

Victim Needs and Satisfaction with Support Provided by Victim and Witness Support Departments

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Abstract

Victim and Witness Support Departments established at county courts provide emotional and practical support, information on rights and technical information and refer victims, witnesses, injured parties and persons accompanying them to other specialized institutions and organizations depending on their needs. The aim of the survey was to explore ways in which victims and witnesses were informed about the available support, reasons and motives for seeking support from Victim and Witness Support Departments, analyse how victims and witnesses felt before, during and after their testimony, gain insight into their experience of testifying in court, explore their needs for support and effectiveness of the support they had received by the Victim and Witness Support Departments. The survey was conducted on a convenience sample (N = 101) covering victims, witnesses, injured parties and accompanying persons who had previously received support from the Victim and Witness Support Departments. The questionnaire, designed for the purpose of this survey, was completed by the respondents after the end of the court hearing. The findings have shown that victims, witnesses and injured parties were usually informed about the Victim and Witness Support Departments through the court subpoena, but most of them contacted the support staff at the court when the support staff and volunteers approached them on their own initiative. After receiving the court subpoena and before giving the testimony, they expressed feelings of anxiety, nervousness, fear and confusion. Many of them stated that they were feeling upset during the testimony, as if they were going through the event they had witnessed over again and could not wait for the testimony to end. After the testimony they usually expressed a feeling of relief. They said that the following forms of support provided by the Victim and Witness Support Departments proved to be most beneficial: provision of information, separate waiting area (away from other parties before the testimony), emotional support and accompaniment of the support staff / volunteers in the courtroom during the testimony. They stated that they were very satisfied with the support provided by the support department and that they would recommend contacting the department to other people who were in a similar situation.

Keywords: victim and witness support, court testimony, victim needs, victim reactions

Introduction

In line with the international and European trends of recognition of the role and standing of victims in criminal proceedings, development of adequate support systems (Bednarova, 2011; Lindgren and Nikolić-Ristanović, 2011), creation of recommendations and guidelines¹ for provi-

¹ *United Nations Declaration of Basic Principles of Rights of Justice for Victims of Crime and Abuse of Power (1985); Committee of Ministers Recommendation No. R (85) 11 to the Members States of the Council of Europe on the Position of the Victim in the Framework of Criminal Law and Procedure; Council of Europe Committee of Ministers, Recommendation R. (87) 21 on Assistance to Victims and the Prevention of Victimization; European Parliament resolution on the Commission communication to the Council, the European Parliament and the Economic and Social Committee on crime victims in the European Union: Reflexions on standards and action (COM(1999) 349 — C5-0119/1999 — 1999/2122(COS)); Council Framework Decision (2001/220/JHA) of 15 March 2001 on the standing of victims in criminal proceedings.*

sion of adequate support and assistance and, finally, due to the need to provide assistance to war crime victims and witnesses in the Republic of Croatia, the beginnings of the Victim and Witness Support System date back to 2006. This year saw the establishment of the Support Department for Victims and Witnesses of War Crimes at the Croatian Ministry of Justice², followed by seven Victim and Witness Support Departments founded at county courts in the 2009 — 2011 period (Zagreb, Osijek, Vukovar and Sisak county courts in 2009, Zadar, Split and Rijeka-based courts in 2011). In that respect, the existing systems set up in the EU countries with well-established mechanisms and rich experience in the matter (primarily, United Kingdom, Sweden and the Netherlands) were used as a role model for Croatia. Other countries employ different support systems, depending on their national legislation and role of competent authorities in criminal proceedings.³

Scope of work of Victim and Witness Support Departments in Croatia is based on knowledge about victims' and witnesses' needs in general, and thus they provide support in form of information on victims' rights, emotional support, practical and technical information. They also refer victims to other specialized institutions and organizations. The departments operate in line with the applicable regulations⁴ that set a framework for their work, adopted at the time they were established and regulate their work in accordance with legal amendments. The amended Criminal Procedure Act⁵, introducing the term "victim" with substantial rights, has brought about significant changes in the Croatian system and represents an incremental step forward. The Act also lays down the right to: *"effective psychological support and other types of support provided by a relevant body, organization or institution targeting crime victims in accordance with the law"*. This has also shifted the role of support departments that have now taken a more active approach in providing information to victims about their rights. In that sense, in 2015, the Rules of Procedure of the Court⁶ were amended in the part covering the scope of work of victim and witness support departments. These amendments represented the basis for adoption of a special Ordinance on the Work of Victim and Witness Support Departments⁷ that have defined the terms "emotional support" and "practical information" and regulated the activities conducted by the support departments, as well as the selection and recruitment procedures in terms of volunteers and management of their work. Development of the support system and activities carried out by the departments weren't always accepted. Sometimes, there was a lack of understanding of the basic premise and purpose behind the foundation of these departments (empathy and satisfaction of victims' needs to obtain

2 Today, Service for Victims and Witness Support includes two departments: Department for Development and Coordination of Victim and Witness Support System and International Cooperation (1) and Department for Compensation and Damages (2).

3 Victim Support and Assistance — support services in England, Wales, Northern Ireland, Czech Republic and New York (2002). Temida — Journal on victimization, human rights and gender, 2. Available on the website of the Victimology Society of Serbia: http://www.vds.rs/File/Tem0207_0.pdf, accessed on 20 February 2018; FRA (Agency for Fundamental Rights) (2015): *Victims of crime in the EU: the extent and nature of support for victims*. Luxembourg: Publications Office of the European Union. European Union Agency for Fundamental Rights; a complete list of members of the Victim Support Europe is available on their website: <https://victimsupport.eu/find-an-organisation>, accessed on 15 February 2018.

