

COVIS POLICY PAPER

MODERNISING JUSTICE

The Case for Victim and Witness Support in Court



COVIS

VICTIM AND WITNESS SUPPORT IN COURT



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1. INTRODUCTION

Justice systems in EU Member States are – by and large – fruitful in protecting the innocent and punishing the guilty. Yet, the significant focus on the perpetrator and on efficiency of proceedings, has meant that the rights and needs of victims of crime have been historically overlooked.

A robust justice framework that prioritises people is not merely an aspirational goal for Member States; it is essential to achieving priorities for successful, resilient communities and economies and an effective and efficient justice system. To that end, it is the role of policy makers to address the needs of victims through a system which leads to fairer outcomes and just societies.

States have an obligation to respect, protect, and fulfil victims' rights deriving from human rights and European laws. This means not only preventing human rights violations, it also requires enforcement of rights, protection of wellbeing, redress, and access to justice.

Whilst States have been committed to these objectives over many decades, they have struggled to fully embed a comprehensive system of care that fully implements rights and maximises the benefits of victim focused action.

As reflected by the actions of some of the most successful States, a cornerstone in catering to the well-being of victims is the development of a comprehensive national support framework. This whole of society, systemic approach ensures national and local co-ordination structures for victim focused solutions. It incorporates cross sectoral actions and co-operation that ensures sectors operate together to address the needs of victims.

Support is critical for a victim's journey through criminal proceedings. Combining emotional support, practical assistance, information and more, victims need quick, easy, and consistent access to support within the various settings of proceedings such as police stations, prosecutors' offices and courts.

This is why court-based support services are recognised as a best practice to ensure access to support at court. Despite this, many States either do not have such services, provide them in limited locations, or they limit the types of services that are offered.

Given that court support is an integral part of achieving obligations to assist victims, this paper sets out why court-based support is so important and provides key information on minimum standards and approaches to be adopted when setting up such services. The aim is to assist States to explore why and how they should establish court-based Support in their territories.

It should be noted that court-based support services are also highly beneficial for witnesses by addressing their concerns and needs and improving their engagement in proceedings. Whilst this paper focuses on victims, we recommend States and relevant organisations to actively consider the inclusion of witnesses when exploring the establishment or development of court-based support services.

2. THE CASE FOR COURT-BASED SUPPORT

Ahead of victims' issues, justice policies tend to prioritise defence rights, efficiency and effectiveness of justice e.g. with respect to the number of prosecutors, caseloads, case delays, etc. This approach fails to **recognise the relevance of addressing victims' needs and rights in achieving the objectives of justice**, and the value of court-based support to comply with the broader agenda for victims.

This chapter articulates the value and purpose of court-based support, assessing why under EU and national law helping victims is a priority Member States must comply with. The chapter explains the benefits of establishing a victim-centric approach, in particular by showing what problems it addresses, and more specifically how **court-based support benefits victims, justice systems and the wider society**.

2.1 THE LEGAL IMPERATIVE FOR COURT-BASED SUPPORT

Over the last forty years, States and international institutions have adopted various laws establishing **rights for victims** and **obligations on States to ensure victims are properly supported and protected**. These obligations are enshrined in international and European laws and subsequently implemented through regional, national and local laws, through non-legislative rules and procedures and through the incorporation of victim-centric solutions in wider societal priorities.

At the international level, the UN and Council of Europe have adopted Conventions focused on e.g. people with disabilities, children and violence against women. A number of non-binding declarations and recommendations specifically on victims of crime have also formed the foundation for EU and national actions.

Examples of relevant obligations under UN Conventions relevant to Court-Based Support

I. **Conventions on the Rights of Persons with Disabilities¹:**

Articles 4, 9, 12, 16, 19, 23, 26

Accessible information on support services, promote appropriate forms of assistance and support, access to the support they may require in exercising their legal capacity, provide early and comprehensive information, services and support to children with disabilities and their families

II. **Convention on the Elimination of All Forms of Discrimination Against Women²:**

Article 11

Encourage the provision of the necessary supporting services for work life balance

III. **Convention on the Rights of the Child³:**

Articles 12, 19, 27, 39

Right to be heard and freely express self, protective measures against violence and e.g. establishment of social programs to support the child and other forms of prevention and for identification, reporting, referral, investigation, assist parents and others to ensure appropriate standard of living for the child; provide material assistance/support programs. promote physical and psychological recovery and social reintegration of a child victim

IV. **UN Declaration of Basic Principles of Justice⁴:**

Access to justice and fair treatment – respect for dignity, information, proper assistance throughout legal process

For EU States, a range of EU Regulations and Directives exist that address victims' rights. These include the 2012 EU Victims' Rights Directive (VRD)⁵ and Directives on child sexual exploitation⁶, human trafficking⁷, terrorism⁸ and violence against women and domestic violence⁹ ([see annex for further details](#)).

These laws and conventions set out a series of obligations on States covering e.g.:

- Information rights;
- Right to access various forms of support including emotional support and practical assistance;
- Protection from secondary victimisation within criminal proceedings;
- Right to participate effectively within criminal proceedings.

Amendments to the VRD are currently being negotiated¹⁰. One such amendment includes the obligation to establish support in court premises. If adopted, Member States would need to implement this requirement by around 2028.

EU Commission proposal on Support at Court Premises

‘Article 10a – Right to assistance at court’

Member States shall take the necessary measures to establish assistance at the court premises to provide information and emotional support to victims.

Under the current VRD, support must be accessible to victims and specific obligations are established on the nature of the support, protection in criminal proceedings, provision of information and participation within those proceedings (see e.g. Arts. 4, 6, 8, 9, 18, 19, 23, 24).

States are required to ensure that victims have **access to support before, during and after criminal proceedings**. Such services should provide as a minimum, information, emotional support, advice on financial and practical issues and on prevention of secondary and further victimisation¹¹.

States also have wide ranging duties to ensure that victims are informed of their rights and services, and they keep victims updated on their case. Such information should be provided in simple and accessible language. In addition, victims’ protection needs should be properly assessed and protection measures provided where necessary.

Despite these duties, victims’ access to support, information and protection is highly variable with many never benefiting from these rights. Court-based support is an essential element in implementing these requirements.

Victims may be connected to court-based support even before attending court. Critically, those services are also available as a ‘last resort’ for the large number of victims who arrive at court without any knowledge of support services. **Court support, thus, directly supports States’ implementation of EU Laws.**

Whilst European laws set out overarching objectives, these must be transposed into **regional, national and local laws**, which themselves should result in non-legislative rules and procedures. However, research by the European Commission¹², the EU Fundamental Rights Agency¹³, European Institute for Gender Equality¹⁴, and by Victim Support Europe¹⁵, has shown that **States struggle to convert their national laws into change on the ground**. This is particularly true with respect to information to victims and access to support services, including throughout criminal proceedings¹⁶.

Again, court-based support can play a key role in addressing these gaps as part of a broader national support framework.

