



Improving protection of victims' rights: access to legal aid

**Training session on improving
protection of victims' rights: access
to legal aid**

The practice facilitation handbook

Adam Mickiewicz University in Poznań

Poznań 2014



With the financial support of European Commission



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I. Introduction

Legal aid is a vital tool by which the right of access to justice of the victims is protected. But while we acknowledge the importance of proper norms and international legislation which create the status of the victim, we think that there are also other, non-legal aspects of this help which should not be neglected. For the mentioned reasons, on 10th-13th February 2014, at the Adam Mickiewicz University, Faculty of Law and Administration (Collegium Iuridicum Novum) in Poznań took place the training session of victims' rights. Participants of the training course were judges, prosecutors, lawyers, police officers and NGO's representatives. It was organized within the Project *Improving protection of victims' rights: access to legal aid*, co-financed by European Commission. Trainings were conducted by professional coaches mr B.A. Nasir and Mrs Marie Pegie Cauchois (who were able to attend by courtesy of United Nations), Agnieszka Nowak-Młynikowska (psychologist) and Marceł Kwaśniewski (Polish Mediation Center). This handbook was designed to assist in the training sessions, as well as to be used by a trainers as a resource when preparing new facilitators to work on protection of victims' rights. A new facilitator may use it directly as a resource for self-study. Participants of the training can use this handbook both during the training session as a workbook and afterwards, as a post-training resource.

The handbook consists of 3 training modules, delivered by the trainers from a diverse interrelated fields:

- First Module is an introduction to legal perspective of victim's rights. It aims to deepen participants' knowledge concerning international norms and legislation on protection of victims' rights.
- Second Module presents psychological impact of crime on victims. This module is dedicated to non – legal issues connected with help given to the victims of crime.
- Third Module provides training in mediation in criminal cases. It shows the importance of mediation for crime victims, such as a standard in the trial proceedings.





Each and every module contains a description of the modules which includes a checklist of materials, the learning objectives for the session, methodology and list of activities designed to develop basic knowledge and skills of participants.

The training materials follow principles of interactive educational process, such as peer learning discussion, group and subgroup discussion, case study and role playing. The trainers are also encouraged to invite experienced practice facilitators from each group to co-teach specific modules and to include discussion of their “real world” experiences in the practice.

Prof. Paweł Wiliński
Poznań June 7th, 2014



With the financial support of European Commission



II. About the Project “Improving protection of victims’ rights: access to legal aid”

1. Description of the Project

The project addresses the priority “A. Supporting victims of crime (VICS)”. It addresses the access to justice of victims of crime, especially through the identification of common criteria for the legal aid to victims to be applied in harmonization of EU legislation, and namely with reference to the adoption of the 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. This recommendation will be also targeting those new Member States in which the system of legal aid for victims is in a phase a development, and for this reason we have chosen two of these countries (Poland, Latvia and Bulgaria) as pilot countries where to experiment and put forward conceptual tools of the project. After carrying out advance research on the legal systems of different EU countries and comparing them with the EU normative and recommended practices aimed to detect findings and flaws in the current practices, the project will develop information tools about victims’ rights to be distributed among specific categories of citizens having less access to this kind of information, in particular the citizens of rural areas, and provide a trainer for practitioners dealing with victims of crimes.

The partners are based in different Member States, which ensures a transnational impact. They cover both Western Europe and Eastern Europe, providing different approaches to the topic with the view of finding common criteria for the legal aid protection of victims rights, above all with reference to future legislation that can eliminate flaws and difference at present detectable between the two geographical areas. The complementarity among





the partners is a clear strength: we have one Law faculty (AMU), one private consortium of Italian universities specialized in training of staff (CoInfo), one non-profit association specialized in justice, criminal law and judicial reforms (CSD) and one think tank (Providus).

In order to enhance the implementation of the 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 our project will aim at:

- Increasing the information available for the victims on the legal aid as a means to facilitate the protection of their rights.
- To identify common standards to handle victim of crime cases in order to have a just compensation.
- Reinforcing the capacities of practitioners in dealing with victims, through the implementation of a training course.
- Addressing the main needs of the victims of crimes for a reinforced protection of their rights during the trial, as stated among others by the point 2.3.4 of the Stockholm Programme.
- Facilitating the information of those categories of citizens less aware of their rights, notably the population of rural areas, through the production and delivery of a set of communication tools.
- Enhanced European judicial and security culture among law enforcement agencies, practitioners, members of NGO and associations of victims of crimes.
- Reinforcement / cross fertilization among EU universities, NGOs and police departments in the subject of enhancing protection of rights of victims of crime.





