criminal justice system.

In some specific situations, national legislation may require court-based support services to disclose information, even without the permission of the victim/witness or their family members. These exceptional circumstances should be explained to the victim/witness and may, for instance, include situations where they reveal that they, or someone else, are at significant risk of harm. Unless the risk is imminent, the supporter should always aim to discuss the situation with the victim/witness before disclosing any details to the police. If the supporter suspects that a child or young person is at risk of harm, national legislation often requires social services or the police to be informed. In some cases, a judge may ask that certain information is disclosed to the court, for instance whether a victim has received support in preparation for attending the court proceeding. In these situations, the court-based support service is obligated to comply with the request from the judge, however the disclosure will only provide the minimum amount of information.

## 2.9. Safeguard the integrity of the evidence

Court-based support services should be tailored to protect the wellbeing and promote the recovery of victims, witnesses and their family members without interfering with the objectivity of the criminal justice process. It is therefore of vital importance that supporters never try to guide or coach a victim/witness regarding what to say during their testimony, cross-examination, victim impact statement or any other part of the criminal justice proceeding. It is also essential for support staff/volunteers to acknowledge that victims'/witnesses' memories from the crime must be protected and that they risk being altered or contaminated when they are processed, for instance by a victim/witness retelling their experience several times. However well-meant, the person hearing the account may subconsciously contaminate the memory of the victim/witness through their reactions, facial expressions, questions or comments. Forensic psychology research stresses that memories are malleable and must therefore be handled with the same care as DNA samples and other forms of technical evidence.<sup>30</sup> Victims/witnesses who give a detailed description of the crime to a supporter just before going into the courtroom may forget to whom they told the story and therefore be under the impression that they have already given their full account to the court. However, since the information was provided outside of the courtroom, the information is not presented as evidence and therefore impedes the victim's chance of securing justice and restitution.



For court-based victim support services to gain the trust and cooperation of criminal justice agencies, it is important to establish clear boundaries and remit. In all areas of service delivery, court-based support staff/volunteers should focus on protecting and preserving the wellbeing of the victim/witness without any interference of evidence, memories or details of the crime. For instance, if a victim/witness is feeling frightened, worried or confused, the supporter should focus on providing clarity, reassurance and comfort. By explaining the boundaries and remit of court-based support at the start of the conversation, the person will know what they can and cannot receive from the court-based supporter. Victims/witnesses who need additional support in dealing with the impact of crime should, with their consent, be referred to support services outside of the criminal justice process.

COURT-BASED SUPPORT CAN	COURT-BASED SUPPORT CANNOT
Provide information about the criminal justice system and the role of the victim/witness	Guide statements or impact on the evidence in the case
Provide emotional support, reassurance, comfort and moral support to improve the victim's/witness's wellbeing	Judge the victim's/witness's reaction and whether it is reasonable or justified
Provide practical assistance and guidance, for instance regarding reimbursement of costs and how to apply for special protection measures	Guarantee that victims/witnesses will be given special protection measures or not be forced to give evidence in open court
Arrange court visits to give victims/witnesses a chance to see the court, the waiting room and where they will sit to give evidence in the courtroom	Comment on or guide the victim's/witness's evidence
Help the victim/witness contact relevant criminal justice agencies	Share information given by the victim/witness with criminal justice agencies without consent, unless there is a legal duty due to severe risk of harm
With their consent, refer victims/witnesses to appropriate services and support organisations outside of the court building	Share the victim's/witness's details with other support services without their consent

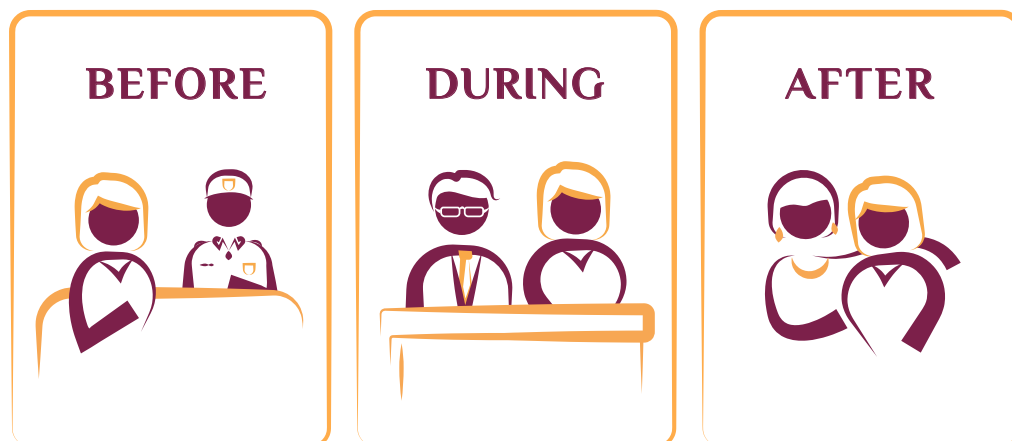
## 2.10. Support offered before, during & after criminal proceedings

Victims of crime are entitled to receive information, protection and support before, during and after criminal proceedings.<sup>31</sup> Nonetheless, support needs often change throughout a person's recovery journey and victims/witnesses can change their mind in the run-up to the criminal hearing. Some victims and witnesses proactively seek out information and ask for support after being called to court. Some who are offered support decline the offer, as they do not believe they need any help, but on the day of the court hearing they may feel very nervous, anxious and express a strong need for support. Participating in a criminal justice proceeding, being cross-examined and forced to confront the accused may trigger traumatic memories to resurface. Some victims/witnesses find the trial itself so difficult that it gives rise to secondary victimisation. It is therefore important for court-based support to be offered and tailored in accordance with the victim's/witness's timeframe of when support is needed, regardless at what stage in the criminal justice process the case may be. Support should be offered in the run-up to a criminal justice proceeding as well as on the day of the trial. It is also important that supporters check in with victims/witnesses after the court proceeding to discuss whether there are any new or remaining support needs and, if required, refer the person on to additional support services outside of court.

*“Court-based support is crucial for victims to be able to have the best conditions to give their best possible evidence.”*

Prosecutor

In line with the changing needs of the victim/witness, the type of support offered may also change during the course of the proceedings. It is therefore important that court-based support services can offer a range of services, tailored to the individual needs of the victim/witness.



**Before the criminal justice proceeding** – in the run-up to a criminal proceeding, victims/witnesses often need information and emotional/psychological support, addressing the impact of crime and trauma on the victim/witness, how they feel about attending court, if they have any concerns or worries, and what measures would help them feel safer and more comfortable in connection with their court appearance. The supporter will help to prepare the victim/witness, ensure that they understand how the criminal justice process works, their role in the proceedings and what they can expect to happen in court. If needed, several support sessions can be scheduled in the run-up to the court proceedings, to ensure that all questions or concerns have been addressed and that the victim/witness feels as safe and composed as possible.



**Day(s) of the criminal justice proceeding** – once the criminal justice proceeding starts, a large part of court-based support involves providing accompaniment and moral support, ensuring that a supporter is present, and that the victim/witness does not have to be alone. As the trial approaches and the victim/witness realises that they will soon be forced to meet the accused, they may experience heightened emotional reactions and distress. The supporter will then aim to provide comfort, calm and reassurance. The delivery of information continues to be a key part of court-based support even after the court proceedings have started, informing the victim/witness of what is happening in their case. In case of any unforeseen delays or cancellations, the supporter can also help explain to the victim/witness what is happening and that it is not unusual for court proceedings to run a little late.

**After the criminal justice proceeding** – some victims/witnesses feel relieved once the court proceeding has ended as they now feel able to put the event behind them and start moving on in life. Others are left with feelings of disappointment, anger, frustration, humiliation or sadness. Some victims/witnesses feel that participation in the criminal justice process was such a difficult experience that it gave rise to secondary victimisation. One of the biggest challenges for victim support services is to ensure that they remain until the victim/witness has rebuilt the necessary (internal and external) resources and resilience to facilitate recovery.<sup>32</sup> To protect the wellbeing and support the recovery of the victim/witness, it is therefore important that supporters are present in court at the end of the court proceeding, to ask how the person is feeling and, if needed, refer them to additional support outside of court.

As described above, it is important to acknowledge that court-based support does not consist of only one type of support, offered in a uniform manner, at a single point in time. Instead, support services must be flexible and tailored around the needs of the individual victim/witness at that point in time. Court-based support may consist of information; emotional and psychological support; comfort and reassurance; practical guidance; help to navigate the criminal justice system; measures to increase the victim's/witness's sense of safety and security; or anything else that helps to protect the wellbeing of the victim/witness, facilitate their successful participation in the criminal justice process or support their journey towards recovery.



### 3. NEEDS AND RIGHTS OF VICTIMS OF CRIME

#### 3.1. Rights-based vs needs-based approach to victims of crime

When discussing the needs and rights of victims of crime in connection with criminal proceedings, it is important to acknowledge the shift that many national legal systems have made regarding their approach to victims and their need for, and right to, support. Crimes are increasingly seen as human rights violations which entitle the victim to redress, with criminal proceedings viewed as a redress mechanism. This shift in perception can be interpreted as a move from a needs-based to a rights-based understanding of victimisation and victims' rights. In a needs-based approach, victims are seen as vulnerable and in need of help and support since they have been harmed by the crime. In contrast, a rights-based approach acknowledges that victims have fundamental human rights and criminal laws are established to protect these rights against violations, which are defined as crimes. In this approach, it is not the *harm* suffered by the victim that entitles them to support. Instead, it is the fact that the *crime breaches the fundamental rights of the victim* that constitutes the victimisation and entitles the victim to support.<sup>33</sup>

The legal definition of victims of crime and the rights given to victims throughout the criminal justice system depend largely on the country's approach to victimisation and whose interests have been breached by the crime; the integrity of the individual victim or the laws of the State.<sup>34</sup> The *2012 EU Directive establishing minimum standards on the rights, support and protection of victims of crime* has attempted a combined approach by stating that "crime is a wrong against society as well as a violation of the individual rights of victims".<sup>35</sup> Regardless of the standing of victims in national criminal proceedings, court-based support services are vital elements of justice and have accordingly been developed as a combined result of victims' legitimate right to support and information, and an identified need to guide, support and protect victims in connection with criminal proceedings.

#### 3.2. Needs of victims of crime

The needs of victims/witnesses throughout the criminal justice process vary depending on factors such as the circumstances surrounding the crime, relationship between the victim/witness and the offender, personal characteristics and the overall life situation of the victim/witness. Broadly speaking, victims' needs tend to fall into the following five categories:<sup>36</sup>

- recognition and respectful treatment
- support and information
- protection from re-victimisation, intimidation and secondary victimisation
- access to justice
- compensation and restoration

The five categories of needs for victims of crime are reflected in the *2012 EU Directive establishing minimum standards on the rights, support and protection of victims of crime*, which includes rights to recognition and respect, support, information, protection, participation in criminal proceedings and compensation.<sup>37</sup>

#### 3.3. Rights of victims in connection with criminal proceedings

Victims of crime are entitled to a range of rights throughout the criminal justice process. These rights are intended to limit the negative impact of crime and support their recovery, while helping the victim feel safe, supported and able to participate in the justice process. Victims' rights in connection with criminal proceedings include:<sup>38</sup>

**Right to respect and dignity** – in all interactions with the police, prosecution service, court and other criminal justice agencies as well as support services, victims should be treated in a respectful, sensitive, professional and non-discriminatory manner at all times.

**Right to information** – victims have a right to information about the criminal justice system and what their role and rights are within the system. A victim is also entitled to information about other rights, such as the right to support, protection, compensation and legal aid.

**Right to understand and be understood** - the information victims receive must be adapted to ensure that they are able to understand and make themselves understood. Communication tools, visual aids, interpretation or translation services should be made available if required.

**Right to support** – victims and their family members are entitled to emotional support before, during and after criminal proceedings. Emotional support must be confidential, free of charge and tailored in accordance with the individual's needs.

**Right to accompaniment** – victims are entitled to be accompanied by a person of their choice during all stages of the criminal justice process, including during the police interview and court proceeding. This person can be a friend, family member, social worker or a victim supporter.

**Right to legal representation** – in some countries, victims of serious and/or sexual crimes may be entitled to legal counsel, free of charge, to represent the victim's interest during the criminal justice process, including during the police interview and court proceeding. The legal counsel will ensure that the victim's views are heard, they will present the victim's compensation claim in court and keep the victim informed of any decisions taken in their case. In cases where victims are unable to access legal representation free of charge, they may still be able to appoint a legal counsel at their own expense, depending on the standing of the victim in the criminal proceeding.

**Right to be heard** – victims should have the opportunity to give evidence during the course of the criminal justice proceeding.

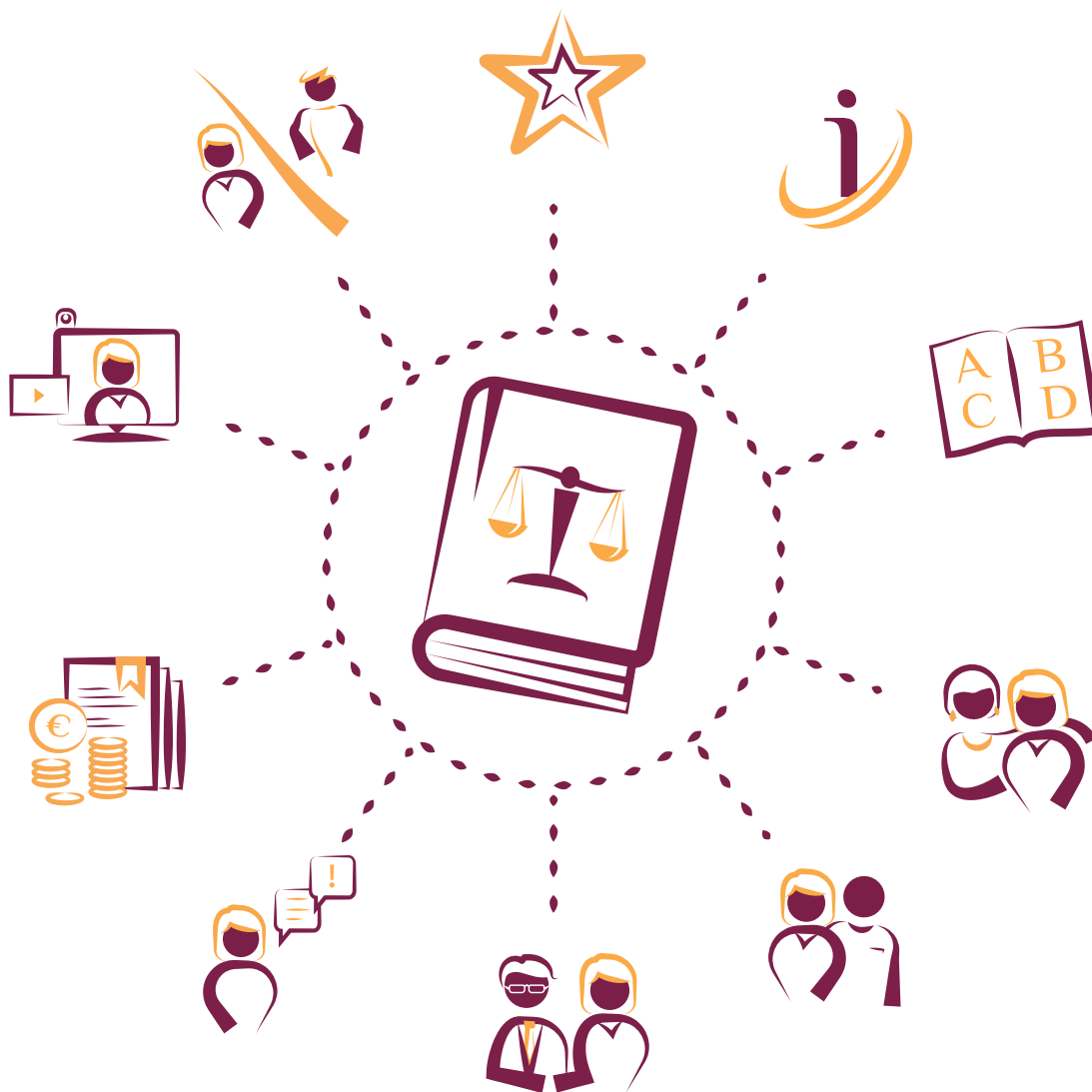
**Right to reimbursement of expenses** – victims and witnesses called to give evidence in court should be reimbursed for any costs incurred in connection with attending the criminal proceeding. This includes travel and accommodation costs as well as loss of earnings.

**Right to protection** – victims and their family members must be protected from threats, intimidation and retaliation throughout the criminal justice process. They must also be protected from secondary and repeat victimisation as well as emotional and psychological harm. The dignity of victims must be protected during questioning and when testifying. For instance, all questions asked during the criminal justice process must be relevant to the case. If a victim/witness feels anxious or fearful about giving evidence, the court may provide special protection measures to increase their sense of safety, for instance by allowing evidence to be pre-recorded or provided from another location via video-link. The court can also ask the public to leave the courtroom when details of the crime are discussed.

**The right to avoid contact between victim and the accused** – to protect victims and their families from secondary victimisation, intimidation and retaliation, courts have a responsibility to enable avoidance of contact between the victim, their family members and the accused. Every court shall ensure that separate waiting rooms/areas are available for victims/witnesses and their family members.

The recognition of victims’ needs and fulfilment of these rights is crucial when a victim is called to participate in a criminal justice process. For instance, a victim should not be intimidated or suffer secondary victimisation through the questions asked or by being forced to meet the accused outside of the courtroom before the start of the court proceedings. For our justice systems to be truly successful in responding to crime, while protecting the needs and rights of victims, as much importance must be placed on the experience, participation, safety and wellbeing of victims as on the protection of the innocent and the efficiency of the criminal process.<sup>39</sup> Establishing and providing court-based support to victims and witnesses participating in criminal justice proceedings is therefore a fundamental requirement of justice and a necessary condition for a well-functioning justice system.

**Republic of Ireland** has adopted a ‘Victims Charter’ to explain victims’ rights and help victims of crime find the support they need. The Charter also describes the criminal justice system, so that victims can understand the system and what to expect as their case moves through the various stages of the criminal justice process.<sup>40</sup>



## 4. COMMON REACTIONS OF VICTIMS AND WITNESSES IN CONNECTION WITH CRIMINAL PROCEEDINGS

### 4.1. Impact of crime

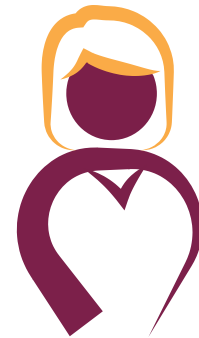
#### 4.1.1. Victims

Crime can have far-reaching consequences for victims of crime in terms of physical, psychological, financial and emotional impact. Being subjected to harm, inflicted upon them by another, often has a detrimental effect on an individual's psychological and emotional functioning.<sup>41</sup> It is both common and normal to experience some kind of reaction to a traumatic event; most reactions form a natural response to an unnatural situation of falling victim to crime.

The manner in which victims react in the aftermath of crime varies greatly and there is no 'right' way to react to crime. Whereas some victims may be able to continue with their lives fairly unaffected, others will never fully recover from the experience. The psychological and emotional impact is often the most difficult to resolve and the impact that remains with them the longest.<sup>42</sup>

Victims of both violent and non-violent crime may experience various levels of impact on their wellbeing.<sup>43</sup> Feelings may range from anger, frustration and fear to sadness, shame, disbelief and depression. Some victims feel vulnerable and insecure, making them withdraw from social engagements or activities they used to enjoy, which often aggravates emotional reactions and adds feelings of isolation and loneliness. For many victims, the crime shatters their view of the world as a safe place, and they start to doubt themselves and the people around them. Reactions to crime can last for days, weeks, months or even years.<sup>44</sup>

While most victims experience some form of reaction, the impact of crime on an individual victim is an extremely personal experience and is not based solely on the type of crime suffered or its seriousness. Instead, the impact of crime on a victim and how they respond to, and process, victimisation is determined by many different factors. These include the victim's personal traits and characteristics; the existence of supportive social contacts and networks; previous experience of crime; life circumstances and wellbeing; individual strengths, vulnerabilities and level of resilience; connection between the victim and the accused; as well as the nature, seriousness and circumstances surrounding the crime suffered.<sup>45</sup> All of these factors contribute to the needs and reactions of each individual victim at a particular point in time, which means that two victims of the same crime may react in very different ways. It also means that victims of less serious crime can have very strong reactions and high support needs, whilst victims of more serious crime may be able to move on in life with greater ease. It is also important to remember that reactions and feelings are not static and victims' needs and preferences often change over time. It is interesting to note that many of the factors affecting a victim's response to crime and trauma, are the same factors that serve to facilitate or hinder recovery from the event.<sup>46</sup>



### 4.1.2. Witnesses

Witnesses<sup>47</sup> have vital roles in the criminal justice system. Through participation and information provided by witnesses, victims are able to access justice and restitution in the aftermath of crime. Despite their key role, witnesses are often ignored in discussions regarding rights and services in connection with criminal proceedings. It is however important to remember that witnesses may be severely impacted by crime, and experience many of the same reactions as victims, as described above.

Seeing a traumatic incident unfold, or arriving after a crime has been committed to find the devastation left behind on the crime scene, can give rise to various emotional reactions, such as fear, panic, anger and anxiety. Many witnesses experience doubt, guilt or shame in the aftermath of crime, questioning their own behaviour and if they could have done more to prevent the crime or stop the offender. Witnesses are often family members of the victim, which means they may be impacted, not only by their own reaction, but also by that of their loved one.

Witnesses have often had less contact with the criminal justice system in the run-up to the criminal proceeding and may therefore have questions regarding how the trial will work. Witnesses may also be worried about whether they will be able to answer the questions correctly or remember specific details of the incident. Some are also worried about the risk of retaliation or violence if they give evidence in court. All these fears and concerns must be adhered to for witnesses to be able to participate in the criminal proceedings in a safe and secure manner. Receiving support and information can often have a calming effect, increasing witnesses' sense of safety and helping them feel more empowered to give evidence. For witnesses who are related to the victim, court-based supporters can, in addition to caring for the wellbeing of the witness, also provide advice on how they can best support their loved one.