4 In accordance with the Article 37 of the Rules of Procedure of the Court (Official Gazette 158/2009), the role of the Department is to provide victims and witnesses with emotional support, ensure access to court for the elderly, disabled persons and individuals with limited mobility. They are also entrusted with provision of practical assistance and advice on how to find one's way in a court building in order to minimise victims' or witnesses' exposure to potentially adverse effects of testimony, additional distress or trauma.

5 Official Gazette 152/08, 145/13. Provisions covering victims' rights in criminal matters from the Article 21 of the Act on the Office for the Suppression of Corruption and Organised Crime came into force on 1 July 2009. On the other hand, provisions enshrining the rights of victims in all other matters came into force on 1 September 2011.

6 Article 20, paragraph 2 of the Rules of Procedure of the Court (Official Gazette 35/15) states the following: "The Victim and Witness Support Department provides emotional support and gives general, proceedings-related (in line with the provisions of the Criminal Procedure Act), technical and practical information to victims, witnesses and their family members."

7 Ordinance on the Work of Victim and Witness Support Departments (Official Gazette, 133/15)

information and support). The adoption of the Victims' Rights Directive⁸, laying down the obligations on the part of EU member states regarding the minimum victims' rights and treatment to protect victims and ensure free and available assistance by support services, strengthened the set principles, purpose and methods of work of the support departments.

Given the empirical and literature-based data (Bednarova, 2011; Newburn, 1993; Shapland and Hall, 2007; De Valve, 2005; Pavićević and Bobić, 2011) on the consequences borne by crime victims, as well as their needs and reactions, support departments have specialised in identification of victims' needs. Based on this, they shape the information and support that they provide accordingly. Victims are not grouped according to the type of the criminal offence. Support is provided to all victims and witnesses irrespective of the type of offence. This is also true of victims of domestic violence.

Notwithstanding the existing literature data (McCartan, Hoggett, Rumney and Marcon, 2016; Langton, 2011), practice and experience of the support departments pointing to the significance and benefit of providing support to victims⁹, it was necessary to gain impartial insight into the effects of the provided support. For that purpose, the perception of victims had to be taken into consideration. The survey was carried out from 2012 to 2016. The survey goal was to identify the exact needs and reactions of crime victims, explore how they felt in court and what they thought of the provided support (i.e. how beneficial it had been). The findings will be used to create additional guidelines for future work of the support departments and foster targeted policies to ensure the development of needs-based services and support mechanisms for victims.

Method

Subject and Goal

This paper analyses experiences of victims, witnesses, injured parties and accompanying persons who had previously received support from Victim and Witness Support Departments at courts.

The aim of the survey was to explore ways in which respondents were informed about the available support, reasons and motives for seeking support from Victim and Witness Support Departments, analyse how victims and witnesses felt before, during and after their testimony, gain insight into their experience of testifying in court, explore the needs of victims / witnesses / injured parties for support and effectiveness of the support they had received by Victim and Witness Support Departments.

Sample

Convenience sample was used for the purposes of the survey. All in all, 101 respondents (victims, witnesses, injured parties and accompanying persons) who had previously received support

8 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

9 Based on the following: victims' and witnesses' thank-you notes (in writing or expressed orally) after they were provided with support, figures that show a drop in the number of postponed testimonies and more willingness on the part of victims to testify after getting in touch with the support department staff, the fact that their testimonies were more controlled and serene and the readiness of judges to cooperate with the support departments given their contribution to the overall process.

from the Victim and Witness Support Departments took part in the survey. The sample covered 29 (29.6 %) male and 69 (70.4 %) female respondents within the 15 — 70 age range (median age $M = 40.44$ $SD = 14.44$)¹⁰. In respect of their level of education, the respondents were grouped into the following categories: incomplete primary education: 1 %, with primary education: 10.2 %, incomplete secondary education 6.1 %, with secondary education: 56.1 %, with tertiary education — faculty level: 25.5 %, with tertiary education — MA or doctoral level: 1%.

Of total, 43 (42.6 %) respondents had a witness status¹¹, whereas 42 (41.6 %) of them were classified as injured parties¹². Eight people (7.9 %) had a status of accompanying persons¹³ and four of them those of victims (4 %) ¹⁴. No data was available for four (4 %) respondents.

In 58 % of the cases, the hearings involving victims / witnesses / injured parties / accompanying persons were heard at the county court. On the other hand, 39 % of the hearings took place at the municipal criminal court whereas 3 % of the respondents chose the answer "other" from the list. In terms of stages of the proceedings, at the time when they filled in the questionnaire, 75 % of the respondents took part in the trial proceedings, compared to the remaining 25 % who did the same during the pre-trial (evidence collection) stage. When asked whether they appeared in court for the first time, 52 (51.5 %) said yes, unlike 28 (27.7 %) of them who said they had given one testimony before. A total of 19 (18.8 %) respondents had appeared before the court on two occasions or more. Two respondents did not provide an answer to this question.

It was not possible to group respondents according to the type of the committed offence due to which the proceedings were launched given the fact that, with some respondents, it was not possible to classify the offence¹⁵. According to the available data, the respondents had mostly been summoned to the court in case of war crimes ($f = 16$), rape ($f = 10$), sexual offences ($f = 8$), serious bodily injury ($f = 7$), threats, attempted homicide, failure to pay maintenance ($f = 4$) and other criminal offences ranging from small (e.g. theft) to serious (e.g. homicide).