2. Partners of the Project

Scientific coordinator - Prof. UAM dr hab. Paweł Wiliński

Since October 2008, head of Chair of Criminal Proceedings. Since September 2009, professor of law at Adam Mickiewicz University in Poznań. Member of the Codification Commission of Criminal Law. Senior Counsel and Vice-director of the Constitutional Complaint Department at the Constitutional Court of Poland. Member of Disciplinary Committee of the Council for Higher Education (2009-2012). From 2001 onwards Member of the Board of Polish Legal Clinics Foundation. Ad-hoc Judge of the European Court of Human Rights, Strasbourg, France (2010-2012).

Project coordinator – Graciela Olga Fuentes, Ph.D.

35+ year experience as law practitioner and legal advisor. Former UN Senior Judicial Officer and Senior Consultant for UNDP in Judicial System Monitoring and Evaluation programs. Extensive experience in developing and managing projects in judicial reform, access to justice and training of judges and police forces in transitional democracies for UN (in Balkans and South Asia countries), and within EU AGIS-Justice Programs. Wide-ranging academic work in human rights, multiculturalism, and implementation of EU treaties. Visiting law professor. Doctorate degree in Constitutional Law and Human Rights from Ottawa University, Canada. Master in Comparative law from McGill University, Montreal.





Researchers

Piotr Karlik – Ph. D. candidate at Criminal Proceedings Chamber at Faculty of Law and Administration of University of Adam Mickiewicz. Graduated Law in 2010, thesis title: “Circumstantial evidence in Polish criminal proceedings”. Author of many publications regarding actual problems of criminal proceedings in Poland. He has participated in numerous local and international conferences devoted to criminal issues. Between 2010-2012 member of EU project “Tracking Progress in Strengthening the Criminal Justice Indicators for Integrated Case Management”. Tutor of students’ scientific circle: “Iure et facto”.

Aleksandra Woźniak – born in Gniezno on 8th of July 1987. PhD candidate in Chair of Criminal Proceedings at Adam Mickiewicz University in Poznań. She graduated Law at Adam Mickiewicz University in 2011, when had she obtained her master degree based on thesis: “Equality of arms in temporary detention’s proceedings (originally in Polish: “Standard równości broni w postępowaniu w przedmiocie tymczasowego aresztowania””, prepared under the guidance of professor Paweł Wiliński. From 2009 to 2010 she studied at Eötvös Loránd Tudományegyetem in Budapest. In 2012 r. she have started the pupillage in Poznań.

AMU-LEADER

Adam Mickiewicz University in Poznań, founded in 1919 to is one of the leading academic centers in Poland. The University currently employs nearly 2,800 teaching staff, including 318 tenured professors, 454 AMU professors and 1,514 doctors and senior lecturers. Our professors coordinate or are partners in 18 research projects funded by the European Union Framework Programmes 6 and 7. AMU researchers are currently implementing 451 projects funded by the Polish Ministry of Science. Adam Mickiewicz University





in Poznań has bilateral exchange agreements with universities all over the world. Depending on the specifics of the agreement, bilateral exchange students may accomplish part of their degree, choosing appropriate subjects from our educational offer.

AMU is a member of: EUA – European University Association, EUCEN – European University Continuing Education Network, The Compostela Group of Universities, The Santander Group – European University Network, RAMIRI Consortium, European Chemistry Thematic Network and other European Research Networks. The Chair of Criminal Proceedings, Faculty of Law and Administration of Adam Mickiewicz University in Poznań is also a partner in project co-financed by European Commission.

COINFO

COINFO (Interuniversity Consortium on Education) is a non-profit association involved in education and research for adults employed in Universities and Public Administration. It is a unique institution in the European and international academic scene. In 2004 the Ministry of Education University and Research conferred juridical personality on the consortium (G.U. n. 48 – 27.2.2008) and acknowledged the social utility of its aims. COINFO delivers, promotes and develops long life learning according to national and European directives with particular reference to employees in Public Administration and Universities. It carries out a connecting task across university research, complex organization management and valorization of human resources.

It plans and organizes studies, researches, conferences, masters, training courses and workshops with consortiated universities. Training subjects deal with: law, accountancy, human capital management and training, public communication, safety at work, librarianship, environment, budget, process simplification and product re-engineering,





digital documents management, services evaluation, educators training. Consortium takes part in many research and education programs financed by European Union and local government, and cooperates with Trade Unions in education activity for their members. Research subjects deal with long life education, adult education, training needs analysis, financed and unfinanced planning, results evaluation and their effects on education. COINFO publishes different series which contain studies, researches, proceedings and workshops.