*In order for the court to receive the best quality evidence, victims and witnesses must be given the best conditions to give their testimonies.*

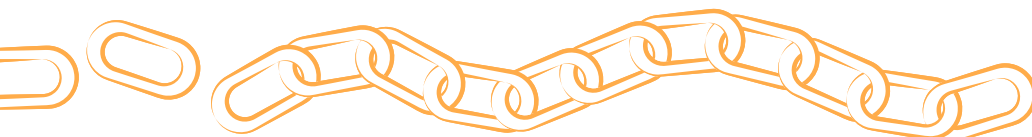
Judge

## 4.2. Recovery from crime

Victimisation has a negative impact on victims and witnesses, depleting their normal strengths and resources. A victim's journey to recovery relies on their ability to restore, and sometimes even enrich, these strengths and resources.<sup>48</sup> Victims who have experienced chronic psychological impact; those who have fallen victim to crime on numerous occasions; and those who suffered severe or prolonged victimisation are likely to experience impact for longer periods of time.<sup>49</sup>

A victim's journey to recovery is not linear but filled with successes and setbacks. Each victim's journey in the aftermath of crime is unique and deeply personal, filled with continual change, growth and progression. The various stages of their journey towards recovery are not easily defined or compartmentalised. Key steps

include accessing support services that meet the victim's needs; completing the criminal justice process; developing key personal strengths; and being



proactive in their own recovery. Victims who feel that they have reached the end of their recovery journey highlight a sense of thriving; empowerment and control; moving beyond the court process; reconnecting with the world; and reclaiming their lives. It is interesting to note that from the victim's perspective, the end of the recovery journey does not mean returning to the person that existed before the crime, but acknowledgement and optimism about the individual they are today.<sup>50</sup>

Access to support influences not only how a victim responds to victimisation and the level of distress it creates, but also how they cope with its aftermath and their interaction with the criminal justice process.<sup>51</sup> Many victims find that speaking openly about their experience has a healing effect, allowing them to reflect on the event, find perspective, new insights and recognition of their ongoing growth and recovery.<sup>52</sup> A positive and collaborative relationship with a victim support service can, for instance, increase the victim's sense of empowerment and facilitate healing and recovery from crime.<sup>53</sup> Providing a positive interaction with a support staff member or volunteer, with whom the victim is able to share and receive acknowledgement of their experience, helps to improve the person's physical and psychological wellbeing; self-esteem; self-confidence; and worth, which are all key aspects of recovery.<sup>54</sup>

Dealing with the legal ramifications of the crime and engaging with the criminal justice system often affects a victim's ability to recover from crime. For instance, some victims find it difficult to move on while there is an ongoing criminal justice investigation or pending prosecution, as this serves as a frequent reminder of the crime.<sup>55</sup> Recovery can also be stalled by other factors experienced by the victim during their interactions with the criminal justice system. These include poor communication by criminal justice agencies; delays in the court process; concerns about their safety; unfulfilled expectations; fear of having to meet the accused in court; and the perception that the criminal justice process itself is biased and unfair to the victim.<sup>56</sup>

Victims often require an active role in the criminal justice process if they are to experience any emotional and psychological benefits from engaging in the criminal justice system.<sup>57</sup> The provision of information and clear communication are core components and reassurance mechanisms that serves to empower and help victims recover in the aftermath of crime<sup>58</sup> so if these are not fulfilled the victim's interaction with the criminal justice system often has a negative impact on their wellbeing and recovery.<sup>59</sup> Poor communication and limited interaction with criminal justice agencies in the course of the criminal proceeding is therefore problematic and may lead to disappointment and inadequate recognition of victims' rights and needs.<sup>60</sup> The formal procedural nature of the criminal justice system can also, by its very nature, remove the victim's sense of control or ownership over the crime and its impact on the victim, which may also inhibit recovery.

Empowerment enables recovery because it encourages the victim to be the 'author and arbiter' of their own recovery.<sup>61</sup> Victims who feel in control of their experience and their participation in the criminal justice process often enjoy more a successful recovery and improved outcomes for health and wellbeing.<sup>62</sup> With the right support, information and preparation, some victims experience the criminal justice proceeding as a positive and restorative turning point in their recovery journey. These victims may feel a strong sense of vindication, that they gained back some of their power and that the court process marks an end to the dominance that the perpetrator has held over their lives up until that point. Having their experience acknowledged in front of their peers, friends and family; the feeling of being believed; and the delivery of an appropriate verdict may also help to restore the victim's trust in a safe and secure society.<sup>63</sup>

Whether the overall experience of a victim's/witness's participation in the criminal justice process is positive or negative, their ability to recover from crime clearly goes beyond securing a successful verdict. Although the outcome of the court case and the victim's/witness's experience of participating in the criminal justice system may impact on their wellbeing, it is important for court-based supporters to remember that the victim's/witness's recovery is not finished at the end of the court proceeding. As identified above, the

verdict may only be the starting point for their recovery journey but for others it has aggravated their reaction and negative consequences of crime. The perception that victims should recover at a specific point in time, for instance at the end of the trial or on an anniversary of the crime, may not be in line with the experience of the individual victim you meet. Such suggestions may instead impede recovery, as the victim may feel like a failure, or be convinced that the impact of trauma is insurmountable.<sup>64</sup> Supporters must instead remain open and perceptive to the experience of each individual victim/witness and their personal journey towards recovery.

### 4.3. Defence mechanisms

Defence mechanisms serve to protect a person from emotional pain. As a way to help deal with the emotional impact of crime and shield themselves from trauma, victims/witnesses may use a range of defence mechanisms, such as denial; repression; displacement; or rationalisation. Victims and witnesses may themselves not be aware that they are using a defence mechanism to help them cope with the negative effects of crime. Below, explanations are provided for some of the most common defence mechanisms that court-based supporters may come across in connection with criminal justice proceedings.

DEFENCE MECHANISM	EXPLANATION	HOW THIS MAY APPEAR IN PRACTICE TO A SUPPORT WORKER
<b>Denial</b>	Refusing to accept that the crime took place, pretending that nothing has happened	Victims may go about their lives seemingly unaffected by the event
<b>Reaction formation</b>	Going beyond denial, the person behaves in the opposite way to how they are feeling	Victims who feel frightened attending court might put on a confident and nonchalant façade
<b>Repression</b>	Pushing away and ignoring difficult feelings and reactions in one's conscious mind	Victims may not be willing to discuss the impact of crime on their lives, pushing their feelings and thoughts away
<b>Rationalisation</b>	Minimising the significance of difficult feelings and reactions	Victims may downplay the crime with statements such as "I wasn't hurt that badly", "others have experienced worse crimes than I have"
<b>Intellectualisation</b>	Excessive thinking or theoretical over-analysing, but without emotional attachment	Victims may use reason to explain the crime in a very factual and detailed manner, without any emotional connection
<b>Regression</b>	Adapting one's behaviour to earlier levels of psychosocial development	Particularly common in young victims of crime, who may regress to an earlier stage of development and start acting like a younger child following a traumatic crime, cry uncontrollably or start bed-wetting again. Victims may struggle to be alone and become dependent on the care and company of others
<b>Identification</b>	Trying to explain the crime by identifying with the offender	Victims may explain the crime with statements such as "the offender had a difficult childhood", "they don't know what they are doing", "under the circumstances, I might have done the same"
<b>Displacement</b>	Rather than acknowledging anger towards the offender or disappointment in the inability to protect oneself or a loved one, the victim acts out towards others	Victims may express blame or anger towards the police or the criminal justice system for failing to prevent the crime or provide justice and compensation for the victim
<b>Sublimation</b>	Shifting focus from negative feelings and emotions to more socially acceptable options and activities	Victims may become obsessed with hobbies such as sports, music or physical exercise to keep their negative reactions and anxiety in check following crime
<b>Compartmentalisation</b>	Victim divides their life into separate spheres, to limit the impact of crime	Victims may act composed in some parts of their lives while experiencing strong reactions and anxieties in other areas that remind them of the crime

Defence mechanisms are not necessarily negative, as they may allow the victim time to accept and realise the full impact of the crime at a pace suitable to their own situation and recovery. However, if used over a long period of time, the use of defence mechanisms may prevent the victim from moving forward. As a court-based supporter, it is important to remember that the exterior look and behaviour of a victim/witness may not necessarily correspond with how they are feeling. For instance, a witness who seems



calm and collected may have many unanswered questions or feel unexpressed sadness or regret. A victim expressing anger may in fact feel frightened, vulnerable and alone. It is therefore important to offer support to every victim/witness you meet and not attempt to interpret a person's support needs based on how they appear and behave at first glance.

#### 4.4. Emotional reactions of victims and witnesses

Humans are believed to have two different types of emotions; primary and secondary emotions.<sup>65</sup> Primary emotions are the immediate, automatic responses to a situation and often express a need, while secondary emotions are more complex and often influenced by personal thoughts, beliefs and experiences. Secondary emotions are triggered as a reaction to the primary emotion. The role of the secondary emotion is often to avoid or suppress the initial emotion,<sup>66</sup> thus secondary emotions are often habitual or learned responses. It may be difficult for an individual to know which emotion arose first, as they are part of a chain reaction and form a pattern that may have been present their whole life.<sup>67</sup>



Applying this knowledge to the emotional reactions of victims and witnesses of crime, a victim's primary emotions (the initial reaction to the crime) may give rise to secondary emotions as a response to the primary emotions, which the victim fears may be unacceptable, difficult for people around them to accept or make them vulnerable to further abuse and victimisation. For instance, if the primary emotion is sadness or fear, this may give rise to anger or hate as a way for the victim to shield and protect themselves.

The remainder of this chapter highlights some of the most common reactions that victims and witnesses may experience in connection with criminal justice proceedings and provides suggestions on how supporters may tailor their offer of support to the different scenarios. However, as described above, please note that emotional reactions in the aftermath of crime often overlap and it is difficult, and sometimes counterproductive, to try to distinguish a clear line between different emotions as one may give rise to another. When providing court-based support in connection with criminal proceedings, support staff/volunteers are therefore encouraged to take account of the overall health, needs and wellbeing of the victim/witness to shape a suitable offer of support.

##### 4.4.1. Worry and fear

The most common emotions that victims and witnesses express to court-based supporters in connection with criminal proceedings are often worry and fear. Below follows an attempt to categorise these reactions into three main areas, to provide support workers with ideas as to how they can tailor their offer of support. Please acknowledge that these are just suggestions, as each case is unique and the interaction with a victim/witness must be adapted to the individual and their circumstances.



REASON FOR THE EMOTIONS	EXAMPLES OF SPECIFIC CONCERNS	WHAT SUPPORT SHOULD BE OFFERED
<p><b>Having to participate in a criminal justice proceeding</b></p>	<p>Worry/fear of not understanding the criminal justice system and how the court process works, who will be present in the courtroom, what questions will be asked, what is expected of the victim/witness, and what rights and options are available to the victim/witness</p> <p>Worry/fear of not being believed, being blamed, and being asked prying personal questions</p> <p>Worry/fear of giving evidence under oath, not remembering all the details of the event, giving a wrong answer and what implications that might have in terms of perjury</p> <p>Worry/fear/anxiety of being present in the court building, which can be seen as an intimidating place</p> <p>Worry/fear/feeling vulnerable and exposed in an already emotional situation. Victims often feel that the criminal justice process focuses only on the accused, without regard for the victim's needs and preferences</p> <p>Worry/fear that their statements will be the only determining evidence in the case and that they will be responsible for the conviction of the accused</p> <p>Witnesses, especially friends and acquaintances of the accused, are often fearful of being seen to be on someone's 'side', being perceived as a 'rat' or that they are trying to get the accused convicted</p>	<p>Being in court is often an unfamiliar experience, and this type of worry, anxiety and fear often arises due to a lack of knowledge of the criminal justice system. Receiving practical information and having their questions answered can often create a safer, more predictable environment and give victims/witnesses a stronger feeling of control and predictability. For instance, victims/witnesses are often relieved to learn that there are more witnesses and additional technical evidence, as this takes some of the pressure off them from providing the only evidence in the case. If victims/witnesses are worried, anxious, fearful or stressed, confirm that it is normal to feel these emotions before a trial.</p> <p>If the person does not express fear, it is important that supporters do not expect fear or provide information about fear, as it may plant a seed that the person should be fearful. If the person does express fear, ask open-ended questions such as "What do you fear is going to happen?", "What might help you feel less afraid?". Listen carefully to their answers and tailor your offer of support and information accordingly.</p> <p>Remind the victim/witness that they are not testifying 'against' anyone, they will just be asked to provide information about the incident.</p> <p>Highlight that it is not their responsibility to convict or determine what is 'right' and 'wrong', it is the court's responsibility to reach a verdict.</p> <p>Having a supporter present during their day in court, listening to their fears and concerns, acknowledging their feelings, answering questions, and offering to accompany them into the courtroom can often help to increase the feeling of safety in connection with the criminal proceeding.</p>
<p><b>Having to meet the accused, their friends and family, other witnesses and the general public</b></p>	<p>Fear/worry of meeting the accused, their friends and family. The fear can also include fear of intimidation, threats or violence during the encounter.</p> <p>Fear/worry/concern of having to tell their story in front of the accused. Fear of having to see the accused's body language, eye contact or facial expressions.</p> <p>Fear/worry/concern of having to tell their story in front of the public gallery. Victims/witnesses may be fearful and worried about who will be listening to their statements and the evidence in the case. Fear of others hearing details of the crime and its impact on the victim is often linked to strong feelings of shame and guilt.</p> <p>Fear/worry of being alone and vulnerable during the criminal justice process. While the accused will be represented by a defence counsel, many victims and all witnesses must participate without legal counsel. This may include having to sit alone in the corridor/waiting room and in the courtroom; thus making victims/witnesses feel vulnerable and intimidated, especially in cases where the accused has many friends and family members present in court.</p>	<p>Victims and witnesses experiencing this type of fear/worry/anxiety may contact the court-based support service to say that they do not wish to attend court at all. In these cases, it is important that the court-based supporter cooperates with the relevant criminal justice professionals to create conditions which increase the feeling of safety for the victim/witness. For instance, options may be explored as to whether they can participate in the trial using video-link rather than attending court in person. For those victims/witnesses who must attend court in person, it may be helpful to review their travel route and whether they can use a separate entrance and wait in a separate waiting room, which will prevent them from having to meet the accused, their friends and families.</p> <p>Some countries offer special measures in court to limit contact with the accused and their friends and family. For instance, some courts have screens to limit visual contact; the accused may be asked to leave the room when the victim/witness provides their evidence; the court may hold the proceeding behind closed doors; or the victim/witness may be allowed to pre-record their evidence. Court-based support services can in some cases help to discuss these options with the victim/witness and liaise their preferences to the criminal justice professionals, so that a formal request for special protective measures can be administered.</p> <p>A best practice is for the court-based support service to contact the victim/witness ahead of time (through referral arrangements with criminal justice professionals). This allows the supporter to offer a court visit, where the victim/witness can see what the journey to/from the court would be like; what the court building looks like; where the waiting rooms are located; where they will sit in the courtroom; and have their questions and concerns answered by the supporter. During the court visit, the victim/witness can ask for the same supporter to accompany them on the day of their court appearance, ensuring that they recognise a familiar face when they arrive in court. A court visit will provide a better understanding of what the court hearing will be like, which often increases the feeling of control and predictability, which in turn decreases the risk of secondary victimisation and better enables the victim/witness to participate in the trial, contributing to a more safe and fair justice process.</p>

<p><b>Reprisals and retaliation after the criminal justice proceeding</b></p>	<p>Fear that the victim's/witness's personal details will become public, including their name, address, personal information and contact details</p> <p>Fear of being attacked, harmed or murdered in retaliation for their testimony or participation in the criminal justice proceeding</p> <p>Fear that the victim's/witness's friends or relatives will be attacked, harmed or killed as retaliation for the victim's/witness's testimony or participation in the criminal justice proceeding</p> <p>Short-term fear of being able to leave the court after the trial without encountering the accused or their friends and family</p> <p>Long-term fear and questions such as "Who will protect me after the trial?", "Who will make sure nothing happens to me or my family if I participate in the criminal proceeding?" and "Will I ever be safe or must I look over my shoulder for the rest of my life?"</p>	<p>Victims/witnesses who express fear of reprisals and retaliation often ask questions regarding their options; whether they must attend the court proceeding; who is responsible for protecting the victim/witness and their family; how to apply for additional long-term protection; and what happens if they refuse to come to court. It is important to remember that victims/witnesses who feel abandoned, who have their fears ignored or who feel used by the criminal justice system itself are likely to never report a crime again or participate in a criminal justice process in the future.<sup>68</sup> So it is important for the criminal justice system to take these fears seriously and provide as much help and reassurance as possible to the victim/witness.</p> <p>In cases involving fear of physical violence, while acknowledging and respecting the victim's/witness's feelings, it may be helpful to set the fear in perspective by saying that it is very unlikely that the victim/witness would suffer any harm after the trial if the aim of the attack is to prevent the person from giving evidence or participating in the proceeding. Most attempts to silence or influence a victim/witness will take place in connection with the crime itself, for instance an offender may threaten a witness, who saw the crime being committed, to stop them reporting what they saw to the police.<sup>69</sup></p> <p>Court-based supporters should explain that any attempt to intimidate or threaten a victim/witness is a very serious offence, and the crime of perverting the course of justice may carry a more severe sentence than the original crime.</p> <p>Without dismissing the victim's/witness's fear and while acknowledging that it can never be guaranteed that they will not suffer retaliation, it may be helpful to place the fear in perspective, by explaining how many people participate and give evidence in criminal justice proceedings each year and how many of them suffer any form of retaliation or violence. For witnesses who do not wish to attend the trial or testify under oath, it may also be helpful to explain the purpose of the witness oath and how our society would look without witnesses being part of the criminal justice system.</p> <p>When victims/witnesses express fear of retaliation, court-based support services should cooperate with the relevant criminal justice professionals to help create conditions which increase the feeling of safety for the victim/witness. Separate entrances and waiting rooms should be offered and you may wish to explore the option of the victim/witness applying for special protective measures. A court visit can provide the victim/witness with more information on the court's security measures and how they can plan their journey to and from court on the day of the trial.</p> <p>Fear of reprisals is not necessarily based on the location from where the person participates in the proceeding. Instead, the fear may be whether the victim/witness or their loved ones will suffer threats/violence as revenge for the evidence provided by the victim/witness during the criminal proceeding. Thus, the fear of reprisals may remain even if they are offered the chance to give evidence from another location.</p> <p>Partnerships are of vital importance in these cases. As Witness Protection often falls under the responsibility of the police, it is helpful for court-based support managers to establish a contact within the police force to whom fear or threats can be referred, for a further risk and threat assessment in the run-up to the trial. Court-based support services should also establish cooperation with the security staff in court, so that a safety plan can be prepared to increase the victim's/witness's feeling of safety while within the court building.</p> <p>Having a court-based supporter accompanying the victim/witness in court often helps the person feel calmer and enables them to give evidence in court, contributing to a safe and effective justice process. Court-based supporters should be familiar with the court's security plans and have action plans and established contact points to security staff in case any incident of threat or violence occurs in connection with criminal proceedings.</p>
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#### 4.4.2. Anger and frustration

Some victims/witnesses express anger and frustration in connection with court proceedings. They may be frustrated by the behaviour or lack of action taken by criminal justice professionals; the functioning of the criminal justice process itself; or that it has taken too long for the case to come to court. Some victims/witnesses are angry at the way the accused is presented during the trial, and they may perceive character witnesses are ‘liars’ when they express positive views of the accused. Victims/witnesses may also express anger at the perceived inability of the State to uphold justice, law and order, as their expectations of living in a just and safe society have been shaken by the crime.

As a supporter, it is important to stay calm and composed without getting agitated by the victim’s/witness’s reaction. While acknowledging how the victim/witness is feeling, explain that everyone is doing their job to the best of their ability and that the victim/witness is an important part of the criminal justice process. Information regarding the objective nature of the criminal justice system may also help to explain why the proceeding is structured in a particular manner. Remember that the victim/witness is experiencing an emotional reaction following crime and allow them to express their frustration, however this does not mean you should accept poor or disrespectful behaviour targeted at yourself in your role as a supporter.

#### 4.4.3. Shame and guilt

Some victims of crime feel a strong sense of shame or guilt as part of their reaction to the crime. Victims may feel that they placed themselves in danger; that their own behaviour was questionable; that they should have been better able to defend themselves; or that they are somehow to be blamed, at least in part, for their own victimisation. Others express that they “should have known better” and left the situation sooner, to prevent falling victim to crime. These thoughts and reactions may also have been strengthened by reactions from the victim’s family, social network or society at large, whose well-meaning questions and comments may have made the victim feel questioned or even blamed for the crime.

As a supporter, it is very important to confirm to the victim/witness that the crime is never their fault! Place the responsibility for the crime where it belongs, on the accused, and reassure the victim/witness that they are not accountable for what happened. Inform them that the criminal proceeding will include questions regarding their behaviour and actions before, during and after the crime, but that this is a normal part of the criminal justice process and aimed at confirming the details of the event to ensure the correct verdict. The questions and cross-examination should not be perceived as blaming the victim or doubting the trustworthiness or reliability of the victim/witness. Stay calm and reassuring to whatever reaction comes up. Confirm that emotional reactions are a natural response to the unnatural event of falling victim to crime.

*“It felt so good to be able to receive support in court, both in practical terms and for my self-confidence. The supporter is a good balance between the formal criminal justice system and the normal human being – like a bridge between the two.”*

*Victim*

#### 4.4.4. Sadness and grief

Another common reaction for victims/witnesses in connection with criminal proceedings is sadness and grief. Sorrow that the crime happened; that the victim/witness is forced to recount the details of the crime in front of their family, friends and the public in court; or overall sadness and grief that they find themselves in this situation. Victims and their family members may also suffer sadness for the implications that the crime has had on the victim's life and grief for the life or opportunities lost as a result of the crime. Bereaved family members will grieve their loved one and the life lost.

Court-based supporters must remember that everyone grieves in their own way, and family members may be at different stages of grief, which means they may not be able to support one another despite having experienced the same traumatic event. Allow these feelings to be expressed and acknowledge that grief and sadness are normal reactions in the aftermath of crime. While accepting their feelings, it may sometimes be suitable to express hope by reinforcing to the victim that the criminal justice proceeding is the final step in a long justice process, and that the end of the process is in sight. For victims/witnesses who express strong emotional reactions and for family members bereaved by murder, it may be suitable to refer the person, with their permission, to further support services outside of court, to help them deal with the long-term implication of the crime.

#### 4.4.5. Hopelessness and desolation

Some victims/witnesses are so emotionally overwhelmed by the crime and/or the legal ramifications of being forced to go through the criminal justice process, that they become resigned and despondent. Some may express that the crime has robbed them of their reason for living. Rather than fighting for justice or to regain a sense of power and self-worth, they may merely be going through the motions in a criminal justice process they do not believe in, and where they feel like a passive bystander.

Hopelessness is often one of the most difficult feelings for court-based supporters to encounter, as it tends to spill over onto the individual staff member/volunteer, who can often empathise with the experience and the unfair situation suffered by the victim. If the victim/witness is silent and closed off, it may also be difficult for the supporter to know how best to help the person. Allow the victim's feelings to exist and be expressed, while aiming to provide reassurance, hope and focus on the positives. For instance, acknowledge the victim's strength and resilience in having come this far in the criminal justice process. Recognise the victim's courage and ability to participate in the criminal justice proceeding even though it is a difficult situation. As with the feelings of sadness, affirm that the victim will not always feel this way or be in this situation. Once the criminal justice process is over, the victim is often more able to look forward and focus on their recovery and wellbeing, rather than being stuck in a perceived victim-role forever.

*“I cannot thank you enough, your support meant everything in this difficult situation.”*

*Witness*

#### 4.4.6. Anxiety and panic attacks

The criminal justice process brings together the individuals who were present, or took part in, the original crime that traumatised the victim. The culmination of the emotional impact and trauma may for some victims/witnesses give rise to anxiety or panic attacks in connection with the criminal proceeding. In these situations, it is important that you, as a supporter, stay as calm and composed as possible. Remember, this is a normal reaction when forced to face and relive what is often one of the most traumatic experiences of a victim's life.