The legal argument for court-based support:

- European and international law imposes obligations on States to ensure victims can access support, receive and understand information on their rights and the case, are protected in proceedings and can effectively participate.
- Research repeatedly shows that these obligations are not fully complied with.
- Court-based support is an essential and efficient element in addressing all these issues through the range of services it can offer.

2.2. IMPROVING THE OPERATION OF JUSTICE SYSTEMS

Historically, the provision of support to victims has not been seen as an essential element of court proceedings. This position is based on an outdated understanding of the purpose of criminal justice systems and a lack of knowledge about the benefits and impact of properly treating and caring for victims within the system.

Reflecting on the necessity and essential elements of **victim-centric justice**, this section sets out the value of assisting victims in court, the key challenges that victims face within criminal proceedings, how we can address these challenges and how court-based support forms a cornerstone of a victim-centric approach.

2.2.1 Adopting a modern vision of justice: a victim-centric approach

The fight against crime and the mitigation of its harmful effects remains a priority in any democratic, rule of law-based state. The way our criminal justice system is structured and how it treats those that operate within its bounds has a fundamental impact not only on the success of any proceedings but also on wider societal objectives.

Acknowledging this, governments are constantly seeking ways to improve its operation. Increasingly, they have recognised that **the way people are treated in the system – in particular victims – is an essential element to success** – this is a people-centric approach to justice¹⁷.

As the OECD explains, “*People centricity*” means taking the needs and voices of people into account when designing, delivering, implementing and evaluating public policies and services. People-centred services are inclusive, tailored to people’s needs and high quality. This differs from justice systems whose reforms are primarily inspired by the needs or views of the service providers”¹⁸.

Equally, States are moving towards a more interconnected approach to addressing societal challenges and measuring the success of any of its actions – one where **wellbeing is a more accurate indicator of success** that GDP.

In 2019, the Council of the European Union called on all States to adopt an Economy of Wellbeing Approach stating “*The Economy of Wellbeing is a policy orientation and governance approach which aims to put people and their wellbeing at the centre of policy and decision-making. While people’s wellbeing is a value in itself, the Economy of Wellbeing underlines the mutually reinforcing nature of wellbeing and economic growth*”¹⁹.

This approach seeks to create an environment that enables people to reach their full potential and to enjoy their fundamental rights. It is a powerful mechanism to achieve strategic priorities such as those established under the UN Sustainable Development Goals.

It is in this context that we now see the adoption of a **victim-centric approach** to building effective and safe justice systems. The UN defines victim-centric justice as:

*“A way of engaging with victim(s) that prioritises **listening** to the victim(s), **avoids re-traumatization**, 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**”²⁰.*

The result is that the success of justice systems should also be measured not only by the protection of the innocent, the prosecution of the guilty and efficiency, but also by how they treat victims – **ensuring respectful treatment, victim empowerment, wellbeing and safety**²¹.

Court-based Support is an essential element to modern criminal justice objectives:

- States are modernising justice systems based on people centred justice principles and an economy of wellbeing.
- A victim-centred justice system is a direct reflection of these priorities as well as supporting efficiency and effectiveness objectives.
- Victim-centred justice should address:
 - How crime impacts victims
 - The challenges that victims face in criminal proceedings
 - The needs of victims
- Court-based support is a direct and efficient implementation of victim centric justice principles.

In adopting a victim-centric approach, services and solutions for victims must address the short- and long-term impacts of crime as well as meet the common and diverse needs of victims. **Court-based support forms part of such a system and directly addresses many of the impacts and needs of victims.**

2.2.2 The impact of crime on victims

Victims are impacted by crime in many ways. It can **devastate individuals psychologically, physically, financially, and with respect to their work, social and family life**²². Suffering a crime can potentially affect not only those who experience it first hand - 'direct' victims -, but also have a wider circle of impact on family, friends, colleagues, first responders and the broader community.

Experiencing a crime influences how a victim perceives their surroundings, potentially transforming their emotions, behaviours and beliefs²³. Apart from the specific long-lasting impacts a crime may have on an individual, the state of shock, denial or confusion experienced in its aftermath can last from a few moments up to several years.

The **impact or trauma generated by the crime varies between individuals** as does their reaction. Moreover, those impacts will usually change over time which means that for example victims of less serious crimes can have very strong reactions and high support needs, whilst some victims of more serious crime may be able to move on in life with greater ease.

In practice, this means that whilst a victim may not present signs of emotional unrest or trauma in the immediate aftermath of a crime – and therefore may not seek support services – the combination of attending court and the impact of crime can cause new reactions and the need for assistance. Thus, it is fundamental that **support services are accessible for victims throughout proceedings including at court and after a hearing.**

Court support especially when working in collaboration with other services can help to identify and address the following impacts and issues:

Court Support may not be able to ease the pain and discomfort of injuries and ill health, but support workers, focused on the needs of victims can **identify these issues early on and help ensure as comfortable an environment as possible.**

Liaising with court staff and others to ensure judges are aware of these issues, providing seating, helping victims to prepare mentally, or other solutions to ease discomfort will help victims to feel confident to attend and be more focused on their testimony.

Visible and invisible injuries - Beyond impacts on their general lives, such injuries can affect victims' ability to attend court, their experience during court both in terms of physical pain but also in terms of concerns about the reactions or perceptions of others to their injuries or disability. Combined these challenges can negatively impact on a victim's quality of evidence and their likelihood of continuing to participate in proceedings, as well as their overall wellbeing.

Psychological and emotional impacts - For some, there may be minimal impact. For others there can be a range of emotional responses including shock, fear, anger, shame and guilt. These primary responses can lead to secondary responses such as long-term psychosocial problems, mental health issues which in turn can lead to family difficulties, problems at work or in education, substance abuse and in some cases suicide.

Where a victim experiences trauma because of the crime, this can have direct physiological consequences, impacting a person's memory, their processing and recall of the crime, how they communicate and their ability to understand others, how they cope with stressors, and their reactions when recalling or talking about the crime.

The impact and trauma of crime can also change a victim's behaviour. It may result in victims avoiding certain locations or activities due to fear or having flashbacks and panic attacks. They may doubt themselves, losing confidence in their own abilities. It may affect how they relate to others. Some may be distant, avoiding social interactions, be less communicative or be more prone to anger. They may push loved ones away or distrust those in authority.

It is essential to be aware of these impacts and reactions since they affect for example:

- How and whether victims engage with justice authorities – including their trust in authorities;
- how they behave during interviews including the quality of information they provide, whether and how information may change over time, and reactions of authorities to their behaviour, which may be based on biased or poor understanding of traumatic reactions; and,
- their willingness to continue with proceedings particularly where they are fearful, anxious, feel ashamed or embarrassed.

Practical and financial impacts - Victims face a variety of financial and practical consequences from crime. For example, through direct losses of the crime, or subsequent consequences such as handling repairs, paying for funeral services, loss of income or loss of the primary income generator, costs of health care, adaptation of a home or moving from a dangerous location.