CSD – Center for the Study of Democracy

Founded in late 1989, the Center for the Study of Democracy (CSD) is an interdisciplinary public policy institute dedicated to the values of democracy and market economy. CSD is a non-partisan, independent organization fostering the reform process in Bulgaria through impact on policy and civil society. Building bridges is the old-fashioned way of bringing together social actors and cementing new alliances. Born as a think-tank, the Center for the Study of Democracy has evolved into policy development through dialogue and partnership. Bringing cutting-edge solutions to transition problems is our way of keeping the middle ground between academia and social practice. The CSD has pioneered in several areas traditionally perceived as the inviolable public property, such as anti-corruption institutional reform, and national security. Our belief is that bringing a new culture of cooperation and trust in a milieu of inherited fragmentation and opacity is equally rewarding as the achievement of concrete social goals. **CSD objectives are:**

- to provide an enhanced institutional and policy capacity for a successful European integration process, especially in the area of justice and home affairs;
- to promote institutional reform and the practical implementation of democratic values in legal and economic practice;
- to monitor public attitudes and serve as a watchdog of the institutional reform process.





PROVIDUS

PROVIDUS is Latvia's leading think tank, devoted to facilitating comprehensive policy change in areas important for Latvia's development. PROVIDUS also provides expertise to other countries undergoing democratic transformation.

PROVIDUS areas of work are:

- good governance, including anti-corruption, judicial reform, access to information, campaign finance;
- criminal justice policy;
- tolerance and inclusive public policy;
- European policy, including migration policy and energy policy.

PROVIDUS activities include: publishing research and policy analyses, providing expertise to the government in the policy-making process, advocacy and monitoring, consultancy services and training as well as promoting public participation by harnessing new internet-based tools. PROVIDUS provides an institutional home for the largest on-line policy resource in Latvia – politika.lv. PROVIDUS is a non-governmental, non-partisan and not-for-profit association established in 2002.





III. Concept of the training session for practitioners

The main subject of the training is victim's access to judicial system as well as delivering help to the victims of crime and protection of their rights. During the training it is also important to stress out the significance of different ways of approaching victims and delivering them help. One cannot overestimate the importance of right attitude of people working in institutions dealing with victims in everyday practice. The training course could be an opportunity to share thoughts and experiences of professionals working in different professions. The aim of the training session is also to create the teaching module for practitioners.

The training session for practitioners should be divided into three parts. First one focuses on legal issues and lasts for two days. It is important to start with legislation on protection of victim's rights because of non-lawyer participants of the training. Even for lawyers it is advisable to acquaint the knowledge concerning international norms and legislation on protection of victim's rights. The second part concerns psychological assistance for the victim and deals with the different ways of treating victims and assisting them during the procedural phase. When participants overestimate importance of building the mutual trust between law enforcement agencies and the victim, the last part of the training can take part. It refers to mediation as a good practice in criminal proceedings. This part of the training should be the last one, because it uses psychological and legal knowledge from the previous days of the training.

All training should took place day-by day, what increases the effectiveness of the training.





The main goals of the workshop are:

- to acknowledge the importance of proper norms and international legislation which create the status of the victim;
- to create some common standards and norms which should be implemented on international level;
- to enhance knowledge of practitioners in answering problem of how to collaborate with authorities of another Member State in a spirit of a common European judicial and legal culture;
- to understand emotional, social issues and methods of communication with the victims;
- to acknowledge the importance of non-legal aspects of the help given to victims;
- to exchange thoughts and experiences on best practices concerning protection on victims.

These interdisciplinary goals require the assembly of distinguished trainers from a diversity of interrelated fields (lawyers, psychologist and mediator). The format of the training session is designed to creative, effective discussions and case simulations.

The training session should be attended by, at least, 10 participants. Selection of the participants should be connected with the goals of the training session and it's interdisciplinary scope. The diversity of participants, especially international team, serves as a factor provoking animated discussion and exchange of experiences during the training session. The participants should be a law enforcement, justice professionals and people working in institutions dealing with victims in everyday practice like judges, prosecutors, advocates, Police Officers and NGO's representatives.



IV. Module 1: Victims' rights: legal perspective

1. Module summary

Trainers	Lawyers with experience in international norms and legislation on protection of victim's rights
Participants	Law enforcement, justice professionals, people working in institutions dealing with victims in everyday practice (judges, prosecutors, advocates, Police Officers, NGO's representatives)
Duration	2 days of training course Duration of each session: 7 hours 30 min

Aim of this part of the training course is to deepen participant's knowledge concerning international norms and legislation on protection of victim's rights. This module also serves as a platform of exchanging thoughts and experiences on best practices concerning protection on victims. This discussion could be a vital tool in creating some common standards and norms which should be implemented on international level. Another planned outcome of the first module is to enhance knowledge of practitioners in answering problem of how to collaborate with authorities of another Member State in a spirit of a common European judicial and legal culture.