During a panic attack, it may be difficult to communicate with the victim/witness, as they are in the midst of a strong emotional reaction. Instead, focus on providing calmness, peace and reassurance. Immediately try to arrange a separate waiting room, or a secluded area where the victim/witness is better able to compose themselves in private. Use a calm voice when speaking to the victim and if needed, help the victim to relax by focusing on their breathing. It might be helpful to do a breathing exercise together, please see chapter 6.6 for suggestions on soothing breathing techniques, visualisations and grounding techniques that may help to calm and sooth anxiety and panic attacks as they arise. Once the victim/witness has composed themselves, it will be easier to speak about what they might need to feel safe and to improve their wellbeing.

*“I did not think that I would need support, but once I was the court I felt a huge need. I am so grateful that you were available to help me.”*

**Witness**

#### 4.4.7. Confusion and lack of understanding

Although expressed as, for instance, anger or frustration, the underlying feeling of the victim/witness may be confusion or a lack of understanding of how the criminal justice system works or what is happening in the case. Feelings of disempowerment and lack of control may make them lash out, while information about the criminal justice system and the role of the victim/witness may create greater understanding of what is happening and why particular criminal justice agencies act in the way that they do.

As a supporter, take your time to provide information and explain the functioning of the criminal justice system, the criminal proceeding and what the role and rights of a victim/witness mean in practice. It is important to confirm understanding before you move on, as some victims may need time to process the information; to hear the information more than once; or to receive the information in more than one format, to fully understand its content. It may, for instance, be helpful to use visual aids to show what the courtroom looks like, and where the victim/witness will sit during their testimony. It may also be helpful for the victim/witness to see the courtroom in person, or meet the prosecutor before the court proceeding, to feel better prepared and grounded before the trial starts.

Victims/witnesses, who do not speak the language of the court, may use an interpreter if needed to ensure that they understand and are able to make themselves understood. It may also be helpful for the supporter to speak to the victim/witness on more than one occasion to follow up on previous conversations; to confirm that they understand the information provided; and to ask whether any further questions, thoughts or concerns have arisen.



#### 4.4.8. Disappointment and despair

The criminal justice proceeding is often the last and final step in what could have been a very long investigation and criminal justice process. During this time, victims may have built up expectations of what the outcome of the case should be. These expectations may have been reinforced by comments and discussions with criminal justice professionals; friends; family; and others in contact with the victim/witness. Being forced to give detailed accounts of traumatic events, victims may have expectations that they will be treated with understanding and empathy, and that they would be able to make decisions regarding the handling of their case. They may also believe that their account of the crime will be accepted since they are the victim and that, as a result, the accused will be convicted. They may find the objective nature of criminal justice agencies disrespectful to the trauma they have suffered, or they may struggle to understand how the accused can be represented by a legal counsel while they, as the victim, are left to fend for themselves.

Victims of crime may have expected that the trial would provide answers as to why they were targeted, and families bereaved by murder often hope that the trial will provide them with clarifications of what happened to their loved one. If answers to their questions do not arrive, the victim and their family members may start to realise that the offender will never explain what happened, and they must instead learn to live with not knowing the full reasons behind, and details of, the crime. These expectations as well as other feelings and thoughts may make the victim/witness and their family members very disappointed at the end of a criminal justice process. Disappointment and the associated feelings of hopelessness and despair can be risk factors for secondary victimisation, so it is important for supporters to be mindful and follow up on these reactions.

Disappointment can be based on the manner in which they were treated; the way the criminal justice process works; or the final verdict in the case. As a court-based support staff/volunteer, it is important to acknowledge that disappointment may take many forms and give rise to many additional reactions such as sadness; hopelessness; anger; and frustration.<sup>70</sup> Allow the victim/witness to express themselves freely without interrupting. Explore what expectations the victim had of the criminal justice process which may have given rise to the disappointment; what did they expect to happen that didn't? Once they have had the chance to express their disappointment and what actions gave rise to these feelings, it is often helpful for the supporter to provide a wider narrative and perspective by explaining how the criminal justice process works.

Sometimes, the victim's expectations may have been unrealistic and therefore given rise to false hope and inevitable disappointment. In these cases, it is important to be gentle and kind when aiming to readjust these expectations and broaden the context. For instance, if the victim/witness is disappointed in the treatment of the criminal justice professionals, gently explain that the job of the professionals is to ensure that all aspects of the evidence is tested; however, this does not mean that the victim/witness is not believed or seen as untrustworthy. If they are disappointed with the verdict of the court, it may be helpful to discuss the range of sentences available to the court in the applicable crime category. Please note that while readjusting the victim's/witness's expectations may help to minimise disappointment, sometimes it is better to allow the person to work through the disappointment at their own pace rather than explaining why their expectations were wrong in the first place. Coming to terms with the outcome of the criminal justice proceeding is sometimes part of the healing journey for victims and may take time. If you feel that the victim/witness is at risk of suffering secondary victimisation or requires further support in dealing with the implications of the criminal justice process, consider referring the person, with their permission, to further support services outside of court.

## 4.5. Secondary victimisation

Secondary victimisation can be defined as a victim suffering further harm, not as a direct result of the crime but through the response by institutions and individuals in contact with the victim.<sup>71</sup> Secondary victimisation includes “negative consequences for victims that may result from victims’ participation in criminal proceedings, including victims’ exposure to contacts with their perpetrators, judicial authorities and/or the general public”.<sup>72</sup> Secondary victimisation may also be caused by repeated interrogation about the same facts, the use of inappropriate language or insensitive comments by those who come into contact with victims.<sup>73</sup>

As discussed in chapters 4.1 and 4.2, a victim’s experience of participating in a criminal justice process will depend upon their individual case, personal characteristics and circumstances. With that in mind, it must be noted that there is not simply one cause of secondary victimisation; it can arise from any interaction and experience that a victim has throughout the criminal justice system. However, there are traits and behaviours that are more likely to cause harm to victims/witnesses; trigger points in the criminal justice process where the risk of secondary victimisation is higher. These trigger points often result from *behaviours and attitudes* – the way victims/witnesses are treated by those they meet in the system; and their *autonomy* – ability to interact and participate in the criminal justice process in an informed, safe, supported and empowered manner. Without these components, the criminal justice system risks adding further trauma rather than providing victims with access to justice and redress.

Victims rightly expect that society will protect, help and support anyone who has fallen victim to crime. When they report a crime to the police, they expect to be met with empathy, respect and understanding as their case progresses through the criminal justice system. If these expectations are not met, victims may feel disappointed, abandoned, disillusioned and the negative consequences may give rise to secondary victimisation. Victims/witnesses who do not know what is expected of them during the criminal justice process may also feel angry and frustrated in their inability to understand what is happening during the trial, leaving them disappointed and disheartened. Victims who wish to play an active role in the criminal proceedings may feel frustrated about the lack of ability to interact and participate in the decision-making process, leaving them to feel like a bystander at their own trial. Finally, the behaviours of criminal justice professionals may add further trauma to a victim/witness through repeated and insensitive questioning and cross-examination; questioning a victim’s behaviours and choices; and victim-blaming, leaving the victim feeling exposed, disempowered and blamed for their own victimisation.

Secondary victimisation can have a severe impact on both individual victims and the criminal justice system at large. Firstly, secondary victimisation greatly impacts on the wellbeing of the victim/witness. With their trust in the criminal justice process undermined, victims may experience feelings of worthlessness and hopelessness. Failings to provide victims/witnesses with information throughout the criminal justice system also makes them feel excluded, inhibiting their ability to engage with the criminal justice process and ultimately leads to feelings of distress and dissatisfaction with the criminal justice system.<sup>74</sup> Secondly, as a result of secondary victimisation, victims/witnesses will not be able to give their best evidence, impacting on the criminal justice system’s ability to reach a fair and accurate verdict. Thirdly, secondary victimisation may bring long-term implications for the State’s ability to maintain law and order, as victims/witnesses choose not to report crime again following a negative experience in the criminal justice system. In the long run, this will undermine the State’s ability to uphold its core values and provide safe and secure communities.



States have a responsibility to protect victims from secondary victimisation<sup>75</sup> and as many measures as possible should be made available “to prevent distress to the victim during court proceedings”.<sup>76</sup> By understanding how the criminal justice process impacts on victims, court-based support services can help to ensure that our justice system adopts a more victim-friendly approach, enabling victims to access justice; recover from the negative effects of the crime; and return to living a fulfilled life.

Court-based support services can limit the risk and effect of secondary victimisation in several ways. By providing information, offering court visits and helping to navigate the criminal justice system, victims/witnesses will feel more prepared, they know what to expect from the criminal justice process, and they are better able to participate in accordance with their role and preferences. This will in turn provide the court with a better basis for its judgments and deliver better justice outcomes for all. Emotional support helps to reassure victims/witnesses by providing comfort, empowerment and enhancing the victim’s feeling of control before, during and after the criminal justice process. By liaising with criminal justice agencies, court-based support services can also highlight victims’ needs and preferences, to help ensure their best experience throughout the criminal justice process. Through the combination of support services, tailored to the needs of the individual victim/witness, court-based support increases the victim’s/witness’s wellbeing and sense of safety, help them feel comforted and reassured, thus minimising the risk of harm or secondary victimisation.

*“The more support a victim/witness receives in preparation for trial, the less likely they are to request special protective measures. Anxiety decreases, and they can speak up and present their experiences in a completely different way.”*

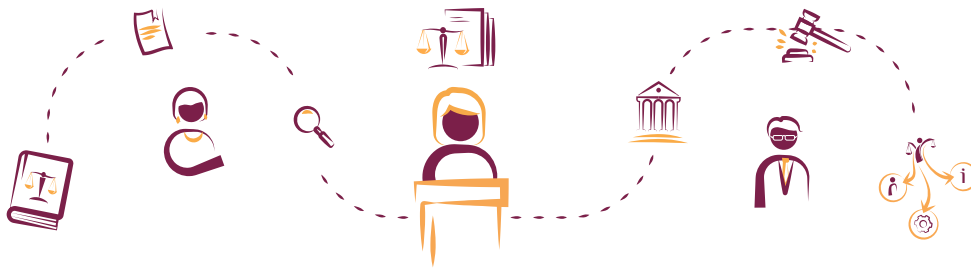
*Judge*



## 5. PRACTICAL ARRANGEMENTS FOR DELIVERING COURT-BASED VICTIM AND WITNESS SUPPORT

### 5.1. Prepare yourself for the support session in court

Before you begin your support session as a court-based victim/witness supporter, please take some time to reflect and prepare yourself for what you may meet during your day in court. Your own mental preparation is important for several reasons. Firstly, it will help focus your attention and prepare yourself for the important role as a supporter in court. Secondly, a mindful attitude and self-reflection will help to ensure that you prevent bringing any bias into the support session, which may impact on the support you offer. Instead, you will be better able to meet each victim/witness with an open mind.



#### 5.1.1. The myth of the ‘ideal victim’

Sometimes we may have subconscious expectations of how a victim/witness ‘should’ be and act. For instance, a victim who is perceived as weak, vulnerable and blameless for their own victimisation may be seen as more deserving of society’s help and support in their pursuit of justice. It is important to reflect on your own personal views and to remind yourself that victims and witnesses of crime are made up of a cross-section of society; come in all shapes and sizes; and from all walks of life.

#### 5.1.2. People with various roles and needs

During your support session, you are likely to meet a wide range of people, including victims; witnesses; family members; friends; accused persons; criminal justice professionals; and members of the general public. In preparation for your session, it may be useful to reflect on how you feel and relate to these various people and their roles. A core principle of court-based support is to provide assistance and to act in the interest of victims before, during and after a criminal proceeding,<sup>77</sup> so please reflect on how you can best provide victim-centred support when in contact with these different individuals.

#### 5.1.3. Partnerships are key

Court-based support services work in close cooperation with criminal justice agencies, including court staff and judges; prosecutors; police officers; and defence counsels. For instance, court-based support services are often dependent on information from criminal justice agencies to know how many support staff/volunteers will be needed in court to meet the support needs of victims and witnesses on any given day. Likewise, staff from criminal justice agencies must understand and recognise the role and remit of the support organisation to feel confident about sharing case file information and referring victims/witnesses to access support in connection with criminal proceedings. While court-based support managers are often in charge of establishing cooperation agreements and maintaining communication with local criminal justice agencies, all staff and volunteers are responsible for representing the support service in a professional and competent manner. In preparation for your support session, please reflect over the criminal justice partners that you are in contact with; how you wish to represent court-based support when in contact with external agencies; what you need from each other; and how to cooperate to ensure that victims/witnesses receive the best support possible in connection with criminal proceedings.

In addition to providing emotional and practical support to victims of crime in connection with criminal proceedings, court-based supporters within **the Portuguese Association for Victim Support (APAV)** have an advisory function to the Prosecution Service. Through ongoing exchanges of information, the prosecutor gains access to details that may be relevant for a successful prosecution, to ensure that victims are able to access justice in the aftermath of crime. It also allows the prosecutor to better understand the dynamics of each case and, if needed, apply for restraining orders or protection measures to ensure the victim's safety. Through their close partnerships, APAV's court-based supporters contribute to the improved implementation of victims' rights, making criminal justice professionals more aware of the rights of victims and of the importance of incorporating victims' needs into their considerations. It is a unique opportunity to help transform the criminal justice system from the inside, making it more victim-friendly.

#### 5.1.4. Familiarise yourself with the court building

To inform themselves of their surroundings and to increase their sense of safety, victims/witnesses may have questions about their journey to and from court; which door to use when entering the court building; where the waiting rooms are located; and other practical questions related to their day in court. It is therefore important for supporters to familiarise themselves with the layout of the court building; the local transportation services; available parking; evacuation plans; medical emergency plans; and other relevant arrangements of the court in question.

## 5.2. Court-based support service delivery

### 5.2.1. Initiating contact with a victim/witness

Depending on the operational structure and set-up of the court-based support service, the initial method of contact with victims/witnesses may vary. If referral arrangements are in place, in line with EU best practice, court-based support services should ideally phone the victim/witness to offer support as early as possible in the run-up to a criminal proceeding. In some countries, support is mainly offered in person by a supporter in court, on the day(s) of the hearing.<sup>78</sup>

When initiating contact with victims/witnesses, supporters should adopt a proactive, out-reach approach. Remain open and receptive to the victim/witness you are speaking with. Listen attentively without expectations or making assumptions as to what victims/witnesses 'usually' need. If support is given in person, keep eye contact and an open body language, but maintain personal space. The court can be a stressful environment, so make sure that you are relaxed and provide a reassuring presence. To ensure that all victims/witnesses are offered access to information and assistance, supporters should, apart from the waiting room, also visit other parts of the court building, including the reception and other public areas.

*“Grateful that the supporter initiated contact and gave me lots of practical information about the criminal proceeding”*

**Witness**

To provide support in accordance with the needs and preferences of each individual victim/witness, it is vital that court-based supporters are trained in methods of active listening and paying attention during their conversation. By active listening, the supporter demonstrates respect, empathy and a willingness to understand and help the victim/witness. Paying full attention to the victim/witness will enable the supporter to not only hear the words but, more importantly, grasp the complete experience being communicated. For more details on methods for active listening, please see chapter 6.4.

### 5.2.2. Identifying a victim/witness in court

Sometimes victims/witnesses arrive to court as part of a larger group, or there may be other people in the waiting areas which makes it difficult to identify who is there as a victim/witness. In these situations, it is often helpful to introduce yourself to the group as a court-based supporter and ask if anyone would like some general information about the criminal justice system. Once a conversation is initiated and contact established, it is easier to identify the victim/witness, who may then feel more comfortable to express feelings of worry or concern and thus disclosing a need for more emotional support and reassurance. It may at that stage be helpful to walk away from the crowd, for the victim/witness to be able to ask questions and express themselves freely, without fear of being overheard by friends or family members.

Clear signage indicating where to find support is a vital element in ensuring accessibility to court-based support. Wearing clearly identifiable clothing or identification, for instance a vest or a badge with a visible court-based support logo, is highly recommended to enhance the visibility of the supporter. It is important that the supporter stands out from the crowd in court, so that victims/witnesses quickly can see that the supporter is there for them.<sup>79</sup>

### 5.2.3. Assess individual needs of the victim/witness

Once contact has been established, the next step for the supporter is to identify the needs of the individual victim/witness. As mentioned previously, everyone reacts differently to crime, both during its immediate aftermath and in connection with criminal justice proceedings. Victims/witnesses will also have varying levels of knowledge about the criminal justice system and their role within the system. While some may require information, others seek reassurance, emotional support or ways in which to increase their sense of safety in connection with the trial. During the first contact with a victim/witness, it is therefore important for the supporter to ask open-ended questions, for instance how the victim/witness is feeling; whether they would like information about the criminal justice system; if they have any concerns or worries; and if they have any questions. Court-based support services are strongly encouraged to develop an individual needs assessment tool, to help supporters identify victims'/witnesses' needs in a consistent manner, and tailor their offer of support accordingly.



Support needs are not static and often change over time. Victims/witnesses who felt calm prior to the criminal proceeding may become anxious or fearful as their day in court approaches. Others may feel anxious when called to court, but after receiving information, emotional support and help in preparing for the trial, their worries decrease. It is therefore important to remember that needs assessments may have to be updated in the run-up to the criminal proceeding.

**France Victimes** offers a range of court-based support services, delivered by trained and certified staff in three professional fields; psychology, law and social work. A needs assessment is conducted during the supporter's first contact with a victim/witness, to ensure that support is tailored to fit their individual needs in connection with the criminal proceeding.

#### 5.2.4. Tailor support delivery according to identified need

One of the core principles of court-based support, and a key area of responsibility for court-based support staff and volunteers, is to tailor the offer of support and information to meet the needs of the individual victim/witness. To achieve this aim, the supporter must listen to the victim/witness with an open and attentive focus. The supporter may have a list of topics they wish to inform the person of, but it is important to let the victim/witness express what they need and concentrate on answering that. Before providing information that has not been requested, please check whether they wish to receive this additional information. Victims/witnesses may find that being offered too much information is not always helpful but may instead be overwhelming or give rise to additional concerns or worries. When supporting victims/witnesses who are nervous or fearful about giving evidence in court, it may be helpful for supporters to provide some short and concrete tips on how to ground themselves before their testimonies and what their options are while in the courtroom. For suggestions, please see chapter 6.6 and 6.7.

As a court-based supporter, it is important to remember that many victims/witnesses find participating in criminal justice proceedings difficult, and that emotional reactions are normal and varies from person to person, as described in chapter 4. The timing of the court proceeding will also impact on the victim's/witness's wellbeing. As there is often a time-lapse between the crime and the trial, information provided early in the process may have to be repeated further down the criminal justice process. The time-lapse between crime and trial also means that the victim/witness must put their recovery on hold and place themselves back at the crime scene, in order to describe during the criminal proceeding what happened. Detailed questions and cross-examination will force victims to relive what is often one of the most traumatic events of their life, which may bring back distressing memories and emotional reactions from the crime.



The **Croatian** criminal justice system has adopted a structured methodology for conducting individual needs assessments, in line with article 22 of the 2012 EU Victims' Rights Directive. The same assessment template is used by all criminal justice agencies, so that any changes in needs and wellbeing can easily be identified as the victim's case moves through the criminal justice system.

Supporters must be open and receptive to the changing needs of the victim/witness. To ensure that the support offered is always tailored around the needs of the victim/witness at that point in time, a variety of support methods should be made available, including support via telephone/video/chat and in person meetings. For victims/witnesses expressing strong fears, worries or resistance to attend the criminal proceeding, court-based support should consist of more than one contact, so that any concerns can be followed up and alleviated before the trial.

### **5.2.5. Don't assume how the victim/witness is feeling**

Participating in a criminal justice process is a difficult and sometimes traumatic experience for victims/witnesses and may give rise to a range of emotional reactions. Victims/witnesses are required to answer detailed and often repetitive questions regarding the crime, which risks bringing back traumatic memories. The criminal proceeding itself also adds new challenges and forces the victim/witness to confront the accused and their friends and family. While some victims/witnesses seem composed, others may exhibit strong emotional reactions during their time in court.

Research has proven that it is difficult, if not impossible, to accurately interpret how another person is feeling, or the reliability and trustworthiness of their words, based on their appearance alone.<sup>80</sup> Supporters must therefore remember that how a victim appears on the outside may be very different from how they feel on the inside. For instance, a victim/witness who is demonstrating signs of distress or fear may not necessarily be in more need of support than a person with a calmer exterior. Victims' emotional reactions may also be impacted by various defence mechanisms, so supporters should refrain from trying to interpret their support needs based solely on external appearance or obvious signs of distress.

To ensure that you accurately tailor your offer of support to the victim/witness in front of you, please ask the person open-ended questions regarding how they are feeling, if they have any questions or concerns, and what type of support and information they would like to receive from you. A victim/witness may not be comfortable in disclosing how they are feeling, so providing generic information about the criminal justice system is often a good way to initiate conversation as it allows the victim/witness to relax. In time, the person may be more at ease to share their concerns and fears. Please remember that there is no right or wrong way to react to crime or in connection with a criminal justice proceeding; and it is important that you as a supporter remain calm and provide reassurance and comfort regardless of what the victim's/witness's reactions may be. For further details on the emotional impact of crime, please see chapter 4.

### **5.2.6. How and when to ask questions**

Questions can be used to identify the needs of the victim/witness. For instance, by asking how the victim/witness is feeling and if they have any questions in the run-up to the hearing, you are better able to tailor the support around their needs. However, never pry! Focus on the victim's/witness's wellbeing, concerns and knowledge of the criminal justice system rather than confirming your own perspective or views on their case. For more information on active listening and how to use questions in a conversation with the service user, please see chapter 6.4.

### **5.2.7. The value of silence**

Silence can be soothing for some victims/witnesses as they ground themselves before the trial starts, while others find it uncomfortable and unnerving. It is therefore important to consider how and when to allow for silence during your interaction with the person. Do not fill the time with unnecessary conversation if not needed, as this may prevent the victim/witness from composing themselves before they enter the courtroom. Remember, it is their needs that are important and not your own perception of (uncomfortable) silence.

### **5.2.8. Differentiate between your feelings and those of the victim/witness**

Supporting victims/witnesses who express strong emotional reactions can be particularly challenging for court-based support staff and volunteers. If you empathise with the victim/witness, it is easy to identify with the person's feelings and you may even start experiencing similar feelings yourself, for instance anger at the senseless violence or sadness/hopelessness for the trauma suffered by the victim. For you to cope with the role as court-based supporter and provide a calm, stable and reassuring support, it is important that you differentiate between the victim's/witness's emotions and your own. It is, for instance, not helpful if you start crying or become angry in response to the victim's/witness's experience, as it signals that it is too difficult or traumatic to share and that they must tone it down. The person may also worry about your reaction or feel the need to place your wellbeing above their own.