10 The figures correspond to the data for 98 respondents. Three respondents did not indicate their sex and age.

11 The Criminal Procedure Act represents a basic piece of legislation, in force at the time when the survey was carried out (Official Gazette "Narodne novine", no.) 152/2008, 76/2009, 80/2011, 91/2012, 143/2012, 56/2013, 145/2013, 153/2014; hereinafter CPA/08 and lays down the definitions of the terms used in criminal proceedings. In accordance with the Article 283, paragraph 1 of the CPA/08, persons who are likely to provide information regarding the offence, the perpetrator and other relevant circumstances shall be summoned as witnesses.

12 In accordance with the Article 202, paragraph 2, item 11 of the CPA/08, the injured person is a victim or another person whose personal or financial right has been infringed or put in danger by the criminal offence and who takes part in criminal proceedings as an injured party.

13 The term "accompanying persons" mostly refers to victims' family members or other persons close to them.

14 The Article 202, paragraph 2, item 10, defines the victim in the following way: the victim is a person that faces physical and psychological consequences, sustains material damage or whose fundamental rights or freedoms have been infringed as a consequence of a criminal offence. In the latest Amendments to the CPA (OG 70/17), in the Article 202, paragraph 2, item 11 the definition of the victim is further expanded in accordance with the Victims' Rights Directive 2012/29/EU.

15 Criminal offences have different definitions and listings in different version of the Criminal Code. Since the survey was carried out in 2012-2016 period, it was affected by the 2013 Amendments to the Criminal Code. The 1997 Criminal Code (OG 110/97) came out of force on 1 January 2013 when the new Criminal Code came into effect (OG 125/2011). Furthermore, in 2016, at the end of the survey period, additional amendments were introduced (OG 144/12, 56/15, 61/15). The old (Basic) Criminal Code of the Republic of Croatia (OG 31/1993) had covered criminal offences committed before the 1997 Criminal Code was adopted (OG 110/97), including, inter alia, war crimes. Respondents were asked to state the relevant criminal offence, but many referred to the accompanying article of the Criminal Code, without providing any narrative description. Consequently, it was not possible to identify the exact offence since proceedings were conducted for criminal offences that might have been committed years before the trial began.

Instrument

A special questionnaire with 27 questions was designed¹⁶, targeting individuals who had received support from the Victim and Witness Support Departments. The first set of questions dealt with social and demographic variables: sex, age and educational level. The second set addressed criminal proceedings: the stage of the proceedings, the relevant act regulating the course of the proceedings, the status of the respondent, type of court, type of criminal offence and previous experience in terms of testifying. Next, the remaining set of questions dealt with how the respondents were informed about the support available to them, reasons and motives for seeking support, feelings they had expressed before, during and after the testimony and effectiveness of the support they received by the Victim and Witness Support Departments. Multiple choice questions were used, as well as the multiple choice questions with the comment field and open ended questions. The 1 — 5 Likert scale was used to check how necessary and helpful certain forms of support were to the victims /witnesses / injured parties / accompanying persons, where 1 = extremely unnecessary and 5 = extremely necessary and 1 = not helpful at all and 5 = very helpful. Open ended questions addressed the type of the criminal offence/misdemeanour and gave an opportunity to respondents to put forward their comments/suggestions for future activities. The content of the questions and proposed answers was designed by taking into account the goal of the survey and relying on previous experience in providing assistance to victims and witnesses within Victim and Witness Support Departments.

Process

The officials of the Victim and Witness Support Departments directly approached the individuals that they had previously assisted, kindly asking them to take part in the survey. Respondents filled in the questionnaires independently. They did it in court after giving their testimonies. Significant problems and barriers emerged at the very beginning of the survey process because, generally speaking, victims and witnesses, after giving testimonies and regaining composure in terms of emotional well-being, just want to leave the court building as soon as possible. This had repercussions on the sample size so the data was collected throughout the longer period (2012 — 2016) than envisaged. In order to ensure unbiased approach and respect victims' privacy and emotional state, victims and witnesses were allowed to take the questionnaires with them, fill them in and send them in envelopes by mail. Nonetheless, the method was discarded due to low response rate. A descriptive data analysis (frequencies, percentages, medians, and mode) was carried out. Gender differences were tested by using the Mann-Whitney U test. Finally, the Wilcoxon signed-rank test was used to compare two related samples.

¹⁶ The questionnaire was designed in 2011. Let us not forget that legal amendments took place during the survey period (new Criminal Code came into force in 2013, as well as the Ordinance on Work of Victim and Witness Support Departments (2015) and Rules of Procedure of the Court and Amendments to the Criminal Procedure Act). That being said, these amendments will be referred to in this text when interpreting the survey findings. Certain terminology used in the questionnaire has become obsolete. Currently valid terms shall be used throughout the text.

Results and discussion

Reasons for Seeking Support from the Victim and Witness Support Departments

One of the goals of this survey was to explore why victims / witnesses / injured parties / accompanying persons approached Victim and Witness Support Departments and how they were informed about these departments.

Table 1: Information about Victim and Witness Support Departments

HOW THEY WERE INFORMED ABOUT DEPARTMENTS	f	%
I saw a notification when I was subpoenaed	67	68.4
I was referred by a judge, public prosecutor or lawyer	15	15.3
Over the internet	3	3.0
Other sources of information (comments may be added)	13	13.3
TOTAL	98	100.0

As the Table 1 shows, the majority of respondents (68.4 %) found out about Victim and Witness Support Departments after being notified about it by the court through the subpoena¹⁷. In case of 15.3 % respondents, they were referred to support services by a judge, state attorney's office or lawyer. The Internet was the source of information for 3 % of the respondents. Finally, 13.3 % found out about the departments in other ways. "Other sources" of information" covered the following: information obtained by the police¹⁸ (f = 1), civil society organizations (CSOs) (f = 2), educational institutions — faculty (f = 1), whereas a significant number of respondents got information about the departments only after they had physically arrived to court¹⁹ (f = 9). In the latter case, those that were informed about them in court said that they were provided with information by: judicial police officers (f = 3), department staff that approached them on their own initiative (f = 3), the information desk²⁰ and arrival in the court (generally — without providing details about the ways in which they were informed) (f = 2).