Many victims will feel overwhelmed and overburdened by the many administrative and practical actions they must carry out following a crime. Whether it is repairing damaged property, replacing stolen documents, applying for compensation, filling out insurance forms and more – victims are not only less able to cope with such burdens but face a litany of actions.

How court-based support addresses the impacts of crime on victims:

Court-based support workers play an important role in:

- Identifying and understanding the difficulties that victims face including through needs assessment processes;
- addressing issues through direct support, information and practical assistance;
- co-ordinating with justice authorities so they are aware of issues and address those ones they have control over; and,
- referring victims to support services from wider assistance.

It is this multi-modal approach – direct support, co-ordination with others and referral to support, which makes these services a lynchpin service in court. They act to ensure a wraparound service for victims.

Coupled with the impacts of crime, States must address victims needs to ensure an effective, victim-centric approach. These needs form the foundation of EU legal obligations and should form the basis of any policy and legal solutions for victims.

2.2.3 The needs of victims of crime

Victims needs can be broadly placed into **five categories**²⁴: (I) Respect & Recognition; (II) Support including information; (III) Protection; (IV) Access to Justice, and (V) Compensation & Restoration.

These needs tend to be common to all victims but there are significant variances between each victim. **Victims are not a uniform group, and responses must be tailored to fit their specific circumstances.** This means that the impact, needs, and barriers experienced in the aftermath of crime will differ for each individual victim depending on the type and nature of the crime, personal situation, history, and characteristics of each individual. Moreover, those **needs can change over time and responses must be adapted accordingly.**



Starting with **Respect & Recognition** – it is fundamental to a victim’s recovery to be recognised as a victim and be treated in a dignified and respectful manner. This means ensuring that justice officials’ behaviour is respectful (through e.g. training and protocols) as well as the procedures, rules, and infrastructure that is used.

During criminal proceedings, it is important that victims are recognised in terms of their status, position, rights, needs, ability to participate and involvement in decisions. This could mean for example:

- That **services and information are co-ordinated** to reduce the burden on victims – effectively creating a streamlined journey for victims where doubt, fears, misunderstanding, gaps in support or unnecessary repetition are avoided.
- **Their fears and challenges are not only identified but also addressed.** This may relate to their ability to travel to a court room, the timing of a hearing which is problematic for them, concerns over a confrontation with the defendant which can be avoided through separate waiting areas, video conferencing etc.
- That **support services are available and recognised** as part of the criminal justice system. This means that the rules and procedures involve victims – e.g. that they are notified in time of the date the trial is scheduled to take place and that services are easy for victims to find and use.

Support services in courts, with clear signage that they are there to help victims is not only reassuring but demonstrates to victims they are not merely a spectator in the process; rather they have a recognised position and are valued and essential to the proceedings. Those services, subsequently help to identify and address victims' needs at court.

Support needs encompass all forms of assistance for victims. It can include emotional, psychological, informational, financial, legal or practical support involving multiple stakeholders over a long period of time. This support is needed with respect to recovery from the crime but also the burdens placed on victims when they participate in proceedings.

Victims can feel overwhelmed, lost, unable to cope or continue. They will have fears of giving testimony, feel judged or ashamed. They will have multiple issues happening in their lives that justice authorities have no interest in, yet which will fundamentally affect their ability to continue with proceedings and to do so in an effective manner.

Support services help address all of these issues. Their sole focus is helping victims and in doing so they empower victims to participate in proceedings. Importantly that very help reduces the burden on justice practitioners.

The emotional, practical, informational, and referral support that Court-based support provides has a direct positive impact on:

- The ability of victims to cope with criminal proceedings
- The likelihood they will continue with proceedings
- The quality of the testimony they provide
- Their wellbeing during proceedings and their journey of recovery
- The burden on justice practitioners when working with victims

After a crime, victims have a variety of **protection needs**. They may require physical protection from further criminal acts by the offender, or protection from secondary victimisation caused by behaviours, reactions and attitudes of wider society interacting with the victim. These behaviours (and procedures/ actions) include those of justice actors and relate for example to the integrity of the victim during interviews/cross-examination due to unsuitable or repeated questioning for example and due to interactions with the accused.

A number of the articles of the Victims Rights Directive addresses these issues. Article 18 establishes a general obligation on States to ensure protection measures are available to victims whilst subsequent articles (19-21) establish protection measures for all victims related to avoidance of contact with the offender, protection during criminal investigations (such as minimisation of interviews and accompaniment by a person of choice) and privacy protections. Moreover, Articles 22 – 24, establish the requirement for an individual needs assessment and special measures for particularly vulnerable victims such as measures allowing the hearing to take place without the presence of the public.

Within criminal proceedings this means that all victims should receive an individual needs assessment which would identify their vulnerabilities and concerns and result in the adoption of relevant protection measures. These could include e.g. interview by an officer of the same sex, minimisation of interviews in general, videoconferencing for testimony, use of screens or other solutions to avoid eye contact with the defendant etc. Secondary victimisation should also be minimised through appropriate training to all practitioners working with victims.

A victim's **access to justice** involves not only the ability to seek and obtain justice but also the possibility of a victim to participate in criminal proceedings. It includes the ability to report a crime, the accessibility of court processes, the exercise of rights and having influence within proceedings.

Court-based support is a partner for justice authorities in identifying and addressing protection needs and supporting victims' participation in justice.

Whilst all victims should receive an assessment, this often is not the case. At the same time, needs and concerns change. Court support meets victims before and within court premises and provides an additional opportunity to talk to victims, identify their needs and concerns and liaise with justice actors to have those concerns addressed.

This can make the difference between a victim coming to court for their testimony or not. It can reduce fears of victims when at court and could in some cases save lives.

Court-based support expands the eyes and ears of those working in criminal proceedings, helping each organisation to meet their own victim-focuses duties.

Victims of crime also need **Compensation & Restoration**, which address financial harms as well as the need for wider social recognition. In addition to financial compensation from the offender or the state, restitution may be achieved through a range of measures and may integrate redress by means of, for example, restorative justice processes. Such restitution is not solely focussed on financial reparations but could include other forms of recognition such as an apology or community service. Court support workers can help victims with such claims either directly or by referring them to support services.

2.2.4 The challenges that victims face in criminal proceedings and the impacts on justice

The ability of victims to successfully participate in criminal proceedings is hindered both as a direct consequence of the crime but also as a result of barriers and challenges within the justice systems itself. Those challenges impact on the:

- Wellbeing of victims;
- effective exercise of victims' rights; and,
- efficiency and effectiveness of proceedings.

The following section sets out some of those challenges and their impacts, to support an understanding of the benefits of court-based support²⁵.