While it is important for court-based supporters to show empathy and acknowledge the experience of the victim/witness, you should not assume their situation or experiences as your own, so be aware of any tendencies to step in and provide solutions, especially to emotional reactions. While acknowledging that the victim/witness is finding the criminal justice process difficult, remind them that it will come to an end and they will not always feel this way. Sometimes, there is nothing you can say to ease their pain, but rather than feeling frustrated or despondent about your inability to solve their problems and improve their wellbeing, your reassuring presence will help the victim/witness get through the moment as best they can. If suitable, it may also be helpful to refer the victim/witness, with their consent, to further support outside of the court.

If you feel an emotional reaction arise during an interaction with a victim/witness, it is important that you remain conscious of your own reaction and emotions so that you can actively choose your body language and choice of words carefully. It is important that you try to remain as calm and composed as possible; and if you feel emotionally impacted by a particular case, please try to remove yourself from the victim/witness to compose yourself before returning to your support role. For more information on how to look after yourself as a court-based supporter, please see chapter 8.

### **5.2.9. Setting boundaries to maintain respect and integrity**

All court-based supporters should reflect on their behaviour and align all contacts with victims/witnesses in accordance with applicable rules of professional conduct. While interactions with victims/witnesses can be nuanced and complex, there is a difference between personal and private information. Being personal might include showing empathy and understanding for an individual's situation, but it is important to maintain a professional boundary and not pry into their private circumstances. If you spend a long period of time with a victim/witness, small talk is often helpful to put them at ease, for instance during breaks in the proceeding. However, be mindful of topics that may be seen as controversial, intimate, emotionally charged or strongly value-oriented where conflicts may arise, such as religion or politics. Supporters who have themselves fallen victim to crime should be particularly mindful not to discuss their own victimisation, as the support session is about the case at hand and not your personal experience.

Court-based supporters are often empathetic and caring individuals, providing reassuring and calming support in what is often a very stressful and emotional experience. If a victim/witness becomes upset or shows signs of distress, the supporter may wish to comfort them by placing a hand on their shoulder or arm. However, to ensure the respect and integrity of the person, it is often best to avoid body contact.

To provide empathetic, professional, respectful and tailored support, court-based supporters must be aware of how crime and trauma may affect victims and witnesses in connection with criminal proceedings. **Victim Support Sweden** offers national foundational training sessions for all staff and volunteers twice a year, to help ensure equal access to high-quality court-based support across the whole country, regardless of where the victim/witness lives and where the criminal proceeding takes place.

### 5.2.10. Dealing with family dynamics

Some criminal cases include several members from the same family, who may have varying support needs and reactions to the crime and to the criminal justice process. In some cases, there might be familiar ties between the parties in the criminal justice proceeding, for instance the accused may be related to the victim or some of the witnesses. In other situations, family members may not have spoken to each other for years or there may be underlying conflicts that make interaction challenging to manage.

While some families find comfort in each other's company, others experience additional pressure and emotional strain from the presence of their family members. Some victims might find it reassuring to have a relative alongside them in the waiting room, but do not want the family member to be present in the courtroom when intimate details of the case are presented. As a supporter, please be mindful of family dynamics as it may become important to keep family members separated throughout their day in court. The best approach is therefore always to ask the victim what they would like and develop the support plan accordingly. It may for instance be helpful to appoint two separate staff members/volunteers to support different family members, and arrange for several waiting rooms to provide calm and separate environments for the relatives.

### 5.2.11. Make the best use of time with each victim/witness

When providing court-based support, staff/volunteers are likely to meet several victims and witnesses during one day in court and it is often difficult to predict how much time you will spend with each person. Some victims/witnesses arrive just in time for their court appearance, while others arrive with more time to prepare and ground themselves before being called into the courtroom. There may also be delays in the court proceeding, making exact timings unpredictable.

To make the best use of your time with each victim/witness, start each interaction by addressing their main questions and concerns, leaving more generic information until the most pressing topics have been covered. You must also be prepared to quickly end the conversation whenever the person is called into court. If a victim/witness is called into court during your conversation, calmly wish the person good luck and direct them to the courtroom.

If your country's referral arrangements allow for you to contact the victim/witness to offer support in advance, it is often helpful to agree a time for them to arrive at court, which will allow you enough time to meet the person and answer any questions they may have before the trial starts. On the other hand, when there is a lot of time before the person is called into the courtroom, supporters sometimes find it difficult to know when it is suitable to end the conversation. If this situation arises and once you have provided the requested information, you may ask if the person needs anything else. Whenever you feel that the conversation with one person is coming to an end, thank them for their time; wish them good luck with their participation in the criminal proceeding; tell them where you will be if they need anything further; and move on to the next victim/witness.



### 5.2.12. Encourage court visits

One of the best ways to prepare a victim/witness for a court hearing is to offer them a chance to visit the court a few weeks or days before the proceeding.<sup>81</sup> Seeing the court in person will help them set realistic expectations about what is likely to happen on the day of their court appearance, including how to get to and from court; what the court building looks like; where the waiting room are located; who will be present in the courtroom; and where will they sit/stand to give evidence. Meeting the victim or witness in person also provides an opportunity for the support staff/volunteer to ensure that any additional questions or concerns are discussed and answered, in preparation for trial.

As a best practice, court-based supporters are encouraged to offer court visits to every victim/witness during their initial contact. Coordinating the visit with meeting the prosecutor or other relevant criminal justice professionals involved in the case is also helpful and plays an important role in preparing the victim/witness for their day in court.

*“The court visit was such a good way to prepare for the trial; I felt calmer and the information you gave was so valuable for me”*

**Victim**

Sometimes it is not possible for victims/witnesses to attend a court visit in person. For instance, the victim/witness may live far away from the court building; have mobility restrictions; or other professional or private reasons that make it difficult for the person to visit the court. Some countries have therefore developed (interactive) videos or photos, so that victims/witnesses may familiarise themselves with the court building using digital tools. As a supporter, please ensure that you are aware of what digital options are provided by your local court that can help victims and witnesses prepare for their participation in a criminal justice process.

**In the Republic of Ireland**, the Department of Justice produced an informative video on what to expect when attending court as a victim or as a witness.<sup>82</sup> The Courts Service of Ireland also developed interactive virtual tours of some of their court buildings, allowing victims, witnesses and their families to familiarise themselves with the court, the entrance hall, the courtroom and the Victim Support Area.<sup>83</sup>

### 5.2.13. Information materials

Information materials, leaflets and visual aids, such as animations or a map of the courtroom, may be helpful tools to inform about the criminal justice process and where the different criminal justice professionals will sit during the proceeding. This can be particularly helpful for young people or victims/witnesses with disabilities, who may need more help to visualise the courtroom and prepare for providing evidence.

Some supporters use a list of key points to refer to during their interactions with victims/witnesses. Although an information sheet can be a great way to remind yourself of topics to mention to the victim/witness, your focus should always be on the person in front of you and not the material in your hand. It is more important that the victim receives the information they need, rather than you having to go through all the points on your list. Therefore, consider whether you need the material or not. If it distracts

from your focus on the victim/witness, place the materials next to you and only refer to it if needed.<sup>84</sup>

#### 5.2.14. Refer to other organisations and services

A criminal proceeding can bring back traumatic memories that may be difficult for the victim/witness to handle. Some will find their participation in the court process; their interaction with criminal justice professionals; and being forced to confront the accused, so difficult that it gives rise to secondary victimisation and additional distress. As a court-based supporter, you must be mindful and observant as to how victims/witnesses are feeling. If you notice that a person is experiencing strong emotional or physical reactions, normalise the situation and their reactions by affirming that it is common for victims and witnesses to find court hearings difficult. Aim to provide reassurance, comfort and encouragement to help the person during their time in court.

For questions, reactions or concerns that cannot be solved while in court, offer to refer the person, with their consent, to further support outside of the court. Such support is often more suitable to help them deal with the long-term implications of crime as well as their experiences of participating in the criminal justice process, to build resilience and help them recover from the negative effects of crime. It is often helpful for court-based support services to establish contact points and assemble a list of available support organisations that the victim/witness may choose from, before a referral is made.

#### 5.2.15. Court-based support via telephone and chat

While court-based support on the day of criminal justice proceedings is often provided in person, we wanted to include a few words regarding telephone and chat support, since much of the information and help given to victims and witnesses in preparation for trial can be conducted via telephone, email, text or chat services.

##### Telephone

Many European countries operate a **Helpline for Victims** using the EU-wide number 116006. Countries with well-functioning referral arrangements enable court-based support staff/volunteers to contact each victim/witness in the run-up to the criminal proceeding, and this first contact is often made by telephone to ask how the person is feeling; whether they have any questions or concerns; and if they would like any support or information in preparation for the proceeding. In countries without referral arrangements but where the victim/witness is informed of available court-based support in connection with being called to court, their first contact with support services is also often made by telephone.

When speaking to a victim/witness by telephone, it is not possible for the supporter to see any non-verbal communication cues such as facial expressions, gestures or posture. Instead, the supporter must rely on the tone of voice; what the person is saying; and any audible signs of distress, such as crying or laboured breathing, to help determine the needs and wellbeing of the person. It is therefore important to allow the victim/witness to express themselves freely, without interruption or prompting. Encourage open communication by confirming that there are no silly questions and that you are there to provide answers, guidance and help in any way you can. By providing information about the criminal justice process, it becomes more predictable, and victims/witnesses can better understand their role in the system, which minimises the risk of secondary victimisation. By allowing victims/witnesses to be in charge of their own recovery, they are also given back a sense of control and empowerment, which helps to build resilience to overcome the negative impact of crime. If, during the conversation, the victim/witness expresses any fear or worries, the court-based supporter



should provide reassurance, information and, if necessary, arrangements to increase their sense of safety in connection with the criminal proceeding.

While assessing the needs of the victim/witness over the phone and asking what type of help the person would like to receive, it is often helpful to inform them of the different types of support offered in connection with criminal proceedings, including the provision of information; emotional support and reassurance; practical guidance and help to navigate the criminal justice system; court visit; courtroom accompaniment; special protection measures; and liaison with criminal justice professionals. As a best practice, supporters are encouraged to stress the importance of court visits, which will allow the victim/witness to see the court and help prepare them for participating in the trial.

During your conversation with a victim or witness of crime, they may experience and express a range of emotions, which may arise at different times during the conversation. From being tearful at the beginning of the phone call, the victim/witness may become angry when discussing their initial contact with the criminal justice system to finally becoming anxious and fearful when talking about having to give evidence in court. It is important that supporters maintain a calm and supportive demeanour, regardless of what emotion arises.

At the end of the conversation, confirm that there are no further questions or concerns. If you have agreed to provide certain measures, follow up with the appropriate criminal justice agency and relay the answers back to the victim/witness as soon as possible. Ask the person whether they would like you to call back in a few days/weeks as the court hearing approaches to confirm that no further questions or concerns have arisen.

In summary, supporters who speak to victims/witnesses on the phone in the run-up to a trial should remember to:

- Compose yourself before picking up the phone
- Always remain respectful and professional
- Listen actively and attentively without expectations and judgement
- Wait for the victim/witness to finish before providing a response
- Acknowledge the experience of the victim/witness while explaining what the victim support service can (and cannot) offer the victim/witness in connection with the criminal proceeding
- Remain calm and focus on the wellbeing of the victim/witness
- Remain present and attentive throughout the conversation, as feelings may change
- Ensure that you understand what the victim/witness is asking before providing a response
- Provide clear and concise information, confirm that the victim/witness understands the information before moving on
- Gently expand the discussion about the crime and the person's thoughts and feelings about participating in a criminal proceeding in stages, by combining open and closed questions
- Discuss what options the victim/witness has at that moment and guide the person to make a decision on what they believe would be the best way forward. What are the timeframes within which decisions must be made in the criminal justice process? What concrete actions can they take to improve their situation and what can the court-based supporter do?
- Agree, if needed and suitable, a day and time for the next conversation. Mark this time in the case management system and ensure you fulfil the agreement
- End the conversation by providing reassurance and hope
- Remind yourself to differentiate between the emotions of the victim/witness and your own emotions
- Take a deep breath and compose yourself before moving on to the next conversation

In addition to providing information, emotional support and reassurance, some victims/witnesses may need help to identify proactive steps they can take to advance their recovery and prepare for their court appearance. Please see chapter 6.5 for an example of a simple yet effective method for problem solving.

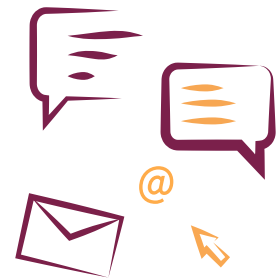
*“I am very happy that I accepted help and support from you. Somehow, it made me feel like I wasn’t so alone. I am just a normal person up against all that expertise, the court and the accused, and everyone else sitting there in the courtroom.”*

Victim

## Chat

Online chat service is another method used to offer support to victim and witness, which often provides the person with complete anonymity during their interaction with the support organisation. It is often difficult for victims to take the initial step to ask for support, but using an anonymous chat service often makes it easier to disclose traumatic and intimate details of the crime. Chat services have proven particularly helpful for young victims and witnesses of crime who have experienced serious violent and/or sexual crimes.

When providing support via chat in connection to a criminal proceeding, the support staff/volunteer can inform the victim/witness of the criminal justice system and what is likely to happen during their time in court. The supporter can also provide emotional support; reassurance and comfort; and encouragement to help strengthen their confidence and belief in their own ability to participate and provide evidence. The chat service enables the supporter to send links and additional information regarding the criminal justice system; the role of a victim/witness; and the support offered by court-based support services on the day of the trial. Having had an initial chat conversation with a supporter, the victim/witness is often able to move on to telephone support, if they would like, as this may allow faster and more concrete answers and discussions regarding their specific situation. As a best practice, supporters are encouraged to offer a court visit, allowing the victim/witness to familiarise themselves with the court building and help them prepare for the criminal proceeding.



## 5.3. Practical arrangements in court

### 5.3.1. Visibility of the court-based support service

Victims/witnesses are not able to benefit from victim support services, to build resilience and help them deal with the impact of a crime, if they are not informed that support services are available; if it is too much trouble to find the support services; or if the victim/witness has insufficient knowledge of the type of support available.<sup>85</sup> Awareness is clearly a determining factor to victims'/witnesses' ability to engage with support services to aid their recovery following victimisation. An important aspect of practical arrangements for delivering court-based support is therefore that the supporters must be clearly visible; identifiable; and easy to find in court. In addition, it must be easy for victims/witnesses to understand what type of court-based support is available, for them to decide whether they wish to access such support.

**France Victimes'** court-based support services aim to have separate offices inside each court building, to ensure visibility and accessibility of support to all victims and witnesses in connection with criminal proceedings.

Entering the court building can often be a daunting experience and the victim may be concerned for their safety, or worried about meeting the accused, their friends or family. Being able to see the court-based supporter as soon as possible after entering the court is therefore greatly appreciated by victims/witnesses, as it provides them with immediate comfort and reassurance.

During the pilot evaluation of the COVIS Impact Measurement Tool, used to assess court-based support services in Sweden and Portugal, visibility was deemed an important factor in determining victims' and witnesses' ability to access support in connection with criminal proceedings. Court-based support services that are visible and easily accessible in court increase the chance of victims/witnesses accessing such support, to help them prepare for the trial. As many victims are not aware that court-based support is available before arriving at court, visibility is an important way to inform victims of the possibility of receiving information and support in connection with the court proceeding.<sup>86</sup>

*“I was so grateful that the supporter was among the first things I saw when I arrived at court.”*

**Victim**

### 5.3.2. Identification of supporters

To enhance visibility, all court-based supporters should wear ID badges or other forms of identification. In some countries, only the first name of the supporter is used on the name badge, while some countries use generic badges with terms such as 'Victim and Witness Support', 'Court-based supporter' or something similar. Some courts require that the supporter wears formal identification to be able to enter the court building; go through security checks; or access restricted areas in the court building. However, some victims/witnesses may not want others to see that they are receiving support in court, in particular inside the courtroom in front of the accused. Supporters must therefore be mindful of the needs and preferences of the victim/witness and may, for instance, remove their badge of identification in the courtroom, if the victim/witness would like.

### 5.3.3. Supporters present in court

In some countries, referral arrangements ensure that court-based support is offered to all victims and witnesses in the run-up to the criminal justice proceeding.<sup>87</sup> Nonetheless, victims/witnesses may have declined the initial offer of support, but worries and questions have arisen as the proceedings are getting closer, or there may still be victims/witnesses who have not been referred to support and whose first chance of receiving information and reassurance is on the day of the hearing by on-site supporters.<sup>88</sup> In countries without referral arrangements, the day of the court proceeding is often when the majority of support is offered to victims/witnesses.<sup>89</sup> To ensure that all victims and witnesses are able to access court-based support, it is important to ensure that supporters are present and accessible to provide information and emotional support in court, in connection with every criminal proceeding where a victim and/or witness participates.

### 5.3.4. Preparation of the waiting room

To help victims/witnesses compose themselves before being called into court, separate waiting rooms or areas accessible only to victims, witnesses and their families should be made available. These separate waiting rooms are vital to both the victim's/witness's wellbeing; sense of safety and reassurance; and to their ability to participate in the criminal proceeding in the best possible way. Victims/witnesses who feel that their needs for support and protection are cared for are also less likely to suffer secondary victimisation in connection with criminal proceedings. Court-based support staff/volunteers should be available in the waiting room/area to offer information, support and reassurance to all victims and witnesses of crime.

At the start of each day, court-based support staff/volunteers should prepare the waiting room/area for victims, witnesses and their family members arriving to court. For instance, supporters should ensure that fresh tissues and refreshments are available (water/coffee/tee and cups). Waiting rooms should also have reading materials available, including information on the criminal justice process and the range of court-based support services offered in connection with criminal proceedings. Information on special protective measures, how to use the video-link and log into the trial remotely may also be helpful for victims/witnesses participating in the proceeding from a separate video-link room. All relevant case management information should be prepared and kept confidential at all times.

If your court does not have separate waiting rooms, consider how you can make the best use of the space available to offer victims/witnesses privacy and a calm space in which to wait before the trial starts and during breaks in the proceedings. For instance, identify whether room dividers could be used or if there are less busy areas of the court, where victims may feel more comfortable. There may also be lawyer/client rooms which can be used temporarily to ensure privacy.

While supporters are encouraged to make the best use of the layout of the court in which they operate, please remember that the *2012 EU Directive establishing minimum standards on the rights, support and protection of victims of crime* provides a clear right for victims to avoid contact between victim and the accused in court buildings. The Directive requires all new court buildings to provide separate waiting rooms for victims of crime and their family members, and necessary conditions must be made in all criminal courts to enable avoidance of contact between victim, their family members and the accused.<sup>90</sup> Whenever new court buildings are being planned, court-based support managers are encouraged to work with the criminal justice agencies to identify how the layout of the court can be designed to ensure separate waiting rooms facilities and, ideally, separate entrances for victims and witnesses of crime to avoid contact with the accused.<sup>91</sup>

### 5.3.5. Dress code

As a supporter, you may be the first person the victim/witness meets when arriving at court. As such, you represent an important first impression of the criminal justice system. Working inside the court building, it is therefore important that supporters are mindful of appropriate dress code and dress respectfully in accordance with the social norms and customs of the courts and criminal justice system in the applicable country.

## 5.4. Particular groups of victims/witnesses

### 5.4.1. Victims/witnesses with disabilities

Victims of crime should always be recognised and treated in a respectful, sensitive and professional manner without discrimination of any kind.<sup>92</sup> As such, victims of crime have an equal right to justice, redress and compensation. Some victims may, however, require additional support to be able to access their rights, present their case to the court and participate fully in the criminal proceeding in accordance with their abilities and understanding. States have a responsibility to ensure “effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages”.<sup>93</sup>

While some countries have experienced an increase in the use of intermediaries in connection with criminal proceedings, the EU Commission identified in its review of the implementation of the *2012 EU Directive on the rights, support and protection of victims of crime* that persons with disabilities are still not able to fully benefit from their rights as victims of crime. The Commission recognises the recent developments in products and services that could help to facilitate access to justice for victims with disabilities. Therefore, the Commission has proposed a new EU-wide right for victims with disabilities, to ensure that services and protection measures are accessible in accordance with their needs and that the means of digital communication are consistent with the requirements set out in the Directive 2019/882/EU on the accessibility requirements for products and services.<sup>94</sup>

Court-based supporters should receive information and training how best to support victims and witnesses with special needs. For instance, while victims/witnesses with a physical disability may require mobility assistance to navigate the court building, victims/witnesses with visual or auditory impairments may need additional communication tools and assistance to access information regarding their criminal justice process and updates in their case. Victims/witnesses with cognitive or neurological impairments may need additional support and information to understand the criminal justice process and what is expected from them as part of the proceedings. Others may prefer a specific seat to feel more comfortable while waiting for the hearing to start, allowing them to see people entering the room rather than sitting with their back to the door. People with disabilities are often experts at their own needs, so court-based supporters should listen for specific instructions and always ask if the person requires assistance before offering to help.

When supporting victims/witnesses with neuropsychiatric disorders and intellectual disabilities, appropriate language and materials should be used to explain how the criminal proceedings will work, what will happen during their time in court and in what order the different criminal justice agencies will speak. It may also be suitable to use images to communicate and assess how the person is feeling. Open communication between the support service and the criminal justice agencies will help to ensure that suitable arrangements are made for the victim/witness with special needs to participate in the criminal proceeding in the best way possible and to access justice on equal terms and without discrimination.<sup>95</sup>

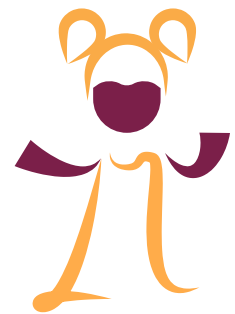
As with all victims, it is often helpful for court-based supporters to offer victims/witnesses with special needs the opportunity to visit the court before the day of their court hearing. This will allow the person the opportunity to familiarise themselves with the court building, waiting rooms and set realistic expectations of what will happen on the day of the proceedings. Victims/witnesses may also benefit from an early meeting with the prosecutor, victim's legal counsel or court staff, to conduct a needs assessment and determine whether special measures should be put in place, for instance by allowing the victim/witness to give evidence via video-link from another location or if intermediaries<sup>96</sup> should be used during their testimony and cross-examination.

*“The court-based supporter really meant a lot to me. More than I expected actually”*

Victim

#### 5.4.2. Children and young victims/witnesses of crime

The UN Convention on the rights of the child defines a child as any person under the age of 18.<sup>97</sup> European countries have adopted different methods and procedures to facilitate the participation of children and young people in criminal justice proceedings. For example, some countries will pre-record all evidence from children and use the recording as evidence in court, to protect the child from having to give evidence in open court. Other countries expect children to participate in criminal proceedings in person, but the proceedings will be held behind ‘closed doors’ to ensure that only the involved parties are present. In some countries, the criminal justice professionals will remove their formal judicial gowns/robes and wigs to create a more relaxed atmosphere in court, while other counties allow the child to give evidence via video-link from a more child-friendly location outside of the courtroom.



As a supporter, ensure that you are familiar with your country's legislative requirements, procedures and policies in terms of children and young victims/witnesses of crime. If any child or young person is to attend a criminal hearing in person, all court-based support staff and volunteers in contact with the child must have received training on how to best support and engage with children in the aftermath of crime. Separate waiting rooms are vital to allow the child or young person to wait in a calm and secure environment before, and during breaks in, the court proceeding. The supporter should, if suitable and in line with the organisation's child protection policies, remain present with the child throughout the day as a source of comfort and reassurance, answering any questions the child might have during their time in court.