The findings clearly show just how important and effective it is to include information about support services in the subpoena to victims / witnesses / injured parties to familiarize them with the available support. Plus, this allows them to seek support even before they come to court to testify.²¹ Also, they may request support and assistance in early stages of the proceedings, i.e. before

17 Subpoenas delivered to victims / witnesses / injured parties / accompanying parties to appear before courts that have established Victim and Witness Support Departments or municipal and misdemeanour courts that have concluded cooperation agreements with these departments contain information about the work of Victim and Witness Support Departments including relevant contact details (court address, telephone number and e-mail).

18 A new model, introduced in early 2015, whereby the police informs the victims about their rights in writing through a written form ("Notice to the victim of the criminal offence") that, apart from victims' rights, contains contact details of the support department, National Call Centre for Victims of Crime — (116 006 helpline) and local CSOs, had only briefly been in use at the time when the survey was carried out (by 2016). For that reason, not many victims got in touch with departments based on information provided in this way. This model is based on the Criminal Procedure Act, i.e. the Code of Conduct of Police Officers (Article 115a). On the other hand, progress has been made if we analyse statistical figures in terms of victims' phone calls to support departments after making a report to the police. The number of these calls slightly rose in 2015 and 2016. This increase is still relatively small given the annual number of victims that report criminal offences to the police. In addition, in accordance with the Binding Order of the State Attorney's Office of the Republic of Croatia of 9 July 2014, in order to ensure implementation of the Article 43 of the Criminal Procedure Act in line with the Directive 2012/29/EU, state attorneys are referred to inform victims about support departments established at courts and the National Call Centre for Victims of Crime (116 006 helpline).

19 The option "upon arrival to the court" mostly involves situations in which, upon their arrival to court and after security check, judicial police officers refer victims and witnesses to the support services.

20 Information desk is a desk that may be placed next to the main courthouse entrance. Volunteers work behind the desk and provide general process-related, technical and practical information to victims and witnesses (Rules of Procedure for Victim and Witness Support Departments (Official Gazette, 133/15)).

21 Usually, department staff gives advice over the phone since most of the people call them before they appear in court. Fewer contact them by e-mail or opt for visit to the department before the hearing (i.e. before giving testimonies).

they arrive to court after being informed about the support departments by the police, judges, state attorneys and lawyers that are legally bound²² to inform victims about the available support. Nonetheless, some of the respondents (f = 9, 9.1 %) found out about the departments only after they had physically come to court. The role of judicial police officers, department officials and volunteers is of paramount importance in that respect because they provide information to victims upon their arrival to court so that even the victims and witnesses who have not requested support may obtain the necessary information about their rights, as well as the right to be accompanied in court and wait in the separate area, given the available time.

Table 2: Means of Requesting and Obtaining Support from Victim and Witness Support Departments (N = 101)

METHODS OF REQUESTING AND OBTAINING SUPPORT FROM VICTIM AND WITNESS SUPPORT DEPARTMENTS	f	%
Department staff / volunteers approached you	60	59.4
You requested it on your own	37	36.6
Other methods (comments may be added)	4	4.0
TOTAL	101	100.0

If we analyse the methods applied when seeking support from the department (Table 2), it becomes obvious that the majority of victims / witnesses / injured parties / accompanying persons (59.4 %) were approached by the department staff / volunteers who offered them assistance. Only 37 respondents (36.6 %) turned to them on their own initiative. This shows that a significant number of victims / witnesses / injured parties, although they were familiar with the work of departments through the subpoena (Table 1), did not contact the department on their own, although they did accept to receive support upon their arrival to the court. Fugate, Landis, Riordan, Naureckas and Engel (2005; as cited in McCart, Smith and Sawyer, 2010) and Logan, Evans, Stevenson and Jordan (2005; as cited in McCart, Smith and Sawyer, 2010) state that the fact that victims do not know that support services exist or think that the available support is not suitable for them remains the main barrier for not seeking support. According to the findings of the research conducted from 1993 to 2009 in the USA within the National Crime Victimization Survey (NCVS), no more than 9 % of victims received direct assistance from a victim services agency (Langton, 2011). The findings that have emerged from this survey correlate with the data of the Service for Victim and Witness Support of the Ministry of Justice according to which far fewer victims and witnesses seek assistance from the support departments at courts and with CSOs compared to the actual number of victims familiar with the work of such departments through a written form ("Notice to the victim of the criminal offence") indicating their rights when reporting a criminal offence to the police.²³ Further enhancement of the support system for victims and witnesses to refer them to support services may be achieved by applying a proactive approach of the relevant staff (i.e. they should

22 The police, investigator, state attorney's office and court are bound to inform the victim and injured party about their rights in accordance with the Criminal Procedure Act and when taking actions in criminal proceedings and take appropriate measures to ensure the protection of victim's rights (in accordance with the Article 16, Paragraph 3 of the Criminal Procedure Act (OG 152/08, 76/09, 80/11, 91/12 — Decision and Ruling of the Constitutional Court 143/12, 56/13, 145/13, 152/14 i 70/17)).