Due to failures in addressing the impact of crime and needs, **victims face numerous challenges when participating in criminal proceedings:**

- They **struggle to receive information**, which is often provided **late** or is **not easy to understand**. This means they are often unsure what will happen, what they have to do, and where they have to go;
- their **protection needs are insufficiently identified**, and appropriate measures are not sufficiently adopted;
- their **anxiety and fears about attending court are not addressed;**
- they are **insufficiently referred to support services** to address emotional and practical needs; and,
- they do **not understand how to access their own rights** and what their options are. They also struggle to pursue those rights.

Court-based support is designed to address these challenges either **directly through their staff**, through **co-ordination with justice agencies** or through **referral to support services**.

I. Challenges in accessing information and understanding proceedings

For many victims, proceedings are entirely new to them and the **intricate nature of the legal environment makes it difficult to navigate**. At the same time, victims have the right to information on first contact with a relevant authority, and the right to information on their case – all in a simple and accessible format. This is essential as information is a conduit right enabling the enjoyment of many other rights.

Despite the right to simple and accessible information, according to the 2019 VOIARE Report²⁶, **less than thirty-seven per cent** of professionals interviewed in the project agree that victims always receive information about their case when they request it. These gaps in information are equally reflected in reports of the European Commission²⁷ and EU fundamental Rights Agency²⁸.

In effect, **many victims do not receive the information they are entitled to, those who receive information get it too late or in a manner which is not easy to understand**, and which prevents them from acting on that information.

As a result, many victims:

- Do not understand how judicial proceedings work;
- lack information on how to exercise their rights (e.g. how to fill out an expense form or when to intervene at court or accessing legal representation); or,
- face practical difficulties in attending court on the scheduled days.

This creates anxiety and fear. It discourages victims from continuing with the process and it reduces their ability to exercise their rights²⁹.

II. Challenges in protecting victims from further harm and secondary victimisation

Victims may be in physical danger or at risk of harassment from the perpetrator or associates. Whilst police and other authorities should carry out **risk and needs assessments**, these can be **limited or only used for certain victims or certain crimes**³⁰.

Even where needs assessments are carried out, **they do not necessarily identify the concerns of victims, or risks may arise after an assessment is carried out**. Assessments are often based on a questionnaire or checklist, but this is not effective in identifying all needs. They should be carried out by well-trained, trauma informed officials who understand crime impacts and victims' needs. Moreover, **assessments must be followed up on a regular basis** throughout proceedings and coordinated across agencies.

Even where needs are identified, **these do not necessarily result in protection measures** being adopted. This may be due to insufficient cooperation and communication mechanisms with those responsible for approving measures or due to a lack of understanding about the needs of the victim or the risk they face. Indeed, the VOIARE report³¹ found that almost two thirds of the

victim support professionals interviewed find that victims do not receive protection from intimidation and retaliation with sufficient regularity.

Protection from secondary victimisation also remains a challenge. Measures such as same sex police interviewers, video link testimony, minimisation of interviews, screens to avoid seeing the defendant when testifying should be available to victims and adopted where recommended through an assessment. However, **many victims never receive such assessments**, those who carry them out may not be well equipped to identify needs, and the measures themselves may not be adopted³².

Not only is secondary victimisation caused by repetition of interviews and interactions with the defendant, it is also triggered by the behaviours of justice officials and the lack of autonomy or empowerment of victims in the process. Victims can feel unrecognised, treated in a disrespectful manner and powerless over the proceedings³³. This leads to further anxiety and trauma throughout the process and several studies have identified that in some instances, victims may choose to not report a crime again due to negative experiences within the criminal justice process³⁴.

Poor treatment can be driven by a lack of understanding and training amongst practitioners, a lack of tools to support them in their work and due to the pressures, they are under during investigation, prosecution and trial.

III. Challenges in ensuring victim wellbeing and access to support services

Many victims have **extensive emotional and psychological support needs** in the immediate aftermath of a crime, within criminal proceedings and in the long term. They have clear rights to access support for as long as they need it yet many never receive this support.

Justice officials struggle to identify support needs³⁵ – even where a needs assessment is carried out. Additionally, as with risk and protection needs, **support needs change over time** meaning that an initial assessment may be correct, but support may be needed later in proceedings.

Equally, **concerns and anxiety may only be felt when at court**. This can be at the moment of entering the court building, it may be before and during testimony or afterwards. Being forced to face the perpetrator in court, having to narrate the experience of victimisation, and enduring a cross-examination can pose further trauma on victims. **The emotional challenges faced by victims during their participation in proceedings**, if not addressed, **can deter them from fully engaging** in the legal process or causing them to withdraw their complaints altogether.

“

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

Witness

Where victims are identified as having support needs, **officials usually do not have sufficient training or capacity to offer support directly**³⁶. Notably there is often a **lack of understanding and lack of clarity about who is responsible for implementing which rights**, especially regarding the right to support. States often do not clarify which State agency is responsible for what action or service with victims sometimes mistakenly believing court officials are responsible for support.

Where specialist support within police and prosecution services exist, **capacity restraints may limit the number of victims receiving support**, support **may be limited to certain types of crimes** and the **nature of services may be limited** – in particular potentially excluding emotional support.

In addition, **inadequate referral mechanisms may exist** for connecting victims to external support services. According to the VOciare report, only around 28% of the professionals surveyed believe that victims always receive information about direct referral to existing relevant specialist support services³⁷. Many victims are only provided information about support, and **they must make their own contacts which significantly reduces uptake of services**.

In other cases, **referral is based on an opt-in consent procedure**. This means that victims must say yes to having their data transferred to support services. However, due to trauma, negativity bias and poor explanations of services, the likelihood of victims consenting is low of where they need or want support.

In contrast, where an opt-out procedure in compliance with GDPR is adopted (where data is transferred unless victims refuse), most victims do not refuse and there is a much higher up take of support services.

Overall, this means that **many victims are simply not provided with the support they need within criminal proceedings and outside**.

The Swedish experience of information on support services

In the pilot of the COVIS Impact Measurement Tool, the most common suggestion in Sweden for improvement of court-based support was for support to be offered earlier and proactively.

It was noted that although victims are given information about support in their court summons, 40% of victims stated that they did not know they could receive support before coming to court.

For the victims who saw the information that court-based support was available, many felt it was too difficult to reach out and ask for help in the midst of the emotional run-up to trial. It was also difficult for victims to understand what type of support was available and how it would help them prepare for the criminal proceeding. Victims therefore highlighted that **they would have liked court-based support services to phone them to proactively explain their offer of support and help them prepare for trial.**

Opt-out referrals and proactive offer of support are seen as necessary for more victims to access support.

2.3 THE BENEFITS OF COURT-BASED SUPPORT

In its review of the implementation of the 2012 Victims' Rights Directive, the European Commission emphasised that **victims' participation in criminal proceedings is often difficult or even impossible unless they are correctly accompanied and given access to advice and guidance.**

In support of these conclusions, **court-based support services are founded on a victim-centred approach that respects the fundamental role of victims/witness throughout proceedings.** They aim to **maximise victims' participation in justice** whilst securing the **wellbeing of victims, helping their recovery**, and **minimising further trauma** from their interactions with the criminal justice process.