Suitable information materials should be produced, to inform children and young people about the criminal justice process, their rights and role in the proceedings.<sup>98</sup> Age-appropriate equipment, books and other resources should also be available for children to use before they are called into the criminal proceeding.

Family members of young victims and witnesses are often impacted by the crime and may experience strong emotional reactions in connection with criminal proceedings. Family members may find it difficult to know how to best support their loved one, or they may be worried how their child will cope with having to participate in a criminal proceeding and answering detailed questions about the crime.



Parents of young witnesses may also worry about repercussions following their child's testimony and may wish to protect their child from having to attend court. In addition, family members may themselves feel strong reactions of guilt, despair, powerlessness and shame that they have failed to protect their child from crime. Court-based supporters are trained in how to help victims'/witnesses' parents and family members support their loved one in connection with criminal hearings. Information on the criminal justice process will help to set more realistic expectations of what a trial will be like. As an important part of protecting the overall interest and wellbeing of the victim/witness, court-based support staff/volunteers can also offer emotional support and reassurance to their family members on the day of the court hearing.

### 5.4.3. Victims with legal counsels

Many countries offer victims, in particular children and victims of violent and/or sexual crimes, access to legal counsels free of charge, to represent the interests of the victim throughout the criminal justice process. During the trial, the legal counsel will speak after the prosecutor and present any additional points that the victim wishes to raise regarding the crime. In some countries, the victim's legal counsel will also present the compensation claim.

The role of the legal counsel often includes keeping the victim informed of how the case progresses, explaining the victim's role in the criminal proceeding and answering any questions the victim may have regarding the criminal justice process. The presence of a legal counsel is often reassuring for the victim, and they may therefore have less need for a court-based supporter to provide information and emotional support. However, in practice, the interaction between the legal counsel and the victim varies greatly. While some counsels will proactively reach out to the victim, keep them informed of any updates in their case and wait alongside the victim before the trial starts, others have less direct engagement with the victim. In these cases, it is important that court-based supporters are available to provide information and reassurance in connection with criminal proceedings.

It is often helpful for court-based support staff and volunteers to have a proactive approach and cooperation with the victim's legal counsel, as you may, for instance, be able to refer the victim to the correct person to answer questions or to provide up-to-date status on the case. By providing information about the criminal justice system, the court-based supporter helps to off-load some of the work carried out by the victim's counsel, allowing them to focus more effectively on the court process at hand. It is important to clearly explain the difference in your roles to the victim. As court-based supporters in most countries do not offer formal legal advice, the supporter should inform the victim of their right to seek legal counsel and refer the victim to any counsel appointed in the course of the proceedings.

**Victims Support Netherlands** is one of the few European victim support organisations that provide legal representation, free of charge, to victims of crime in connection with criminal proceedings. The organisation has legal standing in court and most legal representation of victims in the Netherlands is provided by Victim Support Netherlands. The organisation aims to telephone all victims participating in a Dutch criminal proceeding, to ensure that victims are offered equal access to support, information and legal advice regardless of where the person lives.

#### 5.4.4. Victims/witnesses using interpreters

Some victims/witnesses that do not speak the language of the court will be allocated interpreters during their participation in the criminal justice proceeding. If the interpreter has been arranged by the court, interpretation is often only allocated to the court hearing itself and will not be available to help interpret for the court-based support services in the run-up to the proceeding. Providing information and emotional support to these victims/witnesses will therefore often require more planning, to ensure that interpretation or alternative communication tools can be made available.

Speak to your local court to see if you can find a way to identify victims/witnesses who require interpretation as early as possible in the run-up to trial, so that support and information can be offered in a language and manner that the person understands, to help them prepare for the criminal proceeding. Having identified interpretation needs ahead of the proceeding, some court-based support services are able to arrange separate translation services for victims before and after the trial. It may also be helpful to develop generic information sheets in different languages, describing the types of court-based support services offered, which may be sent to the victim/witness alongside the letter calling them to court.

**Victim Support Sweden** offers support and information to victims, witnesses and their families in up to 30 different languages, through a network of victim supporters with specialised language skills.

#### 5.4.5. Victims/witnesses using video-link

During the COVID-19 pandemic and in the years that followed, many countries experienced an increase in the number of individuals participating in criminal proceedings via various forms of digital communication tools and video-links. A victim/witness may, for instance, provide evidence from a dedicated video evidence room, either in the building of the court hearing the case or from a video-link room in another court building closer to where the victim lives. Some countries have also established remote sites, where victims/witnesses are able to give evidence using video-links from a location outside a court building. Participating in court hearings using video-link often makes victims/witnesses feel calmer, safer and more reassured, knowing that they do not have to meet the accused or their friends and family members. Nonetheless, giving evidence through video-link may give rise to other challenges. For instance, some are nervous about using digital tools and may fear making mistakes or not being able to log into the court proceedings correctly. There is also a risk that the victim/witness will have to wait alone for the trial to start, which may be the case even if the victim has legal counsel since that person is often present in the courtroom. In addition to the technological questions and concerns using unfamiliar digital tools, victims/witnesses often have the same questions regarding the criminal justice system and their rights and role in the court proceeding, as victims who participate in person.

Court-based support should therefore be offered to all victims and witnesses in connection with criminal proceedings, regardless of where they will be located and what measures they will use to give evidence. Victims/witnesses using video-links may risk feeling more alienated from their case, so having a supporter present is a good way to provide grounding, encouragement and reassurance that they still have an important role in the proceeding. As countries have different rules to determine whether supporters are allowed inside the video-link room or required to wait outside, supporters must be familiar with and comply with their country's regulations on where and when to provide court-based support in connection with video-link evidence.

**Victim Support Netherlands** has installed video-link facilities in their local offices, enabling victims to provide evidence in a criminal proceeding via video-link from a victim support office. This also ensures that victims can access support and assistance in connection with providing their testimony.

#### 5.4.6. Criminal justice professionals using video-link

In line with more victims and witnesses participating in trials remotely, recent years have also seen an increase in criminal justice professionals participating in the court process through video-link. If, for instance, the prosecutor participates via video-link, the victim may be forced to sit alone in the courtroom, unless they have a legal counsel present. In such cases, it is particularly important that a support staff/volunteer is present in court, to ensure that the victim/witness is not alone before and during the proceeding. Speak to your court about how the court-based support service can be kept informed of cases where the criminal justice professionals will participate remotely, so that extra supporters can be arranged for courtroom accompaniment.

#### 5.4.7. Large trials

Trials that include a large number of victims and witnesses often require particular focus and preparation, both in terms of the physical arrangement of the court building, courtroom(s) and in the delivery of court-based support services. Rather than being shuffled between different contacts and criminal justice agencies, court-based support can be the liaison and single point of contact for victims/witnesses within the criminal justice chain, helping them navigate their way through the criminal justice process.

#### Information

In preparation for a criminal justice proceeding involving large numbers of victims and witnesses, court-based support services should work in close cooperation with the applicable criminal justice agencies, to receive information on the number of victims/witnesses scheduled to appear in court on any given day. Support managers can then plan how many support staff/volunteers will be needed on each day. In some cases, court-based support services may need to recruit additional personnel, or move supporters from other courts, to ensure enough supporters are present to meet the needs of victims.

To prepare for large trials, contact should be initiating with victims/witnesses as soon as possible. It is often helpful for court-based support services and criminal justice agencies to assemble a joint information pack, which can be sent to everyone called to attend the criminal proceeding. The information pack should, in addition to the date, time, location and additional practical arrangements of the trial, include information on court-based support and how to access such support. If the large number of victims/witnesses cannot be hosted at a single location, the initial information pack can also ask each victim/witness to confirm whether they are planning to attend the trial in person, so that arrangements can be made to try to accommodate their wishes as far as possible. Victims and their family members who cannot attend the trial in person should be offered the opportunity to attend alternative locations, where the trial will be shown using video-link.

**Case Study: VASTAAMO (Finland)**

In 2020, the patient database of psychotherapy Centre Vastaamo suffered a cyber-attack, whereby a hacker was able to gain access to the patients' confidential data. In total, there were 33 000 victims, of which 21 000 became formal plaintiffs in the criminal proceeding. This large number of participants in a single trial is unprecedented in the Finnish criminal justice system. The trial took place from November 2023 to February 2024 and lasted for 29 days.

Given the large number of victims affected by this crime, it was impossible to house them in a single location. The district court encouraged the interested parties to carefully consider their need to participate in person, and the prosecution sent letters to all victims, asking them to confirm whether they were planning to attend. Around 500 people answered that they were hoping to attend the court hearing in person. To try to facilitate for this large number of victims, two separate locations were arranged from which victims could follow the trial via video-link. **Victim Support Finland (RIKU)** organised support staff and volunteers to be present on these two locations, to offer emotional support; reassurance; information; and practical guidance to the victims in connection to the criminal proceeding. The number of victims who attended the remote sites varied daily and decreased towards the end of the trial. Support services could not be booked in advance, but RIKU developed brochures about the support they offered to victims in this exceptional trial, including contact details where victims could find additional support.

**Pre-trial meeting**

If possible, a pre-meeting is often a helpful way to manage the interaction with a large number of victims, witnesses and their family members prior to the criminal proceeding. The meeting will allow criminal justice agencies and court-based support services the opportunity to provide information on how the court process will be organised and the role of victims/witnesses; introduce the criminal justice professionals working on the case; answer any questions that may arise; present what support and assistance will be available in connection with the criminal proceeding; and how to access such support.

A pre-trial meeting can often be combined with a court visit, allowing victims, witnesses and their families to see the court building, waiting rooms and courtrooms(s) in person. Since large-scale trials tend to attract media attention, it is often comforting for victims/witnesses and their families to visit the court without members of the press or general public being present. A pre-trial meeting also gives all victims and witnesses a chance to meet each other. Knowing that they are not alone, and that there are others who are going through the same experience, can be healing and allow victims/witnesses to find mutual strength, courage and comfort in the run-up to what may be a very emotional trial.

If an in-person pre-meeting is not possible, a digital meeting along with a digital court visit should be considered, as this will allow the victims/witnesses and their families to see a video of the court; the entrance hall and security checks; courtroom(s) and victim areas, to help them prepare for the trial. Having access to a visual tour of the court makes the victims/witnesses able to view it when they feel able and ready.

### Organisation of court-based support

In the run-up to a large-scale criminal proceeding, court-based support services should establish a single contact point (email and/or phone number) through which victims, witnesses and their family members can reach the court-based supporters. This ensures a better coordination of incoming information requests; a quick and more coordinated reply; and ensures that everyone responding is well-informed of the arrangements of the trial in question. It also enables supporters to build trust with the individual victims/witnesses, which will be helpful once the trial starts and the supporter will meet the person in court.

A vital part of preparing the delivery of court-based support is the creation of a dedicated space for the victims, witnesses and their families in the court building. Having a dedicated area is a sign of respect and acknowledgement that they are important to the criminal justice process. It also ensures that the victims/witnesses and their families have somewhere to go during the trial, whenever they need a break to compose themselves or if they wish to avoid being present when evidence is being presented. This is particularly important in longer trials that may last for several weeks or months. While some victims may not wish to be in the courtroom during the whole trial, having a victim area in court enables them to still feel part of the proceeding by being in the court building.

In preparation for the trial, support staff/volunteers should familiarise themselves with the court layout. Once the criminal proceeding begins, many of the activities carried out by the court-based supporters will include practical arrangements and providing information, comfort and reassurance to the victims, witnesses and family members present at court. To minimise the risk of victims/witnesses bumping into the accused, other witnesses, or the general public, court-based support managers should coordinate with the criminal justice agencies on the arrival times of the various individuals, so that appropriate and separate waiting rooms and areas can be arranged.

### Support needs and provision of court-based support in large trials

Looking at whether the support needs of victims/witnesses differ between different type of criminal proceedings, and whether large-scale trials include particular aspects to consider when delivering court-based support, the COVIS-project identified that there were indeed both similarities and differences. The emotional reactions of victims, witnesses and family members in connection with large-scale trials are similar to other types of criminal proceedings, with feelings often including fear, anger, helplessness, avoidance, anxiety, depression, frustration and confusion. Core needs for victims include the need for information, support, respect, recognition and justice. If these needs are not fulfilled, victims have an increased risk of suffering secondary victimisation.

Although the needs of victims appear to be similar, the length of criminal proceedings involving large numbers of victims and witnesses does, however, introduce an additional element to be considered when providing court-based support. While supporters can provide accompaniment for individual victims during a few days, this type of support service is not possible for large numbers of victims/witnesses in trials which last for several months, due to resource restraints.

The time factor may also impact on the intensity of the victims'/witnesses' reactions. Court proceedings which last a few days can often be more intense and the victim is often stressed and anxious throughout the trial. Longer criminal proceedings, which lasts for many months, tend to be generally calmer, but there is often an underlying tension. Statements from the accused, witnesses or individual pieces of evidence can create a strong reaction for victims at any time. As victims'/witnesses' support needs tend to change quickly and emotional distress can arise at any time, support requirements are more difficult

to anticipate in longer trials. It is therefore important that supporters are present in court at all times, and that they remain flexible, attentive and able to work independently whenever emotional distress arises. Rather than merely providing intense support to individual victims/witnesses, supporters are constantly on the look-out for signs of distress and indications that a victim/witness needs support. As such, support provision in large-scale trials may be very intense for a few hours and then calm down, followed by a new surge in support needs before they settle once again.

Criminal proceedings following traumatic events, such as terrorism and mass victimisation, will often include evidence that victims and their families will find very distressing. Throughout a large-scale court proceeding, it is therefore important that court-based support services maintain a close cooperation with the criminal justice agencies involved. For instance, by working closely with the prosecution, the court-based supporters will know when particularly distressing evidence will be shown, such as images or videos from the crime scene. This enables them to prepare victims/witnesses and their family members, so that they know what to expect. This also enables the victim/witness to choose to leave the courtroom, if they would like, before the evidence is presented. On court days when pictures and videos will be shown, it is important to arrange additional court-based supporters, to help deal with anticipated increases in need for support. Faced with the senseless violence and often gruesome details of trauma and victimisation, victims and witnesses may experience strong emotional as well as physical reactions. It is therefore recommended that professionals such as medical healthcare staff and trauma therapists are present in court, to care for the various needs of victims/witnesses.

While supporters in the courtroom are vital to identify distressed victims, it is also common for victims to feel the need to leave the courtroom. It is therefore important to have supporters present throughout the court building, in particular directly outside of the courtroom and in the dedicated victim areas. Court-based supporters should not wait to be approached by a victim asking for help, instead support staff/volunteers should proactively seek out victims/witnesses and their family members, to provide reassurance and confirm whether anyone is in need of support.

### Combination of support services

As discussed above, support needs are not static and tend to change as the court proceeding progresses. A combination of support services must therefore be offered throughout the various stages of the criminal justice process, to meet the individual needs of the victims/witnesses and their families. For instance, while most victims'/witnesses' require information regarding the criminal justice system as part of their preparation before the trial starts, more psychological and emotional support is often needed once the trial is underway. As court-based supporters in most countries do not offer legal advice, victims with legal questions should then be directed to their legal representative for further discussions about their case.

**Victim Support Netherlands** (Slachtofferhulp Nederland) has established an approach for combined support offer, whereby legal advice and information in connection with criminal proceedings is combined with an offer of emotional support.

### Dealing with the media

Large-scale trials tend to attract significant media attention, with many journalists keen to interview and take photos of victims, witnesses and their family members. Court-based support staff/volunteers often play an important role in helping to protect victims and witnesses from the media, for instance by ensuring that journalists do not have access to any dedicated victim areas. Court-based supporters should inform journalists if victims do not want to be interviewed and may also develop methods to identify any victims/witnesses/family members that are interested in speaking with the media.<sup>99</sup>

## 5.5. Support to victims/witnesses after criminal proceedings

While a victim's recovery from crime is often linked to the criminal justice process, there is a difference between the 'victim recovery journey' and their journey through the criminal justice system. Although they may at times overlap and the outcomes of the criminal justice journey can impact on the victim's recovery, the victim/witness recovery journey focuses solely on their needs and wellbeing.<sup>100</sup> It should also be noted that a victim's/witness's recovery from crime does not end with the criminal justice process and they may continue to experience a range of emotions after the criminal proceeding is over.

Some victims/witnesses may feel a need to speak about their experience of participating in the criminal justice process, while others experience some of the emotional reactions following the crime resurfacing and worries that they will never be able to recover. For some victims/witnesses, the end of the trial brings relief and a sense of accomplishment and closure. For others, the criminal justice proceeding was so difficult that it gives rise to secondary victimisation and further distress. If the case has taken a long time to reach court, victims may experience feelings of deflation or even loss once it is over. Some victims are unhappy with the verdict and feel they have been let down by the justice system, while others just want to leave the experience behind and move on in life. While some victims/witnesses feel a sense of pride and accomplishment that they managed to give evidence in court, others are disappointed with their participation and berate themselves for having been unable to give their best testimony. Friends and relatives whose family member was killed as a result of crime may feel that their loved one is still 'around' while the trial is ongoing, and they often feel a strong sense of purpose and meaning in fighting for their loved one to get justice for the crime they suffered. Once the criminal proceeding is over, the family is likely to start feeling the full depth of their loss. The proceeding may also have given rise to additional questions.

To address any questions, concerns or support needs that have arisen during the criminal justice proceeding, court-based supporters should be available in court to check in with the victim/witness after they leave the courtroom. Though some victims/witnesses want to leave as soon as possible, others will need time to compose themselves before leaving the court. Having a supporter available provides the comfort needed by some victims/witnesses before they are able to go about their normal day. Supporters should at this stage also aim to identify the need for further support and if appropriate refer the person, with their consent, to support services outside of court.

**Victim Support Northern Ireland** commissioned research into victims' recovery journey and identified that many victims/witnesses have strong support needs after the criminal proceeding has ended. Many victims/witnesses also found it difficult to address the impact of crime when the criminal justice process was still underway. As a result, Victim Support Northern Ireland developed a dedicated, in-depth support service for victims/witnesses after the end of the trial, when the full impact of the crime can be better understood and dealt with.

## 5.6. After the support session in court ends

As a court-based victim and witness supporter, you are likely to meet individuals in various levels of emotional distress during your support session in court. To ensure you do not take on the emotional impact of your day's work, it is often helpful to take a few moments once the session is over to compose yourself before moving on with your day. Below are some suggestions that may be helpful, but please feel free to identify and use any others that feel meaningful to you.

### 5.6.1. Do your own evaluation

As a starting point, it may be helpful to evaluate how you feel the session went. For instance, take a few minutes to consider the following questions:

- Did something surprise you today? Did you encounter something you did not feel prepared for or comfortable with?
- Did you achieve what you wanted, did the victim/witness receive the support you intended to provide?
- Can something be improved?
- How can we implement that improvement in practice?

### 5.6.2. Focus on what went well

Attending court hearings can be stressful and it is not unusual for victims, witnesses and their families to experience emotional reactions, as described in chapter 4. This may not be a reaction to you or the support you provided, but their response to the criminal justice process as a whole. Acknowledge that you will not always be able to help everyone, but that your presence in court provided information, comfort and reassurance, to the best of your ability at the time. Identify any knowledge gaps or shortcomings you may need to work on, write them down and raise them with the court-based support manager during your handover. Having identified any areas for improvement, turn your focus to what went well and remember the positive comments and feedback you received during your session. End your session with thankfulness and gratitude towards yourself for performing such an important task.

### 5.6.3. Handover to court-based support manager

Court-based support managers are encouraged to check-in with their support staff/volunteers at the end of each day, to discuss how the support session went; confirm the wellbeing of the supporter; and hand over any remaining tasks for the following day. For criminal proceedings that last more than one day, it is important that supporters are kept informed of any specific arrangements in place for the victims/witnesses in the trial. The support manager can check-in with their supporters through a quick in-person chat before leaving the court, a phone call or even a text message to acknowledge that the supporter is seen, that they are providing an important service and that the manager is available should any questions or concerns arise.

When working on particularly difficult cases, it is often helpful to have more structured debriefing sessions with the court-based support manager. This will give supporters the opportunity to talk about their experiences, their work, and if there is anything else they need to maintain or enhance their wellbeing as a court-based supporter. Regular meetings with individual support staff/volunteers also allow the manager to gauge how the support service group is doing as a whole; what strengths and opportunities the group offers; and what challenges and threats should be addressed in order to maintain a well-functioning court-based support service. Regular training may be needed, for example, to update staff/volunteers on changes in legislation and policies impacting victim/witness rights in connection with criminal proceedings.



### 5.6.4. Regular follow up with the court-based support team

Court-based support services, and the individual support staff/volunteers, are continuously learning and improving the manner in which they interact with service users in court and the types of support they offer to victims and witnesses. As a court-based supporter, you are part of a larger victim and witness support team where you can find strength, encouragement and companionship. To learn from each other and enhance the support offered by the service, the court-based support manager should arrange regular meetings and group discussions with all staff/volunteers. This will allow everyone a chance to discuss their experiences of providing support in court, including:

- Does the group have all the tools, materials and facilities needed to provide a quality service?
- Does the group require further training (generic or particular topics)?
- Are there enough supporters to meet the support needs in court?
- How do referrals work in practice?
- How do partnerships and cooperation with local criminal justice agencies work in practice?
- User feedback from victims/witnesses
- Any other topic to help ensure the delivery of a well-functioning court-based support service

Regular meetings are often a great source of inspiration and teambuilding; together you are helping your local community and supporting individuals through a difficult time in their lives.



## 6. SUPPORT METHODOLOGIES AND TECHNIQUES FOR DELIVERING COURT-BASED VICTIM AND WITNESS SUPPORT

Court-based victim and witness support services generally focus their service delivery on four key areas:

1. Active and empathetic listening to the victim/witness
2. Provision of information, reassurance and encouragement relevant to the victim's/witness's situation
3. Exploration of options
4. Identification of key steps to support the victim's/witness's long-term recovery from crime

While many court-based services structure their support around these generic aims and guidelines, others use formal support methodologies. There are a range of support methodologies that can be used when providing victim/witness support services in connection with criminal proceedings. Below are some of the support methodologies we encountered during the COVIS-project.

### 6.1. Psychological First Aid

Psychological First Aid was developed by the World Health Organization to offer support to people following a serious crisis. The method involves “humane, supportive and practical assistance for people who are distressed, in ways that respect their dignity, culture and abilities”. It offers guidance to supporters helping individuals who have experienced an extremely distressing event.<sup>101</sup>

Psychological First Aid is an excellent support methodology framework for operational victim/witness support services as it enables court-based supporters to focus on the *impact of crime* rather than delving into the details of the incident itself. Psychological First Aid can also be seen as a triage tool, to identify the needs of each victim/witness and what support can be offered to meet those needs.

The method focuses on identifying physical, psychological, financial and behavioural impact on the victim/witness following crime. Support is then structured around these four areas, looking at what support can be offered and what steps can be taken by the support service and/or the victim/witness to help mitigate the impact of the crime. For instance, if a victim/witness is frightened, support can be offered to help increase the victim's sense of safety by helping them apply for special protective measures when giving evidence in court. If a victim/witness has financial concerns, supporters can offer information regarding compensation and reimbursement of expenses incurred in connection with the trial. In this way, the methodology provides a framework for structuring support in the four key areas of impact following crime.