23 Data available upon request (Ministry of Justice, Service for Victims and Witness Support).

get in touch with victims). In that sense, the Netherlands²⁴, England and Wales²⁵ and Poland may serve as role models.

Table 3: Reasons for Contacting Victim and Witness Support Departments (N = 65)²⁶

If you contacted the department on your own, why did you do it?	f	%**
I didn't feel at ease because I was in court	14	22.2
I didn't know why I was summoned	12	19.0
I didn't know what to expect so I wanted to check	10	15.9
I was afraid of the defendant	9	14.3
I wanted someone to listen to me and to understand me	7	11.1
I didn't want to wait in the corridor	6	9.5
I had been in court before and I didn't know why I had to appear there again	5	7.9
Other reasons	6	9.5
TOTAL	69*	100.0

* Some respondents chose several answers.

** The percentage refers to the share of respondents' answers.

Respondents said that they had turned to the victim and witness support departments on their own because they had not felt at ease while being in court (22.2 %) and because they had not known why they had been summoned to court (19.0 %). Other reasons include: did not know what to expect (15.9 %) and fear of the defendant (14.3 %). These findings are in line with the data from the research carried out by Turković, Ajduković, Mrčela and Krešić (2007) for the UNDP, as well as the one conducted by Hamer Vidmar (2016) and Franklyn (2012) pointing to the fact that, due to feelings of anxiety and unease, victims need different information that they may obtain after contacting the Support Department. Apart from the options listed in the Table 3, victims / witnesses / injured parties indicated the following reasons: information whether the hearing was being held, assistance with accommodation (in a shelter), fear from encountering other witnesses, feelings of stress, feeling of "hospitality" within the department during the first contact that made them feel at ease to get in touch with them again. Also, some of them said they had been referred to the departments by others.²⁷ The findings show that subpoenaed individuals mostly contact these departments in order to get information and reduce the feeling of discomfort because they came to court. This is in line with the Victims' Rights Directive that emphasises the need to ensure victims' protection against secondary and repeated victimisation.

24 Slachtofferhulp Nederland — victims and witnesses support organization, the Netherlands. Available on: <https://www.slachtofferhulp.nl>, accessed on 5 January 2018; FRA NET Victim Support Services in the EU: An overview and assessment of victims' rights in practice the Netherlands, 2014 FRANET contractor: Art.1, Dutch Knowledge Centre on Discrimination. Authors: Nieuwboer, J., Walz, G., retrieved from: http://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-nl.pdf

25 FRA NET Victim Support Services in the EU: An overview and assessment of victims' rights in practice, United Kingdom, 2014 FRANET contractor: University of Nottingham. Author: Mawby, R., Harris, D., retrieved from: http://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-uk.pdf

26 This refers to the respondents who had requested support on their own initiative. Since, as the Table 2 indicates, 37 respondents had requested support on their own initiative, this question also covers the respondents that were assisted by the department staff who had approached them although the respondents themselves had not previously turned to them.

27 It must be pointed out that, although the question initially targeted only those respondents who had turned to the departments on their own initiative, the total number of answers about the reasons for contacting the support departments (N=65), shows that, in addition to them (N = 37), it also includes the respondents who specified that they had been approached by an official / volunteer of a support department. That being said, one can assume that, due to the reasons stated above, victims / witnesses / injured parties / accompanying persons accepted assistance of departments' officials and volunteers.

Response to Being Subpoenaed, Feelings and Experience of Testifying in Court

One of the goals of this survey was to explore how victims / witnesses / injured parties felt after being subpoenaed and how they felt before and during testifying in court.

Table 4: Feelings that Subpoenaed Individuals Expressed once Summoned and Directly before Testifying²⁸ (N = 96²⁹)

FEELINGS THEY EXPRESSED	ONCE SUMMONED		DIRECTLY BEFORE TESTIFYING	
	f	%	FEELINGS THEY EXPRESSED	f
Anxiety	35	36.5	Anxiety	35
Nervousness	21	21.9	Nervousness	21
Fear	17	17.7	Fear	17
Confusion	13	13.5	Confusion	13
Satisfaction	7	7.3	Satisfaction	7
Anger	3	3.1	Anger	3
Other feelings	1	1.0	Other feelings	1
TOTAL	96	100.0	TOTAL	96

* The Wilcoxon signed-rank test (Z = - 0.013, p > 0.05)

The Table 4 shows that, after being summoned to testify in court, the subpoenaed respondents mostly felt anxious (36.5 %), nervous (21.9 %), scared (17.7 %) and confused (13.5 %). Some of them felt satisfied (7.3 %), others angry (3.1 %). On the other hand, in the "other feelings" section, a respondent added a comment about frustration because of the lengthiness of the proceedings. By the same token, after being subpoenaed, directly before testifying, individuals expressed feelings of anxiety (32.3 %), nervousness (32.3 %), fear (13.5%), and confusion (8.3 %), whereas 7.3 % of respondents said they had felt satisfied. Three comments were added under the "other feelings" section: impatience, feelings that things were under control and relief / reassurance. No statistically significant differences have been found — in terms of emotions they felt once subpoenaed and directly before giving testimonies (Z = - 0.013, p > 0.05).

Table 5: Feelings and Response of Victims / Witnesses / Injured Parties during Testifying (N = 94)

FEELINGS THEY EXPRESSED	f	%
As if I was going through the same ordeal once again	22	23.4
I couldn't wait for it to finish	21	22.3
Anxiety	15	16.0
Calmness	14	14.9
I was scared	9	9.6
I felt as if I was subjected to trial	6	6.4
I felt respected by the court / judge respected me	5	5.3
I didn't care	2	2.1
TOTAL	94	100.0

The Table 5 clearly shows that witnesses giving testimony often feel as if they were going through the same event over again (23.4 %) and that they couldn't wait for everything to finish

²⁸ Respondents were asked to choose one of the answers from the list that best described how they felt.