2. Training objectives

- Participants will be able to describe key UN and EU standards relating to victims' rights.
- Participants will be able to apply UN and EU victim's rights standards in their daily work.
- Participants will be able to describe the implementation status of UN and EU legal framework relating to the victims' rights.
- Participants will be able to identify major challenges relating to the implementation of victim's rights.
- Participants will be able to suggest assessment criteria for victim's rights.
- Participants will be able to suggest mechanism for cooperation amongst different segments of Criminal Justice System to ensure victim's rights.

3. Methodology:

- Power Point presentation
- Role plays
- Video presentation
- Peer learning discussion
- Quiz to assess the impact of training workshop

4. Content

- UN legal framework relating to the victims' rights.
- EU legal framework relating to the victims' rights.





During the first part of the session, the trainer presents and summarizes the overview of the UN and EU legal framework relating to the victims' rights.

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

The second part of the workshop focuses on EU Directive 2012/29/EU on establishing minimum standards on the rights, support and protection of victims of crime, with aim to describe key points of the EU Directive 2012/29/EU relating to minimum standards on the rights, support and protection of victims of crime. They are studied:

- definition of victim and protection of victims with specific protection needs;
- rights of victim of crime;
- participation of victim in criminal proceedings;
- implementation of the Directive.

During this session participants are asked to divide themselves into four groups, with each group identify some problem (victim's rights, victim's protection, victim's definition etc.) and discuss it. The groups present result of their discussions, and the rest of participants contribute their comments on each of presentations. The session should establish that there is a lot of differences between represented nations relating to victim's rights, even they share common characteristics.

- Challenges in the implementation of victims' rights.

The second day begins with a recap of previous day's activities by the participants. Next part of the session is dedicated to challenges in the implementation of victims' rights. They are analyzed:

- general challenges (f.eg. lack of political will, adequate budgetary support);



- challenges for the victims (f.eg. lack of support, lack of ability to participate in the criminal justice process or lack of compensation);
- challenges for the criminal justice system (f.eg. lack of knowledge regarding the emotional impact on victims, lack of experience amongst criminal justice professionals how to limit the risk of re-victimisation);
- challenges for victim support organizations (f.eg. data protection restrictions, lack of funding, independence from external influence).

- Implementation status of UN and EU legal frameworks relating to the victims' rights.

Next part of the workshop focuses on issues of implementation status of UN and EU legal framework relating to the victims' rights. The aim of this part is to describe the implementation status of UN and EU legal framework relating to the victims' rights, using interactive presentation and peer learning. This module also includes a group exercise on victims' rights (role play followed by discussion), with aim to practice and understand various elements of victims' rights. The participants are asked to play a case simulation. The case role is dedicated to practice and understand various elements of victims' rights. Case roles are, as follows:

Role	Range of tasks
<i>Victim</i>	<i>Your name is Bill. You were on holidays in a foreign country with your family when one night you were attacked and robbed in a street on way to your hotel. When you tried to stop the attackers, they physically assaulted you in front of your family. You reported the crime to the local police but since you could not make yourself understood, you could not give all the details about the assault. The behaviour of police was not sympathetic</i>





with you. During the weeks that followed, you didn't receive any information about the case, and felt frustrated as you and your family members were routinely questioned several times by different police officers. Even your children were repeatedly questioned, which was very upsetting for them.

You approached the Prosecutor but you were not given any information about your case.

You also approached judge and asked about the case but again you did not receive any information from the judge.

When you came back home, you needed several operations for your injuries and could not work for several weeks.

You did not hear anything from the police until one day you were told to appear and testify at the trial of two suspects, taking place abroad. The trial was difficult because nobody explained the foreign court proceedings and you felt intimidated by having to face the accused outside the court room in the same waiting area.

After the trial was over, you didn't hear anything more about the case or what happened to the accused. But for many years after the attack, you and your family lived with the emotional, physical and financial consequences of the crime. Despite it happening in another place and in another country, you and your family members never felt safe anymore, even in your own home.