Psychological First Aid is a practical support methodology, focusing on impact of crime and what proactive actions can be taken to mitigate impact. However, in some cases there are no practical steps that the victim/witness can take. For instance, if the victim/witness is in a long waiting list to see a psychologist, it is difficult to identify what additional steps can be taken. If the victim compensation authority has lengthy processing periods, there is not much to do but wait for their decision. Supporters may also find it difficult to know how to best support the victim/witness when there is no place to signpost them and no proactive steps available to help mitigate the impact of crime. In these situations, a combination of support methods may be beneficial.

**Victim Support Northern Ireland** has successfully combined the Psychological First Aid model with the Community Resilience Model (CRM). In cases where there are no practical steps left to help mitigate the impact of crime through Psychological First Aid, the CRM allows the supporter to help the victim/witness navigate their biological response, understand why they are feeling a certain way, and provide techniques to help soothe strong emotional reactions that may arise in connection with criminal proceedings.

## 6.2. Community Resilience Model

The Community Resilience Model (CRM) was developed by the Trauma Resource Institute, with the goal of creating ‘trauma-informed’ and ‘resiliency-focused’ communities that understand the impact of trauma and stress on the nervous system and how to restore resiliency. The CRM trains supporters and communities to not only help themselves but also to help others using this skill-based, stabilisation programme to re-set the natural balance of the nervous system.<sup>102</sup>

The Community Resilience Model is a science-based method that focuses on the biology of the human nervous system and can be used to help victims/witnesses shift their perspective. Rather than perceiving reactions to traumatic events as a weakness, victims/witnesses are asked to see them as a natural, biological process. For example, a common emotional reaction that many victims feel in the aftermath of crime is guilt or shame. They may question themselves and their behaviour, asking: “Why didn’t I fight harder when I was attacked?” and “Why did I act the way I did?”. The CRM model explains our biological reaction to trauma and human survival response mechanisms, which helps the victim/witness understand why they behaved in a certain way. Rather than focusing on external solutions, this understanding may decrease the victim’s feelings of guilt and increase chances of acceptance and ability to move on. Providing a better understanding of human reactions to crime and victimisation also gives back control, autonomy and responsibility to the victim/witness during their recovery, mitigating feelings of helplessness and hopelessness. Understanding how to help regulate stress and panic reactions, victims/witnesses are given the tools to help navigate the situation and regulate any reaction that may arise in connection with criminal proceedings.

The Community Resilience Model is built around six wellness skills:

1. **Tracking** – by paying attention to the body’s sensations, tracking is fundamental to learning to stabilise the nervous system. As victims/witnesses learn to track the sensations they feel in their bodies, they will be able to identify the difference between sensations of wellbeing and sensations of distress.
2. **Resourcing** – involves helping the victim/witness identify something that provides joy, peace, strength, calmness or happiness. It can be a person; place; animal; spiritual guide; a positive memory or experience; or a personal characteristic like humour or kindness. It can even be something that the person creates in their own imagination, a fictive ‘happy place’. When thinking about their resource, the victim/witness will experience a sense of internal strength and resiliency while reinforcing their own abilities and capacities. Pleasant and/or neutral sensations connected to the resource can bring a direct sense of wellbeing which can help stabilise their nervous system and increase feelings of strength and resiliency in moments of distress. It can easily be done anywhere and at any time. When preparing a victim/witness for a court hearing, it may be helpful to discuss different types of resourcing that they can practice and use whenever feelings of distress or anxiety arise in connection with the proceedings.

**3. Grounding** – being aware of the physical sensations in the body when in contact with the chair/floor, acknowledging the connection and direct contact between the body and something that provides support in the present moment. Grounding is a great practice for a victim/witness who is feeling overwhelmed or stressed and can be used at home, in court or in the courtroom when giving evidence. A victim/witness can be encouraged to practice grounding by sitting in a chair, feeling the chair underneath them and noticing how the feet make contact with the floor. Encourage them to describe what they are feeling, is the surface hard/soft, warm/cold, pleasant/unpleasant/neutral? Being mindful and having practiced different grounding techniques are great ways in which a victim/witness can bring themselves back to a state of calm and wellbeing when distressing or uncomfortable feelings start to arise. By shifting their attention, they may direct their focus to the direct contact of their body with something that provides support in the present moment. For more information and suggestions on grounding techniques, please see chapter 6.6.



**4. Gesturing** – any movement of the body or specific parts of the body that expresses or emphasises an idea, sentiment or attitude. Gestures are universal and can be performed without words or with the view to emphasise the words that accompany them. The Community Resilience Model outlines five different types of gestures.

- a) **Self-calming** – movements that bring a sense of comfort and safety. Examples of self-calming gestures might be a hand over the heart, rubbing the back of your arms, or rubbing the temples.
- b) **Universal** – gestures that represent wholeness, spiritual belief or deep personal meaning. Examples might be holding your hands together in a praying pose, hands folded over your heart or open hands with palms up gently extended in front of the body.
- c) **Protective** – gestures to keep us from harm, which might include crossed arms or holding out a hand, palm forward, to say stop.
- d) **Releasing** – movements that represent a sensation leaving the body and helping to restore balance. Examples of releasing gestures might be shaking your hands/head/body after dealing with something unpleasant or quick sweeping movements across your body, symbolising the unpleasant experience being brushed away and removed.
- e) **Joyful** – any gesture that represents happiness, such as smiling or raising your hands in the air to represent empowerment, success or excitement.

**5. Help Now!** – These are simple strategies that can be used at any time for quick self-care when a victim/witness is experiencing a strong emotional reaction such as panic, anxiety or distress. It could include drinking a glass of water and noticing the sensation of the liquid; touching a surface and noticing the structure and sensation of the surface against the hand; naming six colours present in the room; counting backwards from 20 while walking around the room; going outside to observe the clouds moving across the sky (for added bonus, try to identify shapes and objects in the cloud formations); using senses to notice and describe sounds, smells or temperature in the room; or walking while paying attention to the movement of the body and its contact with the ground.

**6. Shift and Stay** – a combination of the other wellness skills, the purpose of Shift and Stay is to redirect the brain's attention away from something unpleasant to something pleasant or neutral. In moment of distress, a victim/witness can use Shift and Stay to shift attention from the distressing emotional reaction and/or sensations in the body to thoughts and sensations that are neutral or pleasant and maintain their focus there.

By using these six wellness skills, a victim/witness can help regulate their reactions and emotions such as stress and fear in connection with attending criminal proceedings. When providing support and helping them prepare for a trial, supporters can encourage victims/witnesses to establish a self-care plan based on the CRM skills they find most helpful, demonstrate how the skills can be incorporated into their daily lives and which would be helpful to prepare and use in connection with the criminal proceeding. Supporters could help the victim/witness write a statement of self-encouragement to improve on and practice their self-care plan, and to stay with it during the trial and beyond. Victims/witnesses could also be encouraged to create a box or book of resources, which could include anything that reminds the person of their resources and bring them sensations of joy/peace/resilience/strength, such as a photo, letter, poem, card, stone, handkerchief, piece of jewellery or dried flower. The resource can also be brought to court and used to remind them of their strength and resilience, whenever needed, in connection with the criminal proceeding. In addition to teaching victims/witnesses to track their own nervous systems to bring the body, mind and spirit back into greater balance and resilience, the Community Resilience Model can be adapted to increase wellbeing in wider communities<sup>103</sup> which experience high crime rates or to protect the mental health of court-based staff/volunteers dealing with traumatic crimes on a regular basis.

“*In order for victims and witnesses to be able to share their stories and the details of the crime in a safe manner, and for them to feel cared for, secure, supported and informed – court-based support services are required.*”

Prosecutor

### 6.3. Trauma Risk Management

Trauma Risk Management (TRiM) originated in the UK Armed Forces and is today also used in some police forces across the UK. The model is based on ‘active monitoring’ and keeping a watchful eye on individuals who have been exposed to a traumatic event, whether the person is a direct victim, witness, first responder or further removed from the incident. Victim and witness supporters using the TRiM model are trained to spot signs of distress in victims/witnesses that may otherwise go unnoticed, to address feelings and experiences in a safe and secure manner; thereby minimising the risk of them developing long-term psychological problems including Post Traumatic Stress Disorder (PTSD).<sup>104</sup>

There is a foreseeable risk that individuals who have been exposed to traumatic events go on to develop long-term psychological problems, including PTSD. Trauma Risk Management (TRiM) is a response method used to minimise that risk. The nature of the stress response is very personal as everyone reacts differently to crime. The TRiM model includes an understanding of psychological trauma and its various impacts on victims/witnesses and allows individuals to retain responsibility for their own wellbeing and recovery.<sup>105</sup>

Having fallen victim to a serious crime or witnessing a traumatic incident, reactions can be chaotic and difficult for victims/witnesses to fully understand. The TRiM model provides a clear structure for delivering victim and witness support as it allows the supporter to help the victim/witness structure and define their chaotic feelings, reactions and beliefs. The supporter helps them differentiate between *facts* and *thoughts/feelings* and organise the experience and reactions into timeframes such as *before – during – after* the crime. The model helps to create order in fragmented thoughts of chaos to determine what happened when and which emotions arose from which event. By gaining a better understanding of how the crime has impacted on their life, their thoughts and behaviours, the victim/witness regains a greater sense of control over their own recovery.

## 6.4. Active Listening

Active listening is a key skill for anyone working with victims and witnesses of crime. Research has indicated that humans retain only around 25-50% of the information we hear<sup>106</sup> and within a month of learning new information the human brain forgets around 90%.

In the 1880's, the German psychologist Hermann Ebbinghouse developed the 'forgetting curve' to demonstrate how quickly the human brain forgets information if there is no attempt to retain it. He found that within an hour of learning new information, people tend to forget around 50%. Within 24h, around 70% of information is lost and within a month of learning new information, around 90% is forgotten.<sup>107</sup>

To be able to provide support that meets the needs and preferences of victims and witnesses of crime, court-based support staff/volunteers must be trained to pay attention and retain the information they receive during their conversation with a victim/witness.

Using active listening, the supporter demonstrates respect, empathy and a willingness to understand and help the person they are supporting. By giving the victim/witness their full attention, the supporter will not just hear the words but will, more importantly, grasp the complete experience being communicated. Since many conversations with victims/witnesses take place in court, where there may be lots of noise, people and other distractions, it is vital that the supporter remains focused on the victim/witness. By becoming a better listener, the supporter will automatically become better at tailoring the information and support provided in accordance with the needs of the individual, while minimising the risk of misunderstandings.

The core components of active listening include:<sup>108</sup>

### 1. Face the victim/witness with open body posture

Eye contact is important during face-to-face conversations, however too much eye contact may be intimidating so you should adopt a soft and open gaze rather than staring at the person. Turn your body towards the victim/witness you are speaking with and avoid crossing your arms or legs, as this can make you appear 'closed' or defensive.

### 2. Pay attention to non-verbal messages

Facial expressions, tone of voice and gestures can provide as much information as what is being said in words. Pay attention to the victim's/witness's body language; are they slouching and trying to 'hide', are they rubbing their eyes as if they are tired or upset? Even on the phone, supporters can pick up a lot from the victim's/witness's voice, which might sound upbeat or subdued.

### 3. Listen without judging or jumping to conclusions

It is not the role of a supporter to pass judgement on the victim's behaviour. While you do not have to agree with or even understand the victim's/witness's choices or reactions, pay attention to their experience, views and reactions expressed, without judgement. Equally, do not assume that you know what they are going to say next, as each victim/witness will have their own way of expressing their unique experience and journey towards recovery.

It is important that you remain calm when the victim/witness speaks. If you react emotionally to what the person is saying, this signals that their experience is too traumatic or difficult to share and that they must tone it down. They may also start worrying about your reaction rather than focusing on their own

wellbeing. Furthermore, if you are caught up in your own emotional reaction, you will not be able to listen to what is being said. As a court-based supporter, you should remain calm and listen attentively without judgement and without planning what to say next.

#### **4. Do not interrupt**

Once a victim/witness has found the courage to speak about their experience and their feelings, it is vital that you do not interrupt them. Being interrupted is frustrating and indicates that you are more interested in talking yourself than listening to them. Interruptions can lead to the conversation being sidetracked, or it could stop the victim/witness from wanting to continue with the conversation. As crime can impact an individual in different ways, letting them finish their account will enable you to understand their experience and to tailor support accordingly. So slow down, don't rush, and let the victim/witness finish before you respond.

#### **5. Show that you are listening**

It is comforting for the victim/witness to know that the supporter is actively listening to what they are saying, especially as the information they share can be emotional and leave them feeling vulnerable and exposed. You should therefore demonstrate that you are paying attention and are interested in what they have to say. Nod your head and confirm your attention with affirming sounds such as "ok", "I see" and "mm hmm". This confirms to the victim/witness that you are still listening and encourages them to continue.

To demonstrate that you are giving the victim/witness your full attention, it is also important that you do not glance at your watch, fidget with your hair, or check your phone. All distractions should be removed, ideally out of sight.

#### **6. Ask questions**

Asking relevant questions is another way to show that you are paying attention. It will also clarify what is being said and help determine what the victim/witness needs. Always use open-ended questions such as "What did you do next?", "Then what happened?" and "How did that make you feel?" for the victim/witness to be able to freely describe their own experience.

#### **7. Do not impose your opinions or solutions**

A core part of recovery is for the victim/witness to feel empowered and able to influence their choices. The role of the supporter is to provide information, support and reassurance to empower the victim/witness, but watch out for tendencies to step in and make decisions on their behalf. Instead, discuss what options and preferences they may have and guide them to choose the most suitable option at that moment in time. Sometimes, victims/witnesses just want to tell someone how they feel and get the experience off their chest, rather than receive lots of suggestions on what they should do next. In connection with criminal proceedings, victims/witnesses may have no choice as to whether they testify or not, but there may be other ways in which to encourage their autonomy; for instance, by using grounding techniques, affirmations or visualisations. Your reassuring presence will help them get through the moment as best they can. If you feel that you have a valuable proposal from which the victim/witness would benefit, ask the person something like "Would you like to hear my suggestion?" before sharing your input.

#### **8. Encourage, paraphrase and summarise**

When sharing an emotional account of a crime, victims/witnesses sometimes pause during the story. If you start speaking at this point, you risk diverging the story or preventing them from sharing further details of their experience. Instead, a good way to gently encourage them to continue is to say something

like “When you are ready, please go on” or “I understand, please continue”. This way, you demonstrate that you are paying attention and are willing to remain interested without them needing to change topic or move on.

Paraphrasing, or reflecting, means repeating back what was said to show that you understand and are paying attention. Done right, this is very comforting as it confirms to the victim/witness that you are following their story. For instance, if a victim shares their experience of being frightened, you can encourage them to continue their story by saying something like “I understand, you were frightened.”

Summarising is useful when the conversation is coming to an end. This encapsulates what has been said and allows you to present an overview of what has been agreed, while providing the victim/witness with the opportunity to correct you if you have misunderstood them. If you find it appropriate, please ask the victim/witness to confirm that they agree with your summary. Phrases such as “I take from this conversation that you would like to receive help in accessing compensation, is that correct?” allows them to add anything further or ask for help with other matters. “It sounds like you are saying...” is another way to demonstrate to the victim/witness that you have paid attention and to summarise what you take away from the conversation.

As a court-based supporter, it is vital to pay attention to verbal as well as nonverbal cues, which might reveal that the victim/witness is withholding questions or feelings that they do not know how to dress in words. A victim/witness may for instance not want to appear weak or vulnerable, or they may wish to look more knowledgeable about the criminal justice system than they are. Regarding the full impact of crime, a victim/witness may express conflicting emotions about the crime they have experienced, or they may not even realise the full impact of the crime on their lives, thoughts and behaviours. Asking open-ended questions based on what may have been left unsaid often makes the person feel supported, seen and can lead to a better understanding of their situation so that the best possible support can be provided.<sup>109</sup> As with most skills, active listening requires practice, patience and a commitment to continuous improvement. By cultivating our active listening skills, supporters will be better able to engage and maintain meaningful and supportive interactions with every victim and witness they meet.

*“An incredible support, it removed a lot of my anxiety, without it I would not have hoped so well here.”*  
**Witness**

## 6.5. Problem solving

Many victims/witnesses experience mixed thoughts and emotions in the aftermath of crime and in connection with attending criminal justice proceedings. Everyday tasks can appear insurmountable, and it may be difficult to decipher what is within the victim’s control and not. Problem solving is a simple technique for helping victims/witnesses explore options and next steps in their own recovery. By discussing options and alternatives, listing advantages and disadvantages with each option, the victim/witness is empowered to make decisions and take back a sense of control regarding their own recovery journey and life choices.

Problem solving techniques generally consist of the following key steps:<sup>110</sup>

1. Describe the problem
2. Formulate a concrete goal the victim/witness wants to achieve



3. Brainstorm and write down all possible options, without judgement
4. Evaluate and identify the advantages and disadvantages with each option. List them in the order of likely success in reaching the goal
5. Choose one (one more) of the options
6. Implement the option(s)
7. Evaluate the success

Below follows a practical example of how this problem solving technique can be used to provide a victim/witness with support in the run-up to a criminal proceeding.

PROBLEM SOLVING TECHNIQUE WHEN SUPPORTING A VICTIM/WITNESS	
<b>Describe the problem</b>	Witness feels worried about attending court
<b>Formulate a concrete goal they wish to achieve</b>	Witness wants to feel confident when giving evidence
<b>Brainstorm and write down all possible options, without judgement</b>	a) not attend trial, knowing that the trial may be cancelled, delayed or that they may be fined b) speak to prosecution about whether there are other witnesses in the case c) apply for special measures to testify from another location d) speak to a doctor about being signed off work e) attend a court visit f) develop a safety plan - meet supporter early on the day of the trial, arrange separate waiting room g) arrange childcare during trial h) consider who should accompany the witness in court; a friend, a family member, a court-based supporter
<b>Evaluate and identify pros and cons with each option. List them in the order of likely success in reaching the goal</b>	Discussing the options with the witness, option a) is ruled out. It is agreed that option e) and f) are most likely to meet the goal. Witness is also considering option c) as a back-up. Court-based supporter agrees to speak to the prosecutor (option b).
<b>Choose one (one more) of the options</b>	A court visit is scheduled.
<b>Implement the option(s)</b>	Supporter meets the witness in the courthouse reception and guides the person around the court building, waiting rooms and where the witness will sit to give evidence in the courtroom. During the court visit, the witness meets the prosecutor to discuss whether any other evidence is available in the case.
<b>Evaluate the success</b>	Having seen the court and had confirmation that there are other witnesses in the case, the person feels calmer and more empowered. Another conversation with the court-based supporter is booked 2 weeks before the trial, to gauge how the witness feels at that time and to determine whether an application to testify from another location should be submitted.

## 6.6. Quick tips on grounding exercises

For victims/witnesses who experience strong emotional reactions in connection with criminal justice proceedings or just before being called into the courtroom, it can be helpful for supporters to offer them short and practical tips on how to approach the situation. *Defusion* can reduce the impact of negative thoughts, giving the victim/witness more space and empowerment to acknowledge their own strength and decide what they feel is true and important in their lives. *Grounding* is a great way to shift the focus from worry and fearful thoughts to focusing on the present moment. There are many defusion techniques and grounding exercises that can be done anywhere; anytime; without any equipment. Below you can find some suggestions that may help to foster calmness for victims and witnesses during stressful moments in court.

## Defusion

- When a victim/witness has a negative or distressing thought, it is easy to believe that the thought is true and that their imagined worst-case scenario is about to happen. Remind the victim/witness that the negative voice in their head is just a thought – it is not who they are. They are the consciousness observing the thought, not the thought itself. The second the victim/witness no longer identifies with the thought, it loses its power over them.<sup>111</sup> Encourage the victim/witness to create some distance between themselves and their negative thoughts by rephrasing the thought. Instead of thinking “this trial is going to be a disaster, I will faint the second I see the offender..”, rephrase it to “I am having a thought that tells me that this trial is going to be a disaster”. Having created some distance between the victim and their thought, additional questions can be asked such as “Is the thought true?”, “Is the thought helpful?”, “What would it be like not to have this thought?”. Encourage the victim to take a deep breath and let the thought go.
- Remind the victim/witness that thoughts come and go. Sometimes negative thoughts in the aftermath of crime are so forceful and chaotic they may be difficult for the victim to cope with. But rather than identifying with the thought, encourage the victim to simply observe the thought without trying to adjust or change it. Trying to suppress or avoid thoughts often makes them stronger, but by simply acknowledging the thought without identifying with its meaning, the thought is allowed to slowly move on, just like clouds gently drifting across the sky or a wave rising before disappearing back into the sea.
- Another way to create distance and question negative thoughts and worries is to encourage the victim/witness to visualise the endless stream of thoughts as a radio channel in their head. Whenever fears or worries arise, victims/witnesses could defuse the impact of the thoughts by seeing the thoughts as yet another chat show on their internal radio channel, broadcasting shows such as: “Worst-case scenarios”, “Fearsome hour”, “Wallowing Hights”, “Crime time”, “Doomsday”, “Pointless pity panel”, “Desperate times” or “Hopeless analysis”.
- Close the time window. When dwelling on thoughts of the past, a victim/witness often feels sadness; shame; regret; anger; or grief over the crime and its consequences. When thinking about the future, a victim/witness may feel stress; anxiety; fear; or worry about the cross-examination, how they will cope when forced to meet the accused, what will happen after the trial or how they will ever manage to get back to a ‘normal’ life. In the aftermath of crime and in connection with criminal proceedings, the victim may feel it is impossible to keep track of their thoughts and emotions, making life appear chaotic and unbearable. Encourage the victim/witness to close the time window to the past and the future, and only focus on the here and now. What is happening in this particular moment? Where is the person; what are they doing at this moment in time; what is the room like; what can the person see around them; who else is present, etc. If helpful, you can also offer a glass of water to help bring back the focus to the present moment.
- Whenever fearful or anxious thoughts or emotions arise, encourage the victim/witness to imagine the thought/feeling as an object. Ask the victim/witness to visualise what the thought/feeling looks like; its colour, shape and size. Encourage the victim/witness to imagine picking up the thought/feeling; what does it feel like? Is it sticky/soft, is its surface rough/smooth, how much does it weigh, is it cold/warm to touch? Ask the victim/witness to identify where in the body the thought/feeling is located, and to place their hand there. Without trying to suppress or change the thought/feeling, invite the victim/witness to take a deep breath and imagine the air circling around the thought/feeling, creating space around it and loosening its pressure and weight on the victim’s body.