²⁹ Even though eight out of 101 respondents said they had appeared before court as accompanying persons, some of them replied to this question. This may mean that they were referring to their previous experience of testifying.

(22.3 %). They also expressed feelings of anxiety (16 %) and fear (9.6 %). Some (6.4 %) felt as if they were being tried. It must be emphasised that ensuring adequate support to victims and witnesses before they give testimony helps them to go through the experience of testifying that often provokes feelings of unrest, discomfort and stress, especially in case of serious crimes. These findings lead us to conclude that many people testifying in court often feel as if they were reliving the same stressful and traumatic experience which may lead to retraumatization.³⁰ For this reason, it is crucial to provide victims with support and safe environment, including physical presence of people they trust. Recommendations of the Victims and Witnesses Section (VWS) at the International Criminal Tribunal for the former Yugoslavia (ICTY) and the *Castleberry Peace Institute at the University of North Texas (UNT)* stemming from the study into the impact of bearing witnesses before the ICTY (King, Meernik, Rubert, de Smit and Vranov School, 2016) provide protective measures that may facilitate the process of court appearance for witnesses.³¹

Table 6: Feelings that Subpoenaed Individuals Expressed after Testifying (N = 92)

FEELINGS THEY EXPRESSED	f	%**
Relief	58	62.0
Emptiness	10	8.7
Satisfaction	9	8.7
Nervousness	6	6.5
Anxiety	6	6.5
Fear	2	2.2
Confusion	2	2.2
Other feelings	2	2.2
Disappointment	1	1.1
Total	96*	100.0

* Some respondents chose several answers.

** The percentage refers to the share of respondents' answers.

As the table 6 indicates, the majority (62 %) of respondents expressed feelings of relief. Others felt empty or satisfied (8.7 %). Given the negative feelings they expressed before the testimony, most of them said they had felt relieved after it ended. In other words, memories of a traumatic event do not have to lead to retraumatization. This is in line with the findings of Orth and Maercker (2004). Some of the respondents said they had felt nervous (6.5 %), anxious (6.5 %), scared, confused and disappointed. One person spoke of "initial feeling of being unwell, followed by a sense of relief". These statements match the literature-based data (Herman 2003; Shapland and Hall, 2007; Orth and Maercker, 2004). This illustrates the fact that victims have different and specific needs. Also, they react to criminal proceedings in a different way, so the task of support

30 Retraumatization is defined as a significant increase in the frequency of post-traumatic stress reactions to the original trauma (Orth and Maercker, 2004).

31 Judicial institutions should have an established system of witness support to meet the needs of witnesses before, during and after the testimony and provide assistance to them, to ensure the work of experts within the court building and in the field; plus, they should also carry out standard follow-up (monitoring) programmes for witnesses after giving testimonies to identify eventual problems in terms of their safety, psychosocial benefits and needs arising from their experience in court. Also, they should set up and develop strong community ties, including information desks in governmental and non-governmental institutions to respond to witnesses' needs after they give testimonies, regularly update witnesses on all important events in trials involving them (details about the ruling, eventual release of the defendant etc.) and raise public awareness about available methods of treatment of trauma and psychological benefits thereof. Support services should apply gender sensitive approach to decrease adverse effects on women and raise the share of women victims / witnesses in criminal proceedings, develop measures that help witnesses in exercising their right to a fee, i.e. provision of appropriate information about legal framework, costs and availability of legal aid for damage compensation procedures. Finally, the level of public awareness among witnesses in general should be raised in terms of giving testimony and the fact that this experience must not necessarily be perceived as something burdensome or negative.

departments is to ensure assistance to all victims, irrespective of the type of criminal offence and ensure tailor-made methods of work on the basis of expressed and identified victims' needs to provide appropriate support.

The majority of respondents (39.8 %) expected justice. A significant share (15.1 %) expected to get a chance to say what had actually happened, punishment for the perpetrator (12.8 %), but very many of them did not expect anything (18.3 %). As the findings of a study carried out in the UK (Franklyn, 2012) show, satisfaction with the criminal justice is mostly related to the quality of provided support services and information on the part of the criminal justice system. This means that even if the outcome of the testimony and the criminal proceedings in general is not satisfactory for the victims and witnesses, provision of support and information may result in increased levels of satisfaction and helps to regulate expectations.

Expectations of Support Departments, Need for Support and Benefit of Provided Services

Table 8: Expectations of Victim and Witness Support Departments (N = 98)

What did you expect of the Support Department?	f	%
Someone who will answer my questions	29	29.6
Someone I can talk to	23	23.5
Someone who can understand my feelings	19	19.4
Legal advice	14	14.3
Psychological assistance	7	7.1
I didn't have any expectations	6	6.1
Other expectations	2	2.0
TOTAL	98	100.0

Individuals who were assisted by support departments mostly expected someone who could answer their questions (29.6 %), someone who they could talk to (23.5 %) and someone who could understand how they felt (19.4 %) (Table 8). Most of the expectations of victims / witnesses / injured parties / accompanying persons were in line with the job descriptions of victim and witness support departments. A small share of respondents expected to get legal advice and psychological support (not provided by the department staff). In order to ensure these forms of support, support departments refer victims and witnesses to competent bodies and organizations that, apart from legal aid and psychological counselling, provide other types of assistance and support. To that end, support departments closely cooperate with local CSOs, social welfare centres, centres for psychosocial assistance, centres for mental health and other organizations. Some other answers were included in the list, for example: "someone who will support me" and "I was not informed about the department". All respondents who received help by officials / volunteers working at the department said that that they found the support beneficial to them (95 respondents who answered this question).