<p><i>Offenders</i></p>	<p><i>You have to rob a tourist family from a foreign country. Treat them badly while robbing them.</i></p> <p><i>Intimidate them during the trial. Stare at them while they come to the court to participate in the trial.</i></p>
<p><i>Police Officers</i></p>	<ol style="list-style-type: none"> 1. <i>The victim has reported the crime to you.</i> 2. <i>Do not treat the victim with respect.</i> 3. <i>Do not arrange an interpreter for the victims so he could explain what had happened in detail.</i> 4. <i>Do not put him in touch with a victim support organization.</i> 5. <i>Do not inform him about his rights and entitlement to compensation.</i> 6. <i>Do not appoint a contact person from the police kept him up to date with the investigation.</i> 7. <i>Do not ask him about any possible needs for protection or assistance during proceedings.</i> 8. <i>During the criminal investigation, keep the victim, his wife and children repeatedly questioned about the incident by different police officers.</i> 9. <i>When the case is sent to the court, call the victim and his family to come and testify.</i> 10. <i>Keep victim and his family waiting in the same waiting area where suspects are present</i>
<p><i>Prosecutor</i></p>	<ol style="list-style-type: none"> 1. <i>The case has been brought before you for processing. The victim approaches you and asks for help in early</i>



	<p><i>processing of his case.</i></p> <ol style="list-style-type: none"> 2. <i>You inform the victim that you cannot provide him information about progress in processing of his case.</i> 3. <i>You inform the victim that you cannot provide him information whether his case will be sent for trial or not!</i> 4. <i>You did not tell the victim about the criminal proceedings and his rights and role during the process.</i> 5. <i>You inform the victim that you cannot provide him and his family any help to get in touch with a victim support organization as this is not your job.</i>
<p><i>Judge</i></p>	<ol style="list-style-type: none"> 1. <i>The case has been brought for trial before you</i> 2. <i>Your staff has called the victim to appear and testify at the trial of two suspects taking place in a foreign country</i> 3. <i>Nobody has explained anything to the victim about trial proceedings in a foreign court</i> 4. <i>You have not arranged an interpreter for the victims so he could explain what had happened in detail.</i> 5. <i>You have seen victim and his family waiting in the same</i>



	<p><i>waiting area where suspects are present</i></p>
<p><i>Victim support</i></p>	<ol style="list-style-type: none"> 1. <i>The victim has approached you for help.</i> 2. <i>You did not entertain him as he has not been referred to you by the police or prosecutor.</i> 3. <i>You inform the victim that you cannot provide him and his family emotional support to cope with the crime.</i> 4. <i>You inform the victim that you cannot provide him any practical help, such as getting medical treatment and sorting out paperwork</i> 5. <i>You do not tell the victim about the criminal proceedings and his rights and role during the process.</i> 6. <i>You do not provide the contact details of a victim support organization in victim's home country, where he can remain in touch after the case is closed.</i>
<p><i>Team of observers</i></p>	<ol style="list-style-type: none"> 1. <i>Please take notes of the proceedings of exercise.</i> 2. <i>Please provide feedback what key victim rights were violated?</i>



	<p>3. <i>How the Police, Prosecutor, Judge and the Victim Support Officer should have behaved?</i></p>
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- Assessment criteria for victim's rights.

The session continues with analysis of assessment criteria for victims' rights and mechanisms for cooperation amongst different segments of Criminal Justice System to ensure victim's rights, as follows:

- reasons to have cooperation mechanisms;
- benefits of better coordination;
- functions of coordination mechanisms;
- different CJS coordination mechanisms.

- Mechanisms for cooperation amongst different segments of Criminal Justice System to ensure victims' rights.

The first module finishes with the quiz assess impact of training workshop, which checks the participants ability to identify the key learning points. The participants are divided into 2 groups and they are requested to ask short, summary questions related to the first module of the training. The winners can be rewarded with chocolates.



5. Timetable

First day of the training course:

Time	Topic	Objective	Methodology
09.00-09.10	Introduction to the training workshop.	Participants will be introduced to the objective and contents of the training workshop.	Presentation.
09.10-09.30	Introduction of the participants and presentation of the ground rules.	Participants will introduce themselves. They would be briefed about the ground rules for the workshop.	Interactive presentation.
09.30-10.40	Overview of the UN legal framework relating to the victims' rights.	Participants will be able to describe UN standards relating to victims' rights.	Interactive presentation.
10.40-11.00	<i>Tea break</i>		
11.00-12.30	Overview of the EU legal framework relating to the victims' rights.	Participants will be able to describe EU minimum standards relating to victims' rights.	Interactive presentation.
12.30-13.30	<i>Lunch break</i>		



13.30-15.00	EU Directive 2012/29/EU on establishing minimum standards on the rights, support and protection of victims of crime.	Participants will be able to describe key points of the EU Directive 2012/29/EU relating to minimum standards on the rights, support and protection of victims of crime.	Interactive presentation. Peer and groups learning
15.00-15.20	<i>Tea break</i>		
15.20-16.30	Video on victims participation in trial proceeding.	Participants will be able to understand various elements of victims' participation in trial proceedings.	Video followed by group discussion.