### Breath awareness

- The victim/witness is encouraged to place their focus on each in- and out-breath. Encourage the victim/witness to notice their breath without trying to alter or change it in any way. The person may for instance be asked to notice the air entering their nose and continuing through their body, filling their lungs and belly before returning up through their throat and out of their mouth.
- Another helpful breathing exercise is box breathing (using slow and deep breaths, breathe in to the count of 4; hold your breath to a count of 4; breathe out to a count of four; and hold your breath to the count of 4).
- The victim/witness can be encouraged to imagine their breath in their favourite colour. The colour enters their feet or their lungs with each in-breath and with each out-breath it expands throughout the body until their entire being is covered in a protective aura, where no negative thoughts or energies can enter. This exercise can be extended so that the visualised protective aura covers the courtroom, the court building, the city where the victim lives or even the whole world.
- With each in-breath, the victim/witness is encouraged to imagine strong and secure roots being extended from the soles of their feet into the ground, creating a solid foundation and connection deep into the earth. With each out-breath, the victim/witness is encouraged to imagine tall, lush branches extending into the sky, as high as the person wishes. Through this exercise, the victim/witness becomes part of an all-compassing universe, being held by strong roots reaching into the pulsating strength of the earth's core and wide-reaching arms connecting the person with the rest of the cosmos.



### Body scan

- The victim/witness is encouraged to place their focus on one body part at a time, starting at the top of their head and moving down through their face, neck, shoulders, arms and so on until they reach the soles of their feet.
- During the body scan, the victim/witness can either be encouraged to imagine the scan as relaxing the various body parts, alternatively the victim/witness can imagine the scan as a ribbon of energy/light moving across one body part at a time, bringing strength and energy.
- The victim/witness can also be encouraged to notice whether they experience tension in particular parts of their body and if so, to breathe extra energy and healing warmth to that part until the tension eases.

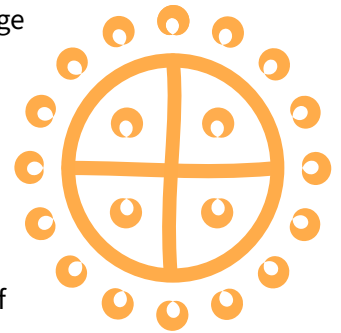
### Senses

- The victim/witness is encouraged to place their attention on their different senses (sight, hearing, smell, taste and touch). For instance, ask them to place their focus on feeling the chair beneath them and describe how it feels. Soft/hard? Smooth/rough? Ask them to place their hands on the table in front of them and describe how it feels. Cold/warm? What colours can they see in the room? Can they hear anything? Take a sip from their cup, what does the liquid taste like? Hot/cold? Encourage the victim/witness to avoid making any judgements on what they experience, they should only note and describe (silently or out loud) regardless of whether the experience is good or bad.

- 5-4-3-2-1 is a technique whereby the victim/witness is encouraged to focus on identifying and describing 5 impressions/items per sense, for instance 5 things they can see followed by 5 things they can hear, 5 things they can feel etc. Each impression/item should be described in as much detail as possible, without judgement or assessing whether it is good/bad, pleasant/unpleasant. Having identified 5 impressions per sense, the person is asked to identify 4 impressions per sense, followed by 3, 2 and finally 1 impression. Remind the victim to breathe during the exercise.
- A suggestion is for court-based supporters to offer victims/witnesses who are feeling anxious something to hold in their hand, for instance a package of tissues or a comforting/encouraging item such as a stone with an affirmation. When the victim/witness squeezes the object in their hand, they will remember that they are not alone and that the supporter is there with them, thus providing them with a sense of strength and comfort throughout the hearing.

### Visualisation

- The victim/witness is encouraged to visualise their best version of themselves, feeling strong and empowered during the criminal justice proceeding. If there is a particular part of the trial which concerns them, for instance giving evidence, encourage them to visualise themselves feeling confident, strong and capable while giving evidence or being cross-examined in court. Encourage them to imagine as many details as possible. What do they wear; how do they look when they enter the courtroom; where do they sit/stand; how does it feel to be empowered and strong; what do they say; how do they carry themselves? Finally, ask the victim/witness to release any thoughts and feelings that are not aligned with this strong and empowered version of themselves.



### Positive affirmations

- Positive affirmations have been proven to provide strong positive impact when repeated regularly.<sup>112</sup> A victim/witness who expresses fears, concerns or worries in connection with the criminal proceeding can be encouraged to rephrase their fears into one or more positive affirmations which they repeat to themselves, reprogramming their fear into strength and resilience. For instance:
  - If a victim/witness is worried about testifying in court, their positive affirmations may be “I am strong”, “I am capable”, “I can do this”, “I will be great”, “I am important and my thoughts and feelings matter”
  - A victim fearful of meeting the accused may be encouraged to create affirmations such as: “I am powerful”, “My happiness does not depend on other people”, “Out of this, only good will come”, “Everything is going to be ok”, “My courage is stronger than my fear”
  - Other useful positive affirmations may be “It is just a thought, and a thought can be changed”, “Today is a new day”, “I release all worries and fears that drain my energy”, “I release what I cannot control”, “I allow myself to be happy and loved”, “I am safe”, “I allow my thoughts to be calm and peaceful”, “I release the past, it no longer has any power over me”, “I gently guide my mind and body into a state of balance”, “I am not alone”, “I love and approve of myself and my choices”, “I let go of fear, doubt and guilt”, “No person has any power over me, for I am the only thinker in my mind”, “I take each day as it comes”, “I allow and embrace new beginnings in my life”, “I choose to

see, feel and hear only the good in life”, “I can handle anything that comes into my life”

In preparation for their participation in a criminal proceeding, it may be helpful for supporters to work with the victim/witness to compose and write down one or more affirmations that feel relevant to them. Encourage the victim/witness to practice these affirmations at home (silently or out loud), and they can also bring the affirmations to provide peace, support, strength and encouragement during their time in court.

## 6.7. Quick tips before giving evidence in court

When supporting victims/witnesses who are nervous, fearful or anxious about testifying in court, it may be helpful for supporters to offer them concrete advice on what to think about and what their options are while in the courtroom, such as:



**Tell the truth.** The most important part of giving evidence is telling the truth. This means the victim/witness describing everything that took place in as much detail as they can remember, without embellishing, altering or omitting anything.

**Take the time you need when answering questions.** The victim/witness should listen carefully to each question and wait until the end of the question before replying. Please remind them to not rush, and to take the time they need to compose their response. To ensure the court picks up all the information provided, please encourage the victim/witness to speak slowly and calmly when responding to the questions asked.

**Reply only to what you are asked.** The victim/witness should not try to anticipate what answers they think the court would like to hear or try to please whoever is asking the questions by providing information about events with which they are not familiar.

**Don't reply to questions you don't fully understand.** If the victim/witness is uncertain or does not understand the meaning of a question, they must ask for it to be rephrased, using other words. Never assume what the question means without asking for clarification.

**It is normal to forget.** If the victim/witness is worried about remembering every exact detail of the event, to avoid committing perjury, remind the person that it is normal to forget. It may be particularly difficult to register and recall details in situations where the person was stressed or frightened, such as during the commission of a crime. If there has been a long delay between the crime and the trial, the victim/witness may not be able to recall as many details in court as they could during the first police interview. This is normal and the way the human brain works.

**Say if you don't know.** The victim/witness will be asked in court to describe what they remember from the crime. Please note, giving evidence is not a memory test and there are no right or wrong answers. If the person cannot remember or does not know the answer to a question, they should just say so. Never make up a reply just to answer the question.

**You are not testifying 'against' anyone.** The victim/witness will only be asked to explain what they saw, heard or know about an incident, that does not mean they are on anyone's 'side'. This is particularly important to stress in domestic cases or situations when the witness is a family member or friend of both the accused and the victim.

**You are not accused of anything.** Sometimes the victim/witness feels that the trial is so intimidating, they wonder if they have done something wrong. Reassure the victim/witness that this is not the case, the only person being accused is the defendant.

**Do not be afraid to repeat all the details you can remember.** All information given by the victim/witness may play an important part in finding out what happened, regardless of how insignificant the details may seem. If, in order to describe what happened, the victim/witness has to use offensive language, such as cursing, insults, profanities or derogatory words used by the defendant during the crime, they should do so.

**You are not asked to determine the outcome of the case or convict anyone.** It is important to remind the victim/witness that they are not responsible for the court's decision. It is the responsibility of the court to reach a verdict in the case, the victim/witness is merely providing the court with information so that the right decision can be made.

**You are not alone.** There are often several witnesses or other types of corroborating evidence in the case; the accused will seldom be convicted on the testimony of a single victim/witness.

**A supporter can always be with you.** If the victim/witness would like, a court-based supporter can wait with them before the trial starts and come into the courtroom for moral support. If the victim/witness feels anxious or worried, they can look over at the supporter to remind themselves that they are not alone.

**Avoid eye contact.** Some victims/witnesses are worried about the eye contact within the courtroom. Remind them that they do not have to look straight at the judge, accused person or any witness participating in the trial. Instead, the victim/witness can choose a picture/spot just above the judge if that is easier for them and alleviates their concerns. You may even help the victim/witness identify such a spot during their court visit.

**You may be asked the same question more than once.** Tell the victim/witness that this does not mean that the first answer was 'wrong' or that the court is looking for another response. It also does not mean that they are not believed or seen as untrustworthy.

**It is natural to feel nervous, afraid or tearful.** Participating in a criminal proceeding and answering questions is often difficult, since it forces the victim/witness to place themselves back on the crime scene and remember things they may wish to forget and 'erase' from their memory. Testifying can therefore give rise to various emotional reactions, for instance the victim/witness may start crying, shaking or finding it difficult to express themselves and describe their experience in words. Remind the person to never feel ashamed over their reactions, it is a normal response to the often unusual situation of participating in a criminal justice process. Some questions may cause them particular distress, especially if the victim/witness feels that their account of the events is being challenged or their reaction disrespected. Tell them to please keep in mind that this may be part of the defendant's defence strategy, so they should try to stay calm and not let it affect them.

**Ask for a break.** Sometimes the testimony and cross-examinations take a long time, or the victim/witness may feel overwhelmed by the experience. If needed, the victim/witness should ask the court for a break, a tissue or a glass of water to help compose themselves before continuing.

**Don't be afraid of the defendant or let their presence inhibit you.** Many victims/witnesses find the presence of the accused unnerving when they give evidence. Remind the victim/witness that they do not have to look at the accused and that they may instead simply look at the person asking the question. If the victim/witness feels that it is impossible for them to give their best evidence with the defendant in the same room, please advise them to speak to the applicable criminal justice professional and apply for special protective measures. The judge may for instance ask the accused to leave the room while the victim/witness testifies or allow for the victim/witness to give evidence via video-link from another location.

**Witnesses may stay in the courtroom.** Having finished their testimony, a witness can choose to leave the courtroom, or stay to watch the rest of the trial from the public gallery. However, they may not talk about their testimony or their experience to other witnesses who haven't yet testified.

**It is illegal to intimidate, threaten or try to prevent a victim/witness from giving evidence.** If the victim/witness feels that anyone has threatened, intimidated or tried to attack them or any of their family members, in an effort to make them change their testimony or prevent them from giving evidence, this must immediately be reported to the police and the court should be informed. Any threats or acts of violence or retaliation after the trial must immediately be reported to the police.

**The verdict may be announced the same day or a few weeks later.** After everyone has testified and all evidence has been presented, the court will deliberate before delivering its final verdict. The verdict may be announced on the same day; on the day the jury have come to their decision; or the judge may arrange for a later date when the verdict will be presented.

**If the defendant is found not guilty,** it doesn't mean that the judge/jury didn't believe the testimony given by the victim/witness or that they did anything wrong. Being acquitted is not the same as being innocent, it means that the evidence presented during the trial was not sufficient to prove to the court beyond a reasonable doubt that the defendant had committed the crime in the manner presented by the prosecution. The prosecution can choose to appeal the verdict.

*“Everyone is under various degrees of pressure during a criminal justice process, and it is therefore important that people feel supported. The feeling of being supported and the impact of that support are equally important – they are connected.”*

**Prosecutor**



## 7. EVALUATION AND QUALITY ASSURANCE

Improved availability of high-quality support throughout the criminal justice system will help victims/witnesses feel more informed, calmer, safer and empowered in their ability to participate in the criminal justice process and access justice in the aftermath of crime. As a result of building capacity in court-based support, the COVIS-project ensures that delivered services will better meet the needs of victims/witnesses of crime; support their resilience and wellbeing throughout the criminal justice process; and empower them to overcome the negative consequences of crime. By capturing expertise from across Europe and sharing knowledge and best practice on the establishment and delivery of court-based support, the project serves to improve implementation of victims' rights and victims' ability to access those rights in practice.

One of the project's aims is to enhance understanding of the quality and impact of court-based victim and witness support, both for individual service users and for the criminal justice system as a whole. By better meeting the needs of all victims and witnesses called to testify in a criminal proceeding, court-based support services help to minimise the risk of secondary victimisation; strengthen victims' and witnesses' ability to provide their best evidence; and thereby support the effective and fair administration of criminal justice.

### 7.1. Indicators for evaluating court-based support

Through this Handbook, the COVIS-project has identified core values and operational practices that form part of European best practice for well-functioning and high-quality court-based support services. To ensure that victim support services meet the needs of victims and witnesses in connection with criminal proceedings, it is important for court-based support services to continually evaluate the support they deliver. Another important aspect of evaluation and quality assurance is to ensure that the court-based support services fulfil their organisational aims and objectives.

As part of their ongoing quality assurance, court-based support managers are encouraged to regularly review their operational service delivery and the way they fulfil set targets. A quality assurance cycle often consists of 4 main steps: <sup>113</sup>

1. Planning
2. Implementation
3. Evaluation
4. Review and adjust

Court-based support services' primary focus should always be the wellbeing of the victim/witness, so internal processes and organisational structures should be shaped in a manner that enables the best possible delivery of support. When evaluating court-based support service delivery, attention should therefore be given both to the manner in which the support service fulfils the needs of victims/witnesses and cooperates with criminal justice partner agencies (external focus); and on how its organisational structure and processes facilitates a high-quality service delivery (internal focus).

The following indicators and features are suggestions that may be used when evaluating court-based support services or as part of ongoing quality assurance procedures. Feel free to adjust the topics or choose areas that are of particular interest to your country.





## 1. Delivery of court-based support services

- a) **Information about support** – *how are victims/witnesses informed that court-based support is available, are they aware of available support before they arrive at court?*
- b) **Referrals** – *how is the court-based support service informed of victims/witnesses attending criminal proceedings, what type of referral arrangement(s) are in place, when/where is a referral received, does the referral include all victims/witnesses?*
- c) **Initial contact** – *when, how and by whom are victims/witnesses offered access to court-based support, what is the timeframe for contacting victims/witnesses?*
- d) **Individual needs assessments** – *how is support tailored to meet individual needs? What tools are used, are the needs assessments reviewed and updated regularly?*
- e) **What types of court-based support services are offered**
  - i - **Information** – *helping the victim/witness navigate and understand the criminal justice system, how a trial works, and their role and rights as victims/witnesses*
  - ii - **Emotional support** – *providing reassurance, comfort, encouragement and support to improve the victim's/witness's wellbeing and strengthen their ability to give their best evidence. This can include providing moral support and accompaniment in the courtroom*
  - iii - **Practical assistance** – *reimbursement of costs, compensation claims, signposting*
  - iv - **Safety measures** – *can include guidance and signposting for victims/witnesses wanting to apply for special protection measures, setting up rooms for telephone/video evidence, arranging separate waiting rooms/areas, contact with court security staff, escorting victims through alternative routes to minimise the risk of meeting the accused and helping to increase the victim's/witness's sense of safety and wellbeing*
  - v - **Enable victim/witness participation and right to be heard** – *liaise victim's/witness's interests in terms of where and how to provide evidence, highlight the need for special measures to enable participation, support when composing and presenting victim impact statements*
  - vi - **Court visit** – *offer the opportunity to visit the court to see the waiting room and where the victim/witness will sit to give evidence, to set realistic expectations of what to expect during a trial and minimise the risk of secondary victimisation. The court visit also offers victims/witnesses a chance to ask questions, receive information and emotional support*
  - vii - **Contact with criminal justice agencies and organisations** – *receive case updates, relay victim/witness preferences in connection with the proceeding to criminal justice agencies such as the prosecution or court staff, or refer victims/witnesses to appropriate (support) services outside of the court building*
- f) **Who can access court-based support services**
  - i - *Victims/witnesses/their family members/their friends/others*
  - ii - *Is court-based support available regardless of crime category?*
  - iii - *Is court-based support available regardless of the victim's/witness's standing in the criminal proceeding?*
- g) **National coverage** – *is there equal access to quality court-based support across the country, regardless of where the victim/witness lives or which court hears the case?*
- h) **Various support methods** – *in-person, phone, email, text, digital/online support tailored and offered in line with the victim's/witness's preferences?*
- i) **Timeframe for court-based support** – *is support available before, during and/or after the criminal proceeding?*
- j) **Support methodologies** – *is the support structured using a particular support methodology? If so, how is this method implemented across the support service, what training and material is provided to staff/volunteers, how is the use of the methodology followed up?*
- k) **Pre-booking or walk-ins** – *is court-based support always available or must victims/witnesses book support in advance? If booking is required, what is the process for booking support in advance*

*and how are victims/witnesses informed of the process? If walk-ins are accepted, how are support needs assessed and sufficient number of supporters ensured?*

- l) Location of court-based support service** – *does the court-based support service have an office inside the court building that is open whenever the court is sitting, or is the support service based outside of the court building and staff/volunteers only present in court when needed/booked? If so, how do they know when support is needed?*
- m) Visibility of court-based support in court** - *how is visibility ensured, is the support service and its location clearly sign-posted and easy to find for victims/witnesses who are unaware of its availability before arriving at court?*
- n) Reasonable accommodation to ensure access to support for all victims/witnesses** – *what information, tools, training and methodologies are available and how are support services tailored and delivered to avoid discrimination?*

## 2. Court-based support service structure

- a) Organisational values, strategic aims and objectives** - *how are these identified, assessed and updated, what are the organisation's long- and short-term goals?*
- b) Organisational structure** – *is there a single court-based support service or a network of support services?*
- c) Type of actor offering court-based support** - *civil society, public sector, private sector? How does the service cooperate/interact with criminal justice agencies to best facilitate the successful delivery of court-based support?*
- d) Victim-centred approach** – *how does the support service ensure a victim-centred approach, both in its service delivery and internal decision-making processes?*
- e) Trauma-informed victim and witness support services** – *what tools, working arrangements and training of staff/volunteers are available, how does management attitude lead by example?*
- f) Staff** - *number of staff, recruitment, vetting process, required qualifications, foundational training, ongoing training, annual appraisal and review requirements?*
- g) Volunteers/supporters** - *number of volunteers, recruitment, vetting process, required qualifications, time commitment (minimum number of hours/week and/or minimum number of months committed to service), foundational training, ongoing training, annual appraisal and review requirements?*

## 3. Governance

- a) Management of court-based support service**
  - i** - *Number of service users per year – how is data collected and followed up?*
  - ii** - *Number of staff/volunteers per year – how is number of needed support staff/volunteers calculated in relation to number of service users?*
  - iii** - *Coordination of staff and volunteers for court-based support across the country - joint events, mutual quality standards, training, regular meetings, study visits, exchange of best practice, inspiration and motivation, teambuilding and sense of purpose*
  - iv** - *Financial management – decision making processes (who can make decisions on what), spending limits, oversight, audit and reporting requirements*
  - v** - *Decision making procedures and protocols – who can make decisions regarding court-based support, how are court-based support service staff/volunteers involved, consulted and informed, what are the implementation procedures?*
- b) Legislative requirements** – *what legislative requirements must the court-based support service abide by, what are the reporting and oversight requirements?*
- c) Funding requirements** – *how is the court-based support service funded? Are there long-term*

*funding contracts, tender requirements, annual funding arrangements, service contracts and reporting requirements?*

- d) Executive Board** – *who provides oversight over the court-based support service? What are the recruitment, vetting process, required qualifications, required time commitment (minimum number of hours/week and/or minimum number of months committed to service), foundational training, ongoing training, annual appraisal and review requirements? What information do they require for making decisions regarding court-based support, how are their decisions followed up, shared and implemented across the support service?*
- e) Case management system** – *how are individual cases and contact with service users registered and followed up? How are cases referred internally within the support service? How does the case management system adhere to GDPR requirements and how often are GDPR and confidentiality arrangements updated?*
- f) Oversight and strategic control** – *does the court-based support service need to abide by criteria set by an oversight and review body? Is there a Victim Ombudsman or another entity performing regular reviews?*
- g) Quality assurance** – *how is the impact of court-based support on service users and the criminal justice system measured? What are the user feedback procedures, regular evaluations (within what timeframe) against set quality standards, benchmarking, peer review, improvement plans? How does the court-based support service reach its aims of minimising risk of secondary victimisation, promoting the wellbeing of victims/witnesses and minimising the negative impact of crime?*
- h) Internal policies and standards for service** – *what internal policies and standards are in place to ensure a high-quality court-based support service and a well-functioning organisation? This may include national minimum standards, confidentiality agreement for all staff/volunteers, non-discrimination (in contact with service users, staff and volunteers), child protection policies and policies for working with vulnerable adults. Are any policies missing? What is the process for reviewing and updating current policies?*
- i) Training** – *what training is available to staff/volunteers to ensure the skills and up-to-date information needed to provide court-based support?*
- j) Appraisal of staff/volunteers** – *do staff/volunteers know what is expected of them, are there clearly defined roles and responsibilities, how is the fulfilment of expectations monitored?*
- k) Staff/volunteer satisfaction** – *how does the service ensure the motivation and retention of staff/volunteers, ongoing reviews and interaction with staff/volunteers, open and supportive working climate for suggestions and improvement of service, national service and appreciation awards, whistle blowing policy?*
- l) Supporting the supporters** – *what measures exist to minimise compassion fatigue and vicarious trauma in staff/volunteers? Is peer support or professional counselling available?*
- m) Complaints procedures** – *how can complaints and concerns be highlighted by service users as well as staff/volunteers, how are concerns administered, problems addressed, and feedback provided to the complainant?*

#### **4. Outreach**

- a) External view and knowledge of court-based support** – *how is the court-based support service perceived by the criminal justice system in your country? Is the service well-respected? As key partners to a well-functioning court-based support service, are judges, prosecutors and other court professionals aware of the support service?*
- b) Advocacy activities** – *does the court-based support service engage in public victim policies, represent the voice of victims in public debates, comment on public affairs, engage in legislative consultations?*

- c) **Awareness raising activities** – *what awareness raising activities are undertaken to inform victims/witnesses, partner agencies and the general public of available court-based support services, how victims/witnesses can access/be referred to support, and the value and impact of court-based support? What awareness raising materials are developed for key criminal justice agencies?*
- d) **Training activities** – *does the court-based support service offer training to criminal justice agencies, decision makers, external support services and other stakeholders regarding the value and importance of court-based support?*

## 7.2. User feedback

The COVIS-project provides knowledge, materials and tools to establish and deliver quality court-based support services. To ensure that the delivery of support meets the needs of victims/witnesses participating in criminal proceedings, one of the project deliverables is an Impact Measurement Tool, which aims to identify:

- The impact of court-based support on the victim`s/witness's wellbeing; and
- The impact of court-based support services on the criminal justice system as a whole, including criminal justice proceedings and the work of criminal justice agencies

### 7.2.1. Indicators to measure impact of court-based support services

To measure the impact and value of court-based support services in the above two areas, the COVIS Impact Measurement Tool includes the following indicators:

#### 1. Impact of support on the wellbeing of victims and witnesses

- a. victims/witnesses feel treated with dignity and respect
- b. victims/witnesses feel more informed of the criminal justice system and their role within the criminal proceeding
- c. victims/witnesses feel calmer/more composed
- d. victims/witnesses feel safer
- e. victims/witnesses feel supported and reassured
- f. victims/witnesses feel more able to participate in the criminal justice system
- g. victims/witnesses feel more able to provide their best evidence
- h. victims'/witnesses' needs were met and their questions answered
- i. victims/witnesses would recommend the court-based support service to others

#### 2. Impact of support on the criminal justice system

- a. victims/witnesses appear calmer/more composed
- b. victims/witnesses give better quality evidence
- c. fewer cancelled and delayed hearings due to victim/witness no-shows
- d. victims/witnesses appear better informed about their rights
- e. victims/witnesses appear better able to act on their rights
- f. victims/witnesses have better understanding of how a criminal proceeding works, which in turn reduces risk of secondary victimisation
- g. victims/witnesses are more likely to report a crime or give evidence in court again
- h. court-based support services make the job of criminal partner agencies more efficient

### 7.3. Data collection methods

The COVIS-project developed four tools for data collection. For the purpose of gathering quantitative data, two separate surveys were developed; one survey was directed at service users and the other at criminal justice professionals. To collect qualitative data, questions for two separate semi-structured interviews were developed; one interview template to be used when interviewing service users and one to be used to interview criminal justice professionals. To minimise any risk of re-victimisation, the interview questions for service users were drafted to mimic a support session. In addition to discussing the victim's/witness's experience of receiving court-based support, the questions addressed their current wellbeing after having participated in a criminal justice process; any remaining support needs; and any interest in accessing further support. Given that the service users were interviewed by telephone, it is recommended that the interviews are carried out by professionals with knowledge of court-based support services, who also have experience in providing telephone support to victims and witnesses of crime.