Table 9: Types of Support They Needed before Testifying to Feel Better

NEEDS	N	Mdn	Mo	U	p
Someone to explain the court procedure to me	99	5	5	608.500	0.004 p < 0,05
Not to be alone while waiting for the trial	94	5	5	714.500	0.019 p < 0,05
Someone to understand my feelings	91	5	5	533.500	0.009 p < 0,05
Not to meet the accused person	92	5	5	534.500	0.003 p < 0,05
Obtain information where to get other types of support	90	4	5	562.500	0.028 p < 0,05
Something else	1	4	4		

Mdn — median; Mo — mod; U — Mann-Whitney U test; p — statistical significance
Response scale: from 1 (completely unnecessary) to 5 (extremely necessary)

In order to feel better before testifying, both victims and witnesses thought that it was extremely necessary for them to have someone explain the court procedure to them, to make sure that they are accompanied while waiting for the trial. Also they did not want to meet the accused person and they thought it was important to have someone who understood how they felt. They also thought it was very necessary to obtain information about other available types of support (Mdn = 4). One respondent wrote in the “other comments” section that it was very important to ensure physical protection. Statistically significant difference occurred for all variables in terms of gender. Women thought that all the available types of support were more necessary than men. This can be accounted for by readiness on the part of women to talk about their emotions and vulnerability. As Green and Diaz (2008) pointed out, it was observed that, rather than relying on problem-focused coping, women were more inclined to employ emotion-focused coping mechanisms. In their 2007 study, Green and Diaz concluded that emotion-focused coping with stressful events led to lower levels of subjective emotional stress. This illustrates the importance of providing emotional support. This also goes hand in hand with the literature-backed data that emphasises the importance of social support in minimizing feelings of stress, unease and anger (Green and Diaz, 2007; Dunkel-Setter, Blasband, Feinstein and Bennet Herbert, 1992).

Table 10: Self-Assessment of How Beneficial Assistance of Victim and Witness Support Departments Was (N = 96)

TYPE OF SUPPORT	N	Mdn	Mo	U	p
Emotional support	93	5	5	585.500	0.015 p < 0.05
Provided information	96	5	5	779.000	0.251 p > 0.05
Separate area while waiting for the testimony (or in a waiting room)	93	5	5	576.500	0.004 p < 0,05
Something else (sense of safety)	1	5	5		

Mdn — median; Mo — mod; U — Mann-Whitney U test; p — statistical significance
Response scale: from 1 (not beneficial at all) to 5 (very beneficial)

Respondents assessed that all the types of support were very beneficial to them (Mdn = Mo = 5). Gender-specific statistical difference occurred in case of the emotional support and separate waiting area variables. Women were more inclined to state that the provided support had helped them with these two variables. One of the types of support that department officials and

volunteers may provide to witnesses is to ensure the presence of person of trust. Department staff / volunteers were present at the hearing when witnesses were giving their testimonies in 50 % of the cases. Of those who were accompanied by them, the majority (73.5 %) said that their presence had a very beneficial effect on them. On the other hand, 24.5 % said it had been rather beneficial, compared to 2 % of the respondents who said it had been partially beneficial. No one claimed that the presence of department staff had not been beneficial at all or that it had been slightly beneficial (Mdn = Mo = 5). This leads us to conclude that department officials / volunteers, as well as all the other accompanying persons, may help victims and witnesses in coping with stressful experience of appearing before court and prevent feelings of "being left alone" with the defendant and during the witness examination.

Table 11: What Types of Support They Did Not Get from Support Departments, yet They Needed Them (N = 85)

TYPES OF SUPPORT	f	%**
I was provided with everything I needed	65	69.1
Legal advice	13	13.8
Not to be alone while waiting for the trial	4	4.2
Not to meet the accused person	3	3.2
Someone to explain the court procedure to me	3	3.2
Enough time to tell my story	2	2.1
Obtain information where to get other types of support	1	1.1
Something else	3	3.2
TOTAL	94*	100.0

* Some respondents chose several answers.

** The percentage refers to the share of respondents' answers.

The majority of victims and witnesses (69.1 %) said that they had received everything they needed from support departments. They stated that they had not received legal advice (13.8 %) that, in accordance with the Ordinance on the Work of Victim and Witness Support Departments, these departments do not provide, but they do refer victims and witnesses to other organizations offering free legal aid and other types of support and assistance. Not many respondents indicated the types of support that department officials and volunteers may provide, such as ensure not to be alone while waiting for the trial (4.2 %), make available someone to explain the court procedure (3.2 %) and provide enough time to tell their stories (2.1 %). This may be accounted for by limited human resources within support departments and the fact that many witnesses became familiar with their work only after they had come to court. Usually, this does not give department officials and volunteers enough time to provide support before the testimony begins. Also, in terms of non-provided support, 3.2 % of respondents indicated psychological assistance, opportunity not to give testimony or provision of refreshments ("a glass of water or an ice-cream"). None of these items falls within the competence of the support departments. The staff cannot take steps to ensure that witnesses do not testify, but they help them to get in touch with judges and, for legitimate reasons, postpone the hearing should the witnesses be prevented from appearing in court. Unfortunately, these departments do not have enough resources to provide witnesses and victims with refreshments.