Court support addresses the anxieties, fears and needs of victims through a number of routes. From the moment a victim enters the court premises, the simple sight of a booth designated to assisting victims can **provide reassurance even if they do not end up using the service.**

When a victim arrives at court, they can feel lost and treated like just another member of the public – yet they are not. They are one of the main reasons the proceedings are taking place, they are often a key witness, and they are rights holders. Having a service in court dedicated to assisting them helps them **feel recognised and valued which has many subsequent benefits** related to participation, quality of evidence, improved wellbeing, etc.

Where victims do use the service, support workers are trained in active **listening, empathy and**

emotional support. They will give space to victims to not only ask proceedings related questions but also to talk about their emotions and fears, using known techniques to help victims stabilise, reduce anxiety and feel empowered when entering the court room.

Where court support includes **pre-trial guided visits and accompaniment** within the trial, these services not only improve victims' knowledge, but they also help reassure victims and provide direct emotional support in the court room. This may involve sitting next to the victim, explaining issues they have not understood, or perhaps providing more specialised services such as facility dogs³⁸.

Each aspect of the services provided – information, emotional support, practical assistance, court visits, and referral to other services – helps address the difficulties and challenges victims face. As explained below, they have **wide ranging benefits for victims themselves, for justice and for wider society.**

Benefits of court-based support:**1. Benefits to victims:**

- Enhanced participation: court-based support increases knowledge of court proceedings and rights, providing reassurance to victims, which in turn improves attendance and the quality of their participation.
- Emotional and practical assistance: consequently, it reduces stress and anxiety, which empowers victims and fosters faster recovery.
- Safety and security: court-based support addresses concerns about safety/security, enabling victims to feel secure and minimising potential further victimisation through protective measures.

2. Benefits to justice actors and criminal proceedings:

- Reduced burden: court-based support eases the workload of justice officials by providing victims with information and support, decreasing repeated inquiries and requests.
- Enhanced efficiency: court-based support facilitates better collaboration and information sharing, enabling justice actors to meet obligations more effectively and maintain trust in the system.

3. Benefits for the wider society:

- Long-term cost reduction: court-based support minimises societal costs from victimisation, reducing burdens on healthcare, welfare, and education systems.
- Economic and social resilience: court-based support promotes recovery and reintegration, fostering community trust, resilience, and economic stability.
- Public trust in justice: court-based support boosts public confidence in the justice system, encouraging societal support for a fair and effective legal system.

2.3.1 Benefits of Court-Based Support to Victims

I. Understanding, knowledge and practical assistance

Court-based support has an important role in **increasing victims' understanding of the proceedings**, of **their rights** and of the **services** that are available to them. The service may be provided before the victim is due to attend court, offering information in advance and providing a court visit to show the victim where they have to go, where the defendant will be etc. This

knowledge can **reassure victims, reduce anxiety, create the feeling of safety, predictability and control** which in turn **increases the likelihood they will attend court and provide a high-quality testimony** on the day.

Many issues which are relevant to victims when at court will not be picked up by other institutions since they are not focused on victims' needs or do not know the intricacies of each court. On the day a victim attends court, the victim can still receive information and guidance on the proceedings from court support workers. This may be **essential for many victims who are never connected with support beforehand** and can be **essential in helping victims to exercise their rights**.

Court-based supporters also **liaise with criminal justice agencies** to make sure they are given all the pertinent information about their case, clarify the questions they may have, and ensure no important details are missed. This process empowers victims to have an active role in the proceedings which in turn is important for victims to experience emotional and psychological benefits from engaging in the criminal justice system.³⁹ Indeed, **victims who feel in control of their experience and their participation** in the criminal justice process **more often enjoy a successful recovery** and improved outcomes for health and wellbeing.⁴⁰

Knowing victims often do not receive information, or struggle to understand the frequently technical language used, court-based support workers are trained to **communicate with victims using simple and accessible language** as well as **active listening skills** to better understand the needs of victims.

This communication assistance **helps reduce burdens on justice actors** who either struggle to provide information in a victim sensitive way from the outset, or who receive repeated requests and questions from victims where they have not obtained the information they need. It also **helps ensure that States comply with EU laws** on the provision of information to victims.

In addition to basic information, **court support also provides practical assistance**. This may range from assisting with reimbursements, finding parking or information about public transport or places to eat. This service helps reduce the burden and stress on victims leaving them space to focus on the proceedings.

II. Safety, security and secondary victimisation

A needs assessment should identify victims' safety concerns and issues relating to secondary victimisation, but **many victims never receive the assessment**. In addition, victims' **needs and fears change over time or may arise when at court**, for example, on their way to the court room, outside or inside the court room, the victim may be disturbed or intimidated by the defendant or associates. This **requires repeated assessments and co-ordination across agencies**.

Not only does the presence of **court-based support provide victims an opportunity to raise concerns right up to their attendance at court**, but support workers are also trained to identify and address concerns proactively. They can inform victims of the possibility of **last-minute protection** measures that may address their fears and assist them in obtaining such measures through coordination with other justice actors. This streamlines assessment processes **reducing the burden on police, prosecutors and others**.

Increasingly police and prosecutors are collaborating directly with court support services to manage the needs assessment process. For example, both Slachtofferhulp Nederlands (Victim Support Netherlands) and APAV (Victim Support Portugal,) carry out needs assessments and provide information on protection needs to relevant authorities.

In addition to helping victims obtain protection measures, **support workers help justice actors to understand how to engage with victims in a victim-centric manner** thus helping them adjust behaviours or procedures which are unduly harmful or burdensome. At the same time, they **act as a conduit for victims** to voice any concerns or complaints and to seek solutions in co-ordination with justice actors. When combined with their focus on the needs of victims and an understanding of the challenges they face, support workers can also **empower them to give better quality testimony** and communicate actions or measures that would help when testifying.

Identifying needs and enhancing testimony of victims

In Sweden, a victim with autism was testifying in court. She was struggling to understand the questions asked and to answer effectively. She was not able to provide details to the court of what had happened to her.

The court took a break and the court-based victim support worker took the victim aside to ask one key question - "what do you need?". The victim explained to the supporter that she found the prosecution's questions too complicated, and it made her feel stupid and unable to engage and participate in the trial.

The supporter communicated this to the prosecutor and asked for much shorter questions. They agreed to place a post-it note with the statement 'shorter questions' on the table in front of the victim.

Whenever the victim felt the question was too complex, she could simply point at the post-it to signal to the prosecution to rephrase the question. This ensured that the victim was able to understand the question in order to respond. The judge was informed and approved this approach, which ensured that the victim was able to give her best evidence and that the court received a better basis for their verdict.