Second day of the training course:

09.00-09.15	Recap of previous day's activities.	Participants will be able to refresh their memory about the activities on previous day.	Presentation.
09.15-10.30	Challenges in the implementation of victims' rights.	Participants will be able to describe the key challenges in implementation of victims' rights.	Interactive presentation. Peer learning.
10.30-10.50	<i>Tea break</i>		
10.50-12.20	Implementation status of UN and EU legal framework relating to the victims' rights.	Participants will be able to describe the implementation status of UN and EU legal framework relating to the victims' rights.	Interactive presentation. Peer learning.
12.20-13.20	<i>Lunch break</i>		
13.20-14.00	A group exercise on victims' rights.	Participants will be able to practice and understand various elements of victims' rights.	Role play followed by discussion.
14.00-15.00	Assessment criteria for victims' rights.	Participants will be able to suggest assessment criteria for victim's rights.	
15.00-15.20	<i>Tea break</i>		
15.20-16.10	Mechanisms for cooperation amongst different segments of Criminal Justice System to ensure victim's rights.	Participants will be able to suggest mechanism for cooperation amongst different segments of Criminal Justice System to ensure victim's rights.	Interactive presentation. Peer learning.



16.10-16.30	Quiz to assess impact of training workshop.	Participants will be able to identify the key learning points.	Peer learning.
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6. Materials

- Handouts of presentation;
- Resource materials - UN and EU Legal Instruments on Victims' Rights:
 - 18/05/2011 - COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS – STRENGTHENING VICTIMS' RIGHTS IN THE EU (COM(2011)274 FINAL)
 - COUNCIL FRAMEWORK DECISION 2001/220/JHA OF 15 MARCH 2001 ON THE STANDING OF VICTIMS IN CRIMINAL PROCEEDINGS
 - RESOLUTION OF THE COUNCIL 2011/C 187/01 OF 10 JUNE 2011 ON A ROADMAP FOR STRENGTHENING THE RIGHTS AND PROTECTION OF VICTIMS, IN PARTICULAR CRIMINAL PROCEEDINGS
 - 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



- ECOSOC RESOLUTION 2005/20 OF 22 JULY 2005, GUIDELINES ON JUSTICE IN MATTERS INVOLVING CHILD VICTIMS AND WITNESSES OF CRIME
- UNITED NATIONS, RESOLUTION 1998/21, ECONOMIC AND SOCIAL COUNCIL, 44TH PLENARY MEETING 28 JULY 1998
- ECOSOC RESOLUTION 2006/20, UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION
- COUNCIL OF THE EUROPEAN UNION, RESOLUTION OF THE COUNCIL ON A ROADMAP FOR STRENGTHENING THE RIGHTS AND PROTECTION OF VICTIMS, IN PARTICULAR IN CRIMINAL PROCEEDINGS, 309TH JUSTICE AND HOME AFFAIRS COUNCIL MEETING LUXEMBOURG, 9 AND 10 JUNE 2011
- REGULATION (EU) NO 606/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 12 JUNE 2013 ON MUTUAL RECOGNITION OF PROTECTION MEASURES IN CIVIL MATTERS
- COUNCIL DIRECTIVE 2004/80/EC OF 29 APRIL 2004 RELATING TO COMPENSATION TO CRIME VICTIMS
- DIRECTIVE 2011/99/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 13 DECEMBER 2011 ON THE EUROPEAN PROTECTION ORDER
- 20/4/2009 – REPORT FROM THE COMMISSION PURSUANT TO ARTICLE 18 OF THE COUNCIL FRAMEWORK DECISION OF 15 MARCH 2001 ON THE STANDING OF VICTIMS IN CRIMINAL PROCEEDINGS (2001/220/JHA), (COM(2009) 166 FINAL)





- UN DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF CRIME AND ABUSE OF POWER 1985

- 21 MARCH 2006, UNITED NATIONS, BASIC PRINCIPLES AND GUIDELINES ON THE RIGHT TO A REMEDY AND REPARATION FOR VICTIMS OF GROSS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW AND SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, A/RES/60/147

7. Equipment and supplies

- Flipcharts
- Markers
- Selotape
- Laptop
- Multimedia projektor
- Coffee
- Basic articles which show some of the participants as offenders, victims, police officers, prosecutors, judges and victim support officials (Role playing)
- Chocolates (Quiz Prize)



V. Module 2: Psychological impact of crime

1. Module summary

Trainer	Psychologist with experience in psychological trainings connecting with victims' rights
Participants	Law enforcement, justice professionals and people working in institutions dealing with victims in everyday practice (judges, prosecutors, advocates, Police Officers and NGO's representatives)
Duration	6 hours (approximately)