Table 12: Satisfaction with Victim and Witness Support Departments Services (N = 99)

Level of satisfaction	f	%
Completely satisfied	83	83.8
Mostly satisfied	12	12.1
Neither satisfied nor dissatisfied	1	1.0
Completely dissatisfied	3	3.0
TOTAL	99	100.0

Mdn = Mo = 1 (completely satisfied)

A total of 83.8 % respondents expressed their complete satisfaction with the provided services. "Mostly satisfied" was the answer selected by 12 % of respondents, whereas 3 % said they were completely dissatisfied. When asked whether they would recommend contacting the department to others, all the respondents who answered this question (N = 99), said yes. Some of the suggestions for future activities were the following: "keep doing a good job, thanks", "thank you from the bottom of my heart", "just keep doing what you're doing!", "other courts should establish these departments as well", "this was a pleasant surprise", "witnesses should have ice-creams available".

The survey was limited by several shortcomings in terms of methodology that might have affected the findings. First, the sample was rather small. The used convenience sample depended on respondents' willingness to fill in a special questionnaire after giving testimony in court, but also, assessment of department officials about whom to approach after the testimony and ask to take part in the survey. Officials might have approached those individuals that seemed more disposed to participate in the survey, i.e. those that responded more positively to the support they were providing and those whose psychological and physical condition did not seem problematic to prevent them from filling in the questionnaire and cause additional stress or feelings of unrest. Persons involved in criminal proceedings as victims / witnesses / injured parties are, due to their vulnerability, under additional stress for having to appear in court and give testimony. Filling in a questionnaire may subject them to additional burden. Certain problems thus occurred with the use of the questionnaire. Given the survey goals, it did not make any sense to hand out questionnaires to the victims prior to their testimonies (since it might have disturbed and upset them) so it was challenging to pinpoint the appropriate moment to approach victims and witnesses and give them the questionnaire. It was agreed that the officials/volunteers hand them out to victims / witnesses / injured parties after the testimonies and provision of support services, but before they physically leave the court building. The estimated time necessary for filling them in and the assessment of willingness and appropriate emotional state to render them suitable for the survey on the part of victims proved to be problematic. Prior to this survey, sporadic research had been carried out. Victims and witnesses had been asked to fill in short questionnaires that had not really been informative due to a small number of questions. To counter this, a longer questionnaire was designed. It allowed for a more detailed analysis, but it thus became more complex and time consuming. The second methodological flaw includes the fact that, in a way, victims had selected themselves by accepting to take part in the survey and fill in the questionnaires which might lead us to conclude that the individuals who had been satisfied with the support services would be more willing to participate in the survey. Closed envelopes were supposed to be used to overcome this, but the method was abandoned due to a low response rate. The survey was anonymous so it was assumed that respondents gave honest answers. On the other hand, the data collection method

might have affected their answers, i.e. they might have been more inclined to use more desirable answers since they had personal contact with the department officials whose work was being assessed and who found themselves in a double role of a pollster and a person providing support services. Zaykowski, Kleinstuber and McDonough (2014) have claimed that the majority of studies of victimology regarding the support services are based on a modest sample size, which makes it difficult to generalize the findings and apply them to other areas. Other authors (Shachaf-Friedman and Timor, 2009) have also referred to the problem of modest samples. They state that victims' needs to go on with their lives and not to reflect on the past and painful memories might explain their unwillingness to take part in such studies. Even though this sample was not representative of victims /witnesses / injured parties that had been supported by the department staff, rather than generalizing the survey findings, they should be interpreted in order to get better insight into victims' and witnesses' experience before, during and after the testimony and their needs for support, as well as the role of the support departments in providing assistance and support and facilitating the entire process of taking part in criminal proceedings.

Conclusion

Victims, witnesses and injured parties were usually informed about the Victim and Witness Support Departments through the court subpoena, but most of them contacted the support staff at the court when the support staff and volunteers approached them on their own initiative. After receiving the court subpoena and before giving the testimony, they expressed feelings of anxiety, nervousness, fear and confusion. Many of them stated that they were feeling upset during the testimony, as if they were again experiencing the event they had witnessed and could not wait for the testimony to end. After the testimony they usually expressed a feeling of relief. According to their statements, before the testimony, they mostly needed: to be assured that they were not left alone while waiting for the trial, to have someone explain the court procedure to them, to have someone who understood how they felt, to be assured that they would not meet the accused person and to obtain information where to get other types of support. They also said that the following types of support provided by the department staff / volunteers proved to be most beneficial: provision of information, separate waiting area (away from other parties before the testimony), emotional support and accompaniment of the support staff / volunteers in the courtroom during the testimony. They stated that they were very satisfied with the support provided by the support department and that they would recommend contacting the department to other people who were in a similar situation. The majority of them got what they needed. The findings show that Victim and Witness Support Departments have a pivotal role as providers of assistance and support to crime victims / witnesses and injured parties since they provide the types of support identified by the victims as most necessary.

In line with these findings pointing to the importance of support departments, it is crucial to ensure that as many victims as possible get timely information about the support system to be assisted and informed by taking into consideration their needs. In that sense, apart from CSOs, the police and state attorney's office have an important role in informing the victims about the available support. The 2017 amendments to the Criminal Procedure go in that direction as well. Thanks to the new changes that have recently been introduced in practical work, one can expect

to obtain different findings of such a survey in the near future. We think that more victims will be prone to say that the police officials informed them about the work that these departments do. That being said, by relying on targeted trainings and joint cooperation, it is necessary to encourage the police to clarify the content of the form specifying victims' rights ("Notice to the victim of the criminal offences") and refer the victims to support departments. Also, the media and public campaigns should be employed to reach out to as many victims as possible and inform them in about the available types of assistance and support in a timely manner, i.e. in the earliest stage after (or even before) they report a criminal offence.

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