#### 7.3.1. Results from piloting the COVIS Impact Measurement Tool

The COVIS Impact Measurement Tool was piloted in Sweden and Portugal, to measure the impact of court-based support services in these two countries. The responses from both service users and criminal justice partners gave clear confirmation that the support services in both countries have a significant positive impact and is of great value to victims and witnesses in connection with criminal proceedings. As a result of the court-based support they received, victims/witnesses felt more informed, calmer, safer, supported, and more confident in connection with criminal proceedings, which increased their capacity to cope with the trial and empowered their ability to provide their best evidence. This in turn provided the court with the best basis for its verdict and a safer and more efficient criminal justice process for all. Throughout this Handbook, we have included quotes given by victims, witnesses, prosecutors and judges as part of the impact assessment, to evidence their personal views and experiences of court-based support services.

Many victims/witnesses stated during the assessment that what they will remember the most when they look back at their experience in court, is the help they received from their court-based supporter. Many also said that they would be willing to participate in a criminal proceeding in the future, since they know that a court-based supporter will help them navigate the justice system. All surveyed victims/witnesses would recommend court-based support services to other victims and witnesses.



Responses from criminal justice agencies also reveal a deep appreciation for the work provided by court-based support staff/volunteers and the visible impact of the support on the ability of victims/witnesses to appear calm, informed and be able to give their best evidence. One very significant statement stands out – all surveyed criminal justice professionals agreed that ‘court-based victim/witness support is an important part of the justice system’. This conclusion, as well as the quotes highlighted throughout this document, evidence the crucial added-value and positive impact court-based support services have on the criminal justice process as a whole, including the work of individual criminal justice professionals.

Comparing responses between different age groups, genders, crime categories and roles in the criminal proceeding, it became clear that particular groups of victims/witnesses were more likely to request certain types of support. For instance, women and younger victims/witnesses were more likely to request measures to improve their sense of safety, and for accompaniment inside the courtroom, when compared with other service user groups. Furthermore, it was interesting to note that crime category alone was not a reliable indicator in determining support needs in connection with criminal proceedings;

some victims/witnesses of less serious crimes expressed higher needs and requested numerous types of court-based support, while some victims/witnesses of more serious crime categories expressed less or no need for court-based support.

A key lesson from the evaluation is that support provided earlier in the run-up to the court hearing, enabling victims/witnesses to receive more support and giving them time to prepare for the trial and visit the court, had the strongest and most positive impact on the wellbeing of the victim/witness compared to support offered on the day of the court proceeding. Finally, it was extremely interesting to note that the impact of different types of court-based support services overlap with each other; this is felt to be a key lesson from the user feedback evaluation pilot using the COVIS Impact Measurement Tool. For example, while 87% of victims/witnesses stated that they received information from Victim Support Sweden in connection with a criminal proceeding, as many as 93% of victims/witnesses said they felt better informed after having had contact with the court-based supporter. The same trend is found in other areas; for example, around half of the service users reported having received emotional support, but 91% felt supported and reassured as a result of their contact with Victim Support Sweden's court-based support service.<sup>114</sup> Being provided with information and emotional support can clearly make a victim/witness feel safer, while receiving practical assistance when claiming compensation or applying for safety measures can make a victim/witness feel more informed and supported. Therefore, never underestimate the positive impact of court-based support on victims and witnesses - it goes far beyond its direct purpose of reducing the negative impact of crime and supporting recovery and resilience in the aftermath of crime.

*“The safety provided by Victim Support Sweden’s court-based supporters means that the trials can be carried out more smoothly for everyone involved.”*

**Judge**

The impact assessment identified a joint area for further improvement in both Sweden and Portugal. In both countries, only around half of victims/witnesses were aware of the existence of court-based support before arriving at court. In Sweden, all victims and witnesses should have received information about the availability of court-based support alongside the letter calling them to court, and yet only half of them knew that court-based support was available before meeting a supporter in court. In addition, when asked in what way court-based support services could be improved, the most common response from victims/witnesses was that they wish they had known about, and been able to access, court-based support earlier in the criminal justice process. This is a vital lesson, especially since support earlier in the run-up to the criminal proceedings provided the strongest positive impact on the victim's/witness's wellbeing. Clearly, to better meet the needs of victims and witnesses in connection with criminal proceedings, better referral arrangements must be introduced, and more awareness is needed, both amongst criminal justice professionals and victims/witnesses, about the availability of court-based support. From the answers indicating that victims are more willing to participate in a criminal process after having received court-based support, more widespread knowledge of these services could also mean more victims deciding to report the crimes against them, and more victims/witnesses being willing to engage with the criminal justice process.

### 7.3.2. Ongoing user feedback

As demonstrated above, user feedback is an excellent tool to identify areas of success as well as areas where further improvements must be made to better meet the needs of victims and witnesses in connection with criminal proceedings. User feedback is also a great way to gather positive feedback, quotes and inspiration to share with court-based support staff/volunteers, to show appreciation and to demonstrate the extraordinary value their support has on the lives of the victims and witnesses they meet.

For many victims/witnesses, court-based supporters are their first point of contact when arriving at court, so the manner in which supporters interact with a victim/witness can influence their view of and trust in the criminal justice system as a whole. For the criminal justice system to be perceived as fair and just to victims/witnesses of crime, court-based support services must be acknowledged as a fundamental requirement of justice. Referral arrangements and effective partnerships with criminal justice professionals must be established to ensure that victims/witnesses are offered access to information and emotional support to help them prepare for the criminal proceeding, since the ability to access appropriate and timely support in the aftermath of crime has a substantial impact on a person's recovery.<sup>115</sup> In order to prove the value of court-based support and gain the trust of criminal justice agencies, all court-based support managers are encouraged to develop and undertake their own user feedback evaluations, to fit their national circumstances.

**Portugal** has undertaken several assessments to evidence the success and added-value of court-based support, both to individual victims and to criminal justice professionals. As a result, the Portuguese Government has in its *National Strategy for the Rights of Victims of Crime* (adopted 2024) called for the creation of two support services each year, with the aim of all twenty-three judicial districts having established court-based support services by 2028.



## 8. HEALTH AND WELLBEING OF COURT-BASED VICTIM AND WITNESS SUPPORTERS

### 8.1. Compassion fatigue and vicarious trauma

Compassion fatigue has been described as “the cost of caring for others in emotional pain”<sup>116</sup> and can be defined as a state of exhaustion and dysfunction (biologically, psychologically and socially) that arises as a result of prolonged exposure to secondary trauma.<sup>117</sup> It can also be described as the profound emotional and physical erosion that takes place when supporters are unable to refuel and regenerate.<sup>118</sup> Emotional exhaustion diminishes the ability to feel empathy and supporters may feel like they have “nothing left to give” to victims/witnesses or the loved ones in their own lives. People who are naturally empathic are at higher risk of developing compassion fatigue, due to their natural tendency to empathise with the trauma suffered by the victim/witness they support.<sup>119</sup>

Vicarious trauma can be described as the profound shift in worldview that occurs in helpers/supporters when working with victims/witnesses who have experienced trauma<sup>120</sup> and is an occupational challenge for people working and volunteering in the fields of victim support, due to their continuous exposure to victims of trauma and violence.<sup>121</sup> Supporters experiencing vicarious trauma notice that their fundamental beliefs about the world are altered, and possibly damaged, by being repeatedly exposed to traumatic materials. Though the supporter has not themselves experienced trauma, they may develop symptoms such as intrusive visual images, difficulties sleeping, or other symptoms related to the trauma suffered by the victims/witnesses they have supported. Similar to victims experiencing trauma, supporters can respond to vicarious trauma in a number of ways. However, one common factor is that their view of the world changes. Victim and witness supporters suffering from vicarious trauma will either become more cynical or more fearful; alternatively, they may become more appreciative of what they have in their own lives. Sometimes, supporters experience both of these worldviews simultaneously.<sup>122</sup>

The terms compassion fatigue and vicarious trauma are complimentary and somewhat overlapping to describe different forms of negative impact on victim supporters, taking on the trauma suffered by the victims/witnesses they support. For instance, supporters may feel increasingly drained, fatigued and unable to stop thinking about the victims/witnesses they met when they return home from court (compassion fatigue). Supporters may also become so preoccupied with crime and victimisation that it affects their worldview; for instance, by no longer seeing the world as a safe place, they may start distrusting people around them and believe everyone is out to get them (vicarious trauma).<sup>123</sup>

Court-based support staff/volunteers may experience one or more of these challenges and the severity of the condition depends on various factors, including personality traits, resilience, and life circumstances. Being exposed on a regular basis to ‘evil deeds’ and the gruesome details of crime may affect the supporters’ core values and beliefs in the innate goodness in human beings, which in turn may cause a fundamental existential crisis. It is important to identify these feelings and find a suitable strategy, which can be used to reorientate and realign their beliefs and individual core values once more. It is common for supporters to feel impacted by their work at times and victim support managers must provide their staff/volunteers with reassurance and the tools with which to navigate and recover from the experience.



## 8.2. Who is at risk of developing compassion fatigue or vicarious trauma?

“The expectation that we can be immersed in suffering and loss daily and not be touched by it is as unrealistic as expecting to be able to walk through water without getting wet.”<sup>124</sup>

Anyone working with victims/witnesses of crime is at risk of being impacted by compassion fatigue and vicarious trauma. For instance, a court-based victim and witness supporter may be at risk of taking on the trauma suffered by other people by listening to individual victims/witnesses sharing their experiences of victimisation and trauma; by looking at images and videos of exploitation presented as evidence during court proceedings; and by hearing about the aftermath of violent and traumatic events on a regular basis. However, there are some factors which may make supporters more vulnerable, such as:<sup>125</sup>

- prior traumatic experiences
- social isolation, both on and off the job
- a tendency to avoid feelings, withdraw, or assign blame to others in stressful situations
- difficulty expressing feelings
- lack of preparation, orientation, training, and supervision in their jobs
- being new employees/supporters and less experienced at providing support
- constant and intense exposure to trauma with little or no variation in work tasks
- lack of an effective and supportive process for discussing the traumatic content of the work

## 8.3. Signs and symptoms

Vicarious trauma and compassion fatigue tends to develop over time following an accumulation of impact and exposure to trauma. In trying to identify early risk behaviours and symptoms, there are several warning signs to look out for, including:<sup>126</sup>

- feelings of helplessness and powerlessness when facing a victim’s/witness’s suffering
- reduced feelings of empathy and sensitivity
- feeling overwhelmed and exhausted by demands
- feeling detached, numb and emotionally disconnected
- loss of interest in activities you used to enjoy
- increased anxiety, sadness, anger and irritability
- difficulty concentrating and making decisions
- difficulty sleeping and sleep disturbances such as nightmares
- physical symptoms: for instance headaches, nausea, upset stomach and dizziness
- increased conflict in personal relationships
- neglect of your own self-care
- withdrawal and self-isolation
- increased substance use as a form of self-medication

## 8.4. Techniques to handle difficult thoughts and emotions

Identifying the symptoms of compassion fatigue and vicarious trauma can help you to address the problem and focus more on your wellbeing in your role as a court-based victim and witness supporter. There are several techniques that can help you counteract difficult thoughts and feelings to reduce the harm resulting from compassion fatigue and vicarious trauma;<sup>127</sup> they include Self-Awareness, Self-Regulation and Self-Care.<sup>128</sup>

### 8.4.1. Self-Awareness

Self-Awareness allows you to observe your physical and emotional reactions during times of stress, or when the impact of vicarious trauma and compassion fatigue arises. You could ask yourself “what am I experiencing in my mind/body when I listen to a victim’s/witness’s experience of crime and trauma?”. By being mindful and for instance writing a stress diary<sup>129</sup>, you can track your wellbeing to pinpoint the events and circumstances that leave you feeling stressed or anxious.

By increasing your self-awareness, you invite yourself to take control and empower change. Self-awareness can also help you prepare for what you believe will be a challenging experience. For instance, if you are to provide support in connection with a trial where images and details of a serious crime will be presented, you should take time to prepare yourself. If you find a specific crime category or type of trauma particularly stressful, being aware ahead of time can allow you to change support session with another supporter. Never ignore or discredit your internal ‘gut feeling’, these important subconscious messages provide essential guidance in maintaining our own health and wellbeing.

**The Portuguese Association for Victim Support (APAV)** has established human resource policies and psychological supervision of cases. In addition, an external partnership has been established with the objective of promoting the wellbeing and mental health in the work place. With this partnership, APAV staff has access to:

- Psychological Support Helpline, available on working days from 9am to midnight
- Psychological Support Chat, available on weekdays from 9am to midnight
- Psychology video consultations (unlimited online consultations), to be booked on working days between 9am and 8pm
- An app, which provides services and wellbeing content
- Two mental health training courses per year

### 8.4.2. Self-Regulation

Self-Regulation involves taking active steps to help deal with stressful situations. The Demand-Control Model of Job Stress identifies that people experience stress when they feel a lack of control over their situation. For instance, if a person’s job (or life in general) includes complexities such as regular interaction with emotional and traumatic situations; time pressures; unclear responsibilities; conflicting priorities; regular interruptions; and lack of autonomy, the person is likely to feel anxious or stressed.<sup>130</sup> The emotional demands of dealing with situations we feel are unfair, for instance the senseless violence and suffering of a victim, can increase the stress felt by court-based victim supporters. While you cannot control the circumstances of a criminal case or what happens in court, by establishing more clarity and better boundaries for your role as a court-based staff/volunteer, you are likely to experience an increased sense of control.

If you notice that you are experiencing any of the symptoms linked to compassion fatigue or vicarious trauma, you must contact your court-based support manager to discuss how you are feeling and what help is available for you. Together, you are encouraged to review and (re)define your role and job description in light of your experience, to ensure you are comfortable with the role and the expectations placed upon you.

Court-based support services in France have adopted national strategies to limit the risk of vicarious trauma and maintain a healthy work environment for their staff members. For instance, by limiting the number of hours the employees work in court, **France Victimes** decreases their exposure to trauma and enables more variation in the types of cases and victims/witnesses the supporters meet.

### 8.4.3. Self-Care

Self-Care means looking after yourself and your own basic needs. Having a healthy routine for eating, exercising, sleeping and engaging in enjoyable and meaningful activities will help you maintain your mental health, while engaging with victims and witnesses of crime.

Within your role as court-based supporter, it might be helpful to include more mindfulness and awareness exercises. This could, for instance, include relaxation and grounding exercises; breathing techniques; visualisation; and positive affirmations. For suggestions on various forms of exercises, please see chapter 6.6.

It is also important to set realistic expectations of yourself and acknowledge that you cannot help everyone. If you work as part of a larger group of support staff/volunteers, it can be helpful to identify someone to speak to about particularly difficult cases that affect you as well as reaching out to your victim support manager. The following activities can also help as part of your self-care routine.<sup>131</sup>

- Leave work at work
- Practise mindfulness throughout the day by being aware of your thoughts, feelings and physical sensations
- When you start to feel anxious, help yourself calm down by focusing on your breath and by slowing down your rate of breathing
- If you feel overwhelmed and out of control, take a moment to think about what you have control over and what you can change. As a helpful exercise, draw a large circle on a piece of paper. In the circle, specify the areas you are worried about and that you can control. Outside the circle, identify areas you worry about that you cannot control. In your mind, try to accept and release everything outside the circle over which you have no control
- Establish a self-care routine that includes healthy eating, regular exercise and enough sleep
- Reach out to others for support, which could include friends, family, other supporters, your victim support manager, or a peer support group
- Set aside time for meaningful activities and find ways to connect with loved ones
- Take a break from the news and limit the time you spend online every day

**Victim Support at Court** (Republic of Ireland) provides regular group supervision sessions for its supporters with a qualified psychologist. The organisation also offers one-to-one supervision with a qualified psychologist to supporters who are finding their support role difficult having assisted a victim through a very difficult case. V-SAC also advises their court-based supporters that if the role is impacting them on a personal level and negatively affecting their day-to-day lives, they should consider taking a break or stepping back from volunteering until such time that they are ready and able to return.

## 8.5. Peer support

Given their extensive knowledge and expertise in providing emotional support and promoting mental wellbeing, some victim support services have developed an internal system of peer support. Through a peer support system, staff and volunteers can speak to each other about their experiences and ongoing difficult cases. In return, they receive support, encouragement and advice from their peers on how to handle the situation.

A major benefit of peer support is the feeling that the staff member/volunteer is not alone; an acknowledgment that others have experienced similar situations; and a chance to learn from each other how to deal with and overcome identified challenges. Since many court-based support services consist of civil society organisations with limited financial resources, a peer support system can be a cost-effective way to establish and maintain a healthy and supportive work environment. Given that a core aspect of court-based support involves helping victims/witnesses cope with trauma and distressing thoughts and feelings in an empathetic manner, it is important that the employer leads by example and ensures that support is available for the supporters themselves. Encouraging peer support activities to take place during working hours signals to the staff/volunteers that the employer is taking their wellbeing seriously and creates a more open and accepting approach to discussing mental health.

Peer support can be coordinated in several ways. A simple approach is that two or more colleagues agree to meet regularly, for example every two weeks or once a month, to check-in on each other's emotional health. The conversations can be open, or structured using key topics, such as:

- Current workload and types of cases
- Current thoughts and feelings about work as a court-based supporter
- Ability to leave work at work without impact on personal life
- Overall health (sleeping, eating and drinking habits)
- Overall wellbeing, mood and energy levels
- Willingness to engage in social events, hobbies and extracurricular activities
- Additional thoughts, topics or identified need for further support

Court-based supporters sometimes work in pairs, which allows connections to be established between supporters. This way, supporters may have an opportunity to discuss their experiences before leaving court for the day. By getting to know one another and having an open dialogue in the group, staff/volunteers are better able to identify if one of their peers is starting to exhibit unfamiliar behaviours in connection with their role.

**The Portuguese Association for Victim Support (APAV)** has developed a system of peer support. Staff and volunteers involved in the victim support service may volunteer to participate in the peer support system, letting their colleagues know who is available to listen and support their peers. This way, each colleague can choose the person with whom they feel most at ease to share their challenges and difficulties. Besides the peer support system, APAV has developed a network of external volunteer psychotherapists, who are available to step in and provide support to the staff in particularly difficult cases. In addition, the organisation has developed an external partnership whereby staff and volunteers can access an app with techniques and tools they may use to monitor their wellbeing and stress levels.

## 8.6. When to seek professional help

If you feel impacted by compassion fatigue, vicarious trauma or other reactions as a result of your role as a victim and witness supporter, please speak to your victim support manager to explore what options there are for you to receive assistance. Victim support organisations are strongly encouraged to make support available to their staff/volunteers, to promote a healthier working environment and prevent any risk of harm. Help can, as discussed above, be given via peer support, psychological supervision and (pro bono) external psychological support. As a last step, it might also be helpful to contact your local health service provider to discuss what support would be available for you.



## 9. CONCLUSION: COURT-BASED VICTIM AND WITNESS SUPPORT IS A FUNDAMENTAL REQUIREMENT OF JUSTICE

Victims' ability to access justice and restitution following victimisation depends on the coordinated efforts of criminal justice agencies. Police officers, prosecutors and judges have clear roles and responsibilities to investigate, prosecute and pass judgement on cases within the criminal justice system. While the roles and remits of court-based support services vary between countries, the EU Commission identified, in its review of the implementation of the *2012 EU Directive establishing minimum standards on the rights, support and protection of victims of crime*, that victims' participation in criminal proceedings is often difficult and sometimes impossible without support and guidance.<sup>132</sup>

Court-based support services help victims and witnesses of crime navigate and access their rights as their case progresses through the criminal justice system. Supporters aim to protect victims'/witnesses' wellbeing by providing emotional support, comfort, encouragement and reassurance; ease their fear and anxiety; and decrease their risk of suffering harm and secondary victimisation in connection with criminal proceedings.

In addition to the strong human rights incentives for supporting people who have fallen victim to, or witnessed, a crime, there are criminal justice incentives for doing so. Victims/witnesses who receive appropriate and adequate care and support are more likely to cooperate with the criminal justice system and help to bring perpetrators of crime to justice. However, "inadequacies of criminal justice systems may mean that victims are not able to access the services they need and may even be re-victimised by the criminal justice system itself".<sup>133</sup>

**“The fact that court-based support is neither a legal requirement nor a fundamental element of every criminal justice process is, to me, utterly outrageous.”**

**Witness**

Having received support and information in the run-up to a court hearing, victims/witnesses are better able to participate in the proceedings and provide their best evidence, thereby providing the court with the best basis for their verdict and creating a more safe and effective justice system for all. In addition, a positive experience participating in a court process can have a positive impact on victims' resilience and ability to recover from crime. Evidently, court-based support is a fundamental requirement of justice and a necessary condition for a well-functioning justice system.

By developing materials, knowledge and tools, the COVIS-project establishes the building blocks needed for any EU Member State looking to develop court-based support services for victims and witnesses taking part in criminal proceedings. The COVIS Handbook of Best Practice provides a range of recommendations and practical guidance that will ensure the delivery of court-based support that is victim-focused, trauma-informed and tailored around the needs of the individual victim/witness. It is our hope that this Handbook can assist victims on their journey towards recovery and pursuit of justice.

## 10. ENDNOTES

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- 90 Article 19, Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime
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