The second module is dedicated to non – legal issues connected with help given to the victims of crime. Emotional, social issues and methods of communication with the victims are extremely important factors in approaching victims of crime. For this reason, second module deals with the different ways of treating victims and assisting them during the procedural phase. One cannot overestimate importance of building the mutual trust between law enforcement agencies and the victim. Only victim who is treated with proper respect can cooperate with jurisdiction and get the due compensation in criminal proceeding. Nevertheless, many time in everyday practice, state authorities forget about the importance of non-legal aspects of the help given to victims and keep their priorities on the proper performance of legal procedures.



2. Training objectives

- To raise the participants' awareness about psychological needs and difficulties experienced by victims of crime, the immediate and long-term psychological effects of victimization, and their impact on the victim's ability to participate in legal procedures (criminal proceedings perspective) and to function in the community (broader social perspective).
- International exchange of experience, practices, and ideas in providing psychological support for victims of crime.

3. Methodology

- Presentation/lecture
- Group and subgroup discussion
- Case study
- Role playing
- Pair work
- Individual work

4. Content

- The training session starts with issues of victimization as stress/trauma in the victim's life. This part of the session redirects the participants' attention, helping them to take the victim's perspective. They can also learn about types of trauma (with reference to various types of offenses) and about how to recognize post-traumatic stress in the victim. The workshop is based on a group work. The participants are divided into two groups and they are required





to find some examples of the acute and chronic trauma. Next they choose one to two representatives each to present their proposals and the dialogue.

- Victimization as disturbance of balance.

This workshop shows, why crime is so stressful for the victim is that it violates the victim's boundaries and disturbs their inner balance (in several ways). The participants are asked to find and mark their small territory in the room. Next, two participants are required to cross and get into the territory of the others. Disturbed participants should tell about their feelings in the light of a danger. In this exercise participants had an opportunity to experience boundary violation to become more able and more willing to see things from the victim's point of view.

- Psychological effects of crime: emotional effects, changes in the brain, cognitive impairment.

Participants learn more about how victimization affects the person's emotions and motivations, the brain, and cognitive or intellectual functions. This part of the training is based on lecture, presentation and group work. Firstly, participants in pairs are required to tell each other about some stressful moments of their life, including all feelings connected with it. Next, in two groups, they try to find what is the victim afraid of and discussed all proposals.

- Psychological effects of crime and the victim's activity in criminal proceedings.

In this part of the training participants try to refer the knowledge from the previous sections to their daily practice. They discuss – in practical terms – about how the emotional, motivational, and cognitive effects of victimization influence the victim's behavior in criminal proceedings, sometimes making the person unable to participate in the process.





- Victimization as a loss.

Participants will learn about how people respond to and cope with a loss to help them realize that victims participating in criminal proceedings may be at different stages of the process, which has an effect on their activity in legal procedures. This part of workshop is based on lecture with presentation and discussion between participants. Especially, the participants discuss: what is lost? They are also presented stages of dealing with loss. After an exercise illustrating the victim's difficult situation in the criminal proceedings and factors increasing the risk of the person being harmed by the legal process itself, the participants are required to think in 2 groups about what is the secondary victimization, what the victim needs and how they, as law enforcement or justice system professionals, may try to meet these needs to prevent secondary victimization. Next, all proposals are discussed.

- Individual differences in coping with victimization.

This part of the workshop focuses on individual differences to make the participants more sensitive to specific features and characteristics that influence how victims cope with victimization and with the legal process itself. The case study method should be used, so the participants can refer directly to their practical experience.

- Different types of victims and their participation in legal procedures.

This part of the workshop is also dedicated to practical experience of the participants. They are presented three categories of victim: provocative victim, participating victim and false victim, with aim to discuss the problem and exchange experiences of participants.

- Systemic solutions of psychological support for victims of crime.

The last part of the training focuses on psychological support offered to victims within various justice systems. Working in international subgroups, participants share their countries



practices in this area and try to work out ways to improve the existing solutions within their systems.