III. Emotional support and access to further services

Court-based support workers are trained in providing emotional support to victims. They engage with them **before a trial and during a trial to help stabilise victims, help them cope with the effects of the crime and their many anxieties associated with criminal proceedings**. Their accompaniment in court can be critical for victims who may come alone and face the ordeal of testifying and being cross examined – often in the view of the defendant and their family and friends.

Support workers may simply sit next to victims in waiting areas, or in the court room. Equally, they may provide advanced emotional support helping to reassure, calm and stabilise victims. Their **approach is holistic** factoring in the many **challenges that victims have and addressing those through a trauma-informed, victim centric manner**.

In countries such as France, Northern Ireland, Ireland and the Netherlands, court-based support is seen as such an essential element to ensuring effective proceedings that victims are referred directly to court-based support⁴¹.

Court support workers also recognise the limits of their scope of work, which is why they ensure the broader and long-term support needs of victims are addressed either through **additional services in their own organisations or through referral to partners**. Direct referral increases the likelihood that victims will take up services and has downstream benefits in terms of the assistance that victims receive. Importantly these referrals are not only focused on victim support but can **connect victims to socials services, health care, employment offices or other organisations** that assist people in distress.

Court-based support maximises the likelihood that victims' concerns are identified and addressed, facilitates the adoption of **protection measures** and **operates in court to ease a victim's concerns on the day**.

CASE STUDY

COVIS IMPACT MEASUREMENT TOOL IN PORTUGAL AND SWEDEN

As part of the COVIS Project, an Impact Measurement Tool (IMT) was developed and tested in two courts in Portugal and 12 courts in Sweden.

Portugal (PT) received 34 survey responses from service users and Sweden (SE) received 230 survey responses from victims and witnesses who had received court-based support in connection with a criminal proceeding. Seven PT respondents and 31 SE respondents also participated in interviews. The aim of the pilot was to assess the impact and value of court-based support services on individual victims/witnesses and on the criminal justice system as a whole. Some of the main findings regarding the impact of court-based support for victims were:

- Around 85% in PT and 93% of victims and witnesses in Sweden felt better informed about how a trial works and their role in the process after contact with court-based support. Amongst SE victims/witnesses who had questions, 99% felt that Victim Support was able to answer their questions.
- 91% of SE victims and witnesses felt supported/strengthened as a result of court-based support. Around half of service users reported receiving emotional support, so other types of support also increase the experience of being supported and strengthened. Victims/witnesses who received help with pre-trial preparation, those who visited the court before the day of the trial, those who had received measures to increase their sense of security and those who had a supporter with them in the courtroom were slightly more likely to feel supported/strengthened.
- 93% of SE victims/witnesses felt calmer/more composed as a result of support in court.
- 89% of SE victims/witnesses felt safer/less worried as a result of court-based support.
- 88% of victims in PT and 81% in SE reported feeling more capable of coping with participating in the criminal proceedings as a result of court-based support.
- 65% in PT and 87% in SE felt more able to give their best evidence as a result of the court-based support they received. In Sweden, the group who had received emotional support, those who had received support to prepare for the trial, those who had visited the court before the day of the trial, those who had received interventions to increase safety and those who had received a supporter inside the courtroom were more likely to say that they felt better prepared and able to give their best evidence.
- 88% of the respondents in PT and 100% of the respondents in SE stated that they would recommend court-based support to other victims and witnesses in criminal proceedings.
- Interviewed victims disclosed that, from the moment they were informed of their rights as victims of crime by, Victim Support Offices, their fears were dispelled.

Some victims highlighted that the support provided was a useful tool for deconstructing the feeling of loneliness throughout the criminal justice process, bridging the gap between the formal court system and the “normal person”. The court-based supporter was characterised as a figure of support, trust, and validation of the victim's experiences. In turn, the provision of information and support allowed them to deal with the justice process & the inherent difficulties in a calmer manner.

2.3.2 Benefits to justice actors and criminal proceedings

Some of the key challenges for justice officials when working with or relying on victims, as well as implications on criminal justice when failing victims include:

- Resource requirements to assist victims and meet legal duties towards victims;
- Knowledge and expertise required when working with victims;
- Withdrawal of victims from the process, or failure to attend;
- Poor quality testimony or failure to provide best evidence;
- Loss of trust in the system.

Court-based support services help address all these issues in multiple ways.

According to the 2022 Victim Survey carried out by the UK Victim Commissioner 34% of respondent victims said that they would not report a crime to the police again. Furthermore, only 10% of respondents were confident that the criminal justice system was effective and only 17% were confident the criminal justice system was fair⁴².

Law enforcement and justice officials are subject to a range of **duties and obligations towards victims**. At the same time, victims will often turn to those officials where they do not have information, where they are anxious or confused and where they struggle to access their rights. Managing these duties whilst also proceeding with investigations, prosecutions and trials can be a **heavy burden for officials**.

Best practices in court-based support ensure **close cooperation between support services and justice actors**. Whilst not taking over the duties of officials in assisting victims with information, assessments, emotional and practical help, etc., support workers can greatly **reduce burdens on officials, addressing gaps and reducing the extent to which victims need to turn to agency staff**.



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

At the same time, **court support workers help justice actors to be aware of problems or risks whilst working with them and the victim to address any issues**. In this way, support workers not only directly assist victims but also **help justice actors to build their own knowledge and expertise, to meet information and safety obligations**, and to **identify gaps or problems with**

their service. This too can reduce resource burdens on officials and help make their work more efficiently.

Ultimately, **victims who are well-supported, treated respectfully and empowered** to participate are **more likely to cooperate with authorities, less likely to withdraw from proceedings and more able to provide effective and compelling testimony.** This strengthens the overall effectiveness of the justice system in addressing and preventing crime and improves societal trust in institutions. This victim-centred treatment has also been shown to improve a victim's physical and psychological wellbeing; self-esteem; self-confidence and worth, which are all key aspects of recovery⁴³.

2.3.3 Benefits for the wider society

Victim support services have wide ranging downstream benefits that go beyond victims themselves. There are many **long-term costs associated with the unresolved impact of crime** (e.g. ongoing mental health issues as a result of the trauma) or the risk of secondary victimisation. Court-based support acts to identify support needs and either meet those needs directly or connect victims to the right services. This helps reduce long-term health issues and family and relationship issues which positively impacts on a victim's wider network, including family, friends, colleagues and local communities.

Reduced trauma and faster, more effective recovery also **helps reduce employment and education difficulties for victims** and much more. As such, this **reduces the burden on social welfare and healthcare systems, on employers and schools**, etc. That impact compounds to help build trust and confidence across our societies. It also **increases societal resilience, reduces the burden crime can pose on the economy** and ultimately has a **positive effect on a country's economic output.**

Concerning the justice system, if robust victim-centric legal systems are in place, people are **more likely to believe in the fairness and effectiveness of the system, enhancing public trust and confidence in the justice system.** Equally, **court-based support ensures equality, by also ensuring that victims can successfully participate in the justice system.** This can promote the vision of a more equitable society where all individuals have – in practice – the right to seek redress for the harm they suffer.

A summary of the benefits is provided below.

ISSUE/ ACTION	BENEFIT TO VICTIM	WIDER BENEFITS
Provision of information, guidance, court visit, information on rights	Reassurance, reduce anxiety, improve use of rights and benefit of services, improve ability to provide testimony. Trauma informed, simple and accessible information provided by qualified support workers.	Reduced burden on practitioners who struggle to provide timely information in a simple manner, victims more willing/able to co-operate, more likely to turn up on time, less likely to be stressed/ confused during testimony.
Provision of practical assistance: fill out forms, find parking, public transport, place to eat, resolve childcare issues	Victims are more stable and focus on proceedings, anxiety is reduced, victims turn up on time and are not worrying about other matters.	As above.
Provision of emotional support and reassurance	Victims' wellbeing enhanced, more able to continue with proceedings and to participate as much as they wish, long term emotional issues can be identified/ addressed.	Victims are stabilised, more willing to report, go to court and continue with proceedings. They can give better testimony and more likely to have positive impressions of the justice system which improves reporting. When more stable emotionally they can engage more effectively with authorities and require less assistance from those authorities.
Identification of needs and access to protection measures	Victims' support/protection needs more likely to be identified and resolved. Safety of victims increased through better adoption of protection measures. Victims' wellbeing and ability to access justice processes improved. Secondary victimisation reduced.	Authorities assisted with needs assessment. Burden is reduced, likelihood of mistakes and gaps are reduced, which reduces risks of legal action for failures. Increased usage of protection measures improves ability of victim to participate, testify and continue with proceedings.
Co-ordination with justice and support actors	Victims access to all rights enhanced. They can be heard better and empowered to act. Gaps in service or protection of rights are reduced.	Justice actors supported in their duties and meeting rights of victims. Gaps in action, difficulties in taking a trauma informed, victim centric approach addressed or reduced.

3. MINIMUM STANDARDS FOR COURT-BASED SUPPORT

The combination of legal obligations, strategic priorities for people-centred, victim-centric justice as well as the extensive benefits to victims, justice actors and wider society provide **undeniable arguments for the establishment of court-based support as part of a national victim support framework.**

Many countries have already established court-based support and adapted them to their specific legal and victim support systems. Whilst no single model of court-based support can be argued to be a best practice for all, there are **core principles and minimum standards which every country should apply when setting up court-based support.** Full details on the operation of court-based support are set out in the **COVIS Handbook of Best Practice for Court-Based Support.**

3.1 OBJECTIVES OF COURT-BASED SUPPORT

Court-based support services aim to help victims participate in a criminal justice process and minimise the risk of secondary victimisation or any other negative impact of having to participate in a criminal justice process.

3.2 SERVICES OFFERED BY COURT-BASED SUPPORT

According to best practice, court-based support should offer as a minimum the following services:

- **Information** – helping the victim/witness navigate and understand the criminal justice system, including the role and rights of victims/witnesses;
- **Emotional support** – providing reassurance, comfort and moral support to improve the victim's/witness' wellbeing and strengthen their ability to give their best evidence. This can include providing moral support inside the room where the hearing takes place, for instance by sitting alongside the victim/witness in the court room or in the public galleries;
- **Practical assistance** – this can include guidance for reimbursement of costs and how to apply for protection measures, setting up rooms for telephone/video evidence, arranging separate waiting rooms to minimise risk of meeting the accused and improve the victims/witness's sense of safety and well-being;
- **Court visits** – offering a chance 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 trial and minimise risk of secondary victimisation. The court visit also offers a chance to answer questions, provide information and emotional support;

- **Contact with other agencies and organisations** – including liaising with criminal justice agencies such as prosecution/court or refer victims/witnesses to appropriate (support) services outside of the court building.

3.3 ACCESSIBILITY OF COURT-BASED SUPPORT SERVICES

From a timeframe perspective, court-based support should be **available before, during as well as after a criminal justice hearing**. From a location perspective, a court-based support service should **either be based inside a court building or have the ability to come to court in order to deliver support services**. Ideally, these services will be **distributed across a country** to maximise accessibility to those services in all court and for all crime types.

Criminal justice hearing: court-based support includes support offered in connection with a hearing during any part of a criminal justice process. This can include preliminary hearings, preparatory interviews and meetings with criminal justice agencies, recording of pre-recorded evidence, trial, retrial, sentencing, appeal and release proceedings or any other proceeding at which the crime committed against the victim, or the sentence of the offender is to be discussed.

Court-based support may be integrated into a victim support organisation which offers support outside of criminal proceedings or it may operate independently of such organisations. Nevertheless, close cooperation and referral mechanisms should be established to maximise access to all forms of support for victims.

3.4 BENEFICIARIES OF COURT-BASED SUPPORT SERVICES

Court-based support services should be aimed at victims as a minimum and possibly extended to e.g. witnesses called to participate in a criminal justice hearing and family members of victims. In accordance with EU law, a victim is to be defined as anyone who has suffered physical, mental or emotional harm, or economic loss which was directly caused by a criminal offence. Family members are also victims if the death of their loved one was directly caused by a criminal offence.

A witness is someone who has relevant information about a crime, for instance if they have seen, heard or otherwise know anything about a crime. A person who is called to court as a witness is obligated to attend and give their evidence under oath.

4. CONCLUSIONS

Today, the case for the establishment of court-based support, as part of a wider national victim support framework, is overwhelming.

States and international institutions' approach to justice are evolving, such that the measurement of **success of criminal justice proceedings** increasingly includes **specific indicators related to the care and well-being of victims**.

Court-based support matches with people-centred, victim-centric justice priorities

This is a **people centred, victim centric justice system**. One that prioritises **listening** to victims, **avoids re-traumatisation**, and systematically focuses on their **safety, rights, wellbeing**, expressed **needs** and **choices**. It gives back as much **control** to victims as feasible and ensures the **empathetic** and **sensitive** delivery of services and **accompaniment** in a **non-judgmental manner**⁴⁴.

It is an approach which is **inclusive**, tailored to **people's needs** and **high-quality**, where reforms are primarily inspired by the **needs of users** rather than solely by service providers' needs.

Not only does court-based support match with strategic approaches to criminal justice reform, but it is also an essential element in **enabling States to comply with national, European and international legal obligations**, addressing the **problems that victims face, minimising the impact of crime**, and meeting the **needs of victims**.

Court-based support enables compliance with national, European and International legal obligations.

States in the European Union are required to implement a series of rights for all victims including with respect to the most vulnerable such as child victims of sexual exploitation, victims of human trafficking, terrorism and gender-based violence. All victims therefore must:

- be treated with respect and dignity;
- be provided with information on their rights, services and the criminal case;
- have access to support services before, during and after criminal proceedings;
- be protected from further harm from the defendant and from secondary victimisation;
- be assisted to participate in criminal proceedings;
- have access to offender and State compensation schemes.

Court support directly assists in the implementation of all obligations and rights. Moreover, these rights and obligations are currently being strengthened and are likely to result in a **new obligation on States** to establish **assistance at the court premises to provide information and emotional support to victims**. If adopted, States will have to implement this obligation by around 2028.

Victims face a range of **impacts from the crime itself and due to their participation in criminal proceedings**. There can be significant emotional and psychological impacts, financial and administrative burdens, practical challenges and more.

Those **impacts have knock on effects** in terms of the ability of victims to remember and describe the crime, communicate with justice actors and understand information provided to them. It also affects how they cooperate with the investigation, their willingness and ability to continue with the proceedings and the quality of their testimony in court.

Court-based support helps address the impacts of crime and the needs of victims

As a result of the crime and their participation in proceedings, **victims also have a variety of needs**. These are summarised as the need to:

- be recognised and treated with respect and dignity;
- be protected from further harm and secondary victimisation,
- be supported and provided information,
- access and participate in justice; and
- be compensated.

Where justice systems are not victim-centred, and where they lack an effective support framework, the impacts and needs of victims are not addressed which means victims' rights are not met. Moreover, **interactions with justice agencies make the situation worse for victims** – increase trauma, reduce trust, or discourage victims from continuing. They repeatedly harm victims and **reduce the likelihood that an investigation and prosecution will be successful**.

Court-based support provides victims with information, emotional and practical support and increases their protection and reduces harm to victims in proceedings

It is the combination of the failure to address needs and impacts, and the poor treatment of victims by justice agencies that **compounds challenges for victims, slows or prevents recovery and which can have long term consequences on victim**.

Court-based support addresses many of these issues directly by:

- providing victims with information in a simple accessible manner;
- supporting them emotionally;
- helping victims prepare for a criminal proceeding, setting realistic expectations for the trial and giving back a sense of predictability and control to the victim;
- helping them navigate the criminal justice system;
- accompanying them within proceedings and in court;
- assisting them practically and improving their ability to testify;
- connecting victims to other services; and
- by co-ordinating with justice actors to assist them with their obligations.

As a result, where **court-based support exists, a victim's emotional wellbeing is better protected, their practical needs in the proceedings are better addressed, their protection needs are better identified, and measures are more likely to be adopted.**

Court-based support improves the operation of criminal proceedings, improves efficiency and reduced burdens on justice practitioners.

Court-based support directly benefits victims but also improves the operation of criminal proceedings. Inadequacies in the criminal justice system inhibit the effective participation of victims and provision of best evidence whilst also harming victims. Conversely, where victims receive support, they are more likely to cooperate with the criminal justice system, continue with proceedings and provide essential evidence for the trial. Court-based support in turn reduces burdens on justice practitioners and helps them to comply with their legal obligations towards victims. **The benefits of court-based support in terms of increasing the effectiveness, efficiency, success and safety of criminal proceedings should not be underestimated.**

Court-based support helps victims attend hearings, recall and provide high quality testimony and participate actively in proceedings. It reduces the burden on victims and the burden on justice practitioners.

To achieve these benefits, **it is essential that court-based support is well established according to basic minimum standards.** These include:

- **Clear Objectives:** Court-based support services aim to help victims participate in a criminal justice process and minimise the risk of secondary victimisation or any other negative impact of having to participate in a criminal justice process.
- **Diverse Services:** They offer a range of services including information, emotional support, practical assistance, court visits and contact with other agencies and organisations.

- Accessible: Court-based support should be accessible by being:
 - a. available before, during and after a criminal justice hearing;
 - b. being based inside a court building or having the ability to come to court to deliver services;
 - c. available equally across a country, available in all courts and for victims of all crimes.

In summary, court-based support directly helps:

- address strategic priorities of victim-centred justice;
- States to comply with European and international legal obligations;
- overcome the challenges that victims face in accessing their rights;
- address the impacts of crime and meet the needs of victims;
- improves the efficiency and effectiveness of justice systems by encouraging victims to report crime, improving their ability to provide best evidence, reducing the likelihood of victims dropping out of the proceedings, increasing their active participation in the proceedings, reducing burdens on justice actors and supporting the achieving of their objectives;
- achieve wider societal objectives by reducing long term trauma in victims, supporting their speedy return to work or education, helping maintain social and family networks, reducing the burden on healthcare and social welfare systems, and boosting the economic success of a country.

Not only are there wide-ranging benefits to court-based support, but they are also well recognised across many States as a **best practice in criminal proceedings** with the COVIS project highlighting they are available in some form in 26 European countries.

At the same time, whilst there aren't specific publicly available cost benefit analyses of court-based support, repeated analyses of victim support demonstrate that **the return on investment of establishing such services ranges from 4-7 euros for every euro put in**⁴⁵. In other words, the benefits to victims, criminal justice and society results in savings in the long term - **it costs less to establish services than it does to not have such services.**

Based on these findings, **States should urgently begin work to introduce a victim-centric approach to justice proceedings**, and to **establish Court-based Support Services as part of a wider victim support system.**

ANNEX

TYPE OF LAW	TITLE
Directive 2012/29/EU	establishing minimum standards on the rights , support and protection of victims of crime
Directive 2004/80/EC	relating to compensation to crime victims
Regulation (EU) No 606/2013	on mutual recognition of protection measures in civil matters
Directive 2011/99/EU	on the mutual recognition of protection measures in criminal matters
Directive 2011/36/EU	on preventing and combating trafficking in human beings and protecting its victims
Directive 2011/92/EU	on combating the sexual abuse and sexual exploitation of children and child pornography
Directive (EU) 2017/541	of the European Parliament and of the council of 15 March 2017 on combating terrorism
Council Framework Decision 2008/913/JHA	on combating certain forms and expressions of racism and xenophobia by means of criminal law
Council of Europe Convention CEST No.210	Istanbul Convention - Council of Europe convention on preventing and combating violence against women and domestic violence
General Assembly resolution 40/34	UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
General Assembly resolution 44/25	UN Convention on the Rights of the Child
Convention A/RES/61/106	Convention on the Rights of Persons with Disabilities
Council of Europe Rec CM/Rec (2023)2	on the rights, services and support for victims of crime
NEW LEGISLATION	ADOPTED / BEING NEGOTIATED
Published December 2021	European Commission communication, adding hate speech and hate crime to Eurocrimes – legal base for common legal framework on hate crime – need the unanimous decision of the Council to pass
Directive 2022/0066	Proposal for an EU Directive on Combating Violence against Women and Domestic Violence
Published May 2022	Proposal for a Regulation laying down rules to prevent and combat child sexual abuse
Published July 2023	Proposal for a Revision of EU Victims' Rights Directive
Directive 2022/0426	Proposal for a Revision of the Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims
Published February 2024 – in negotiations	Revision of the Directive on Combating Child Sexual Abuse and Exploitation of Children and Child Sexual Abuse Material

ENDNOTES

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