5. Timetable

Time	Topic	Objective	Methodology
10.00 – 11.30	Victimization as trauma in the victim's life and violation of the victim's inner balance.	<p>Participants learn about types of trauma (with reference to various types of offenses) and about how to recognize post-traumatic stress in the victim.</p> <p>Participants experience boundary violation (in the form of play) to become more able and more willing to see things from the victim's point of view.</p>	<p>Power Point presentation and lecture.</p> <p>Group and subgroup discussion.</p> <p>Role playing (boundary violation).</p> <p>Discussion.</p>
11.30-11.45	<i>Coffee break</i>		
11.45 – 13.30	Psychological impact of crime secondary, victimization and how to prevent it.	<p>Participants experience some of the effects through role playing.</p> <p>Participants think about what the victim needs and how they, as law enforcement or justice system professionals, may try to meet these needs to prevent secondary victimization.</p>	<p>Power Point presentation.</p> <p>Role playing.</p>
13.30 – 14.15	<i>Lunch break</i>		



14.15 – 15.30	Individual differences in coping with victimization and victims' characteristics	Participants exchange their experiences and discussed.	The case study method. Participants can refer directly to their practical experience.
15.30 – 15.45	<i>Coffee break</i>		
15.45 0 16.30	Closing session - Psychological support for victims of crime – systemic solutions, closing round, evaluation	Participants share their practices in this area and try to work out ways to improve the existing solutions within their systems.	Work in subgroups.

6. Materials

- Handouts of PowerPoint presentation

7. Equipment and supplies

- Flipcharts
- Markers
- Selotape
- Laptop





- Multimedia projector
- Empty ID badges
- White and colour paper (A4)
- Chalk (to mark a borders)



VI. Module 3: Mediation – why not?

1. Module summary

Trainer	Mediator with experience in trainings connecting with victims' rights
Participants	Law enforcement, justice professionals and people working in institutions dealing with victims in everyday practice (judges, prosecutors, advocates, Police Officers and NGO's representatives)
Duration	6 hours (approximately)

The mediation as a great tool of reconciliation between parties of criminal proceeding is still underestimated in many countries. During the last part of the training course, trainer exposes some of the vital problems connected with the mediation. This module will show why mediation can not only shorten procedure but also bring fast relief and compensation to the victim. Professional mediators should also explain what typical mistakes are made during a mediation and how to avoid them. During this module, participant will be also taught how to encourage parts of the criminal procedure to use this institution more often. The main goal to achieve within one day training is to root in the minds of participants basic question concerning the mediation as a tool available for all the parties involved in a trial: “why not?” As it is at hand, mediation should be used much more frequently than it is in use now. Why so rare and why not more frequent? The answer can be found in every participants' mind by himself. The other question to be raised is “when – on which stage – the mediation is (should be) applicable”? That question concerns the injured party and his/her psychic/physical condition.



2. Training objectives

- Increasing participants' awareness about the importance of mediation for crime victims and the importance of mediation as a judicial remedy against secondary victimization, and as a standard in the trial proceedings. The aim is also to draw attention to the problem of applying mediation at the appropriate stage of the trial.
- Exchange of experiences and best practices in the use of mediation and its availability in different countries.

3. Methodology

- Role playing (perspective of mediator, victim and violator)
- Interactive training
- Presentation/lecture
- Discussion in groups and general discussion

4. Content

- Mediation as a way to restore a sense of justice by showing the victim's rights and opportunities resulting from mediation.
- The role of the mediator in support of the victim and stopping the perpetrator.
- The objectives of mediation:
 - search for the problem,
 - joined problem connecting the violator and the victim,
 - separating the problem from the penalties and judicial remedies.
- Mediation as an equal instrument in the trial proceedings.





- Changing the perception of the trial perspective from a conclusive to the problem.
- The appropriateness of referring the cases to mediation and finding the right stage of trial for them.
- Trauma of crime disrupting perception of the victim - the role of mediation in the preparation of the victim to participate fully in the trial process.

This part of the training is mainly based on role playing - perspective of mediator, victim and offender. All of the cases are presented in 2 variants, what shows the wide range of common problems connected with mediation. Selection of cases is based on the experience of the mediator and the frequency of occurrence of individual cases in the practice of mediation. The aim of the exercises is to raise awareness of the practitioners on the potential use of mediation reinforcing the position of the victim of crime. The other goal is a practical indication of the mental stereotypes inherent in the social role of exercise participants – i.e. judge, prosecutor, police officer, lawyer. The aim is to present the impact of these stereotypes on perception of mediation by the course participants. Another aim of the course is the practical introduction of each participant in the role of victim and in the role of mediator. This enabled participants better understanding the process of mediation as a tool to resolve conflicts and limitations of this tool. In each of these cases, the participants not taking part in mediation are pointed observers, whose comments are used then to discuss the attitudes of each of the parties involved in the mediation and are the basis for conclusions. In the next exercise, the participants exchange their roles and observers become parties of mediation or mediators.



Cases in use

Case 1: Direct violence in the family

Option A - Victim wants to compromise, perpetrator wants to use the mediation process to his advantage.

Option B - Victim does not want to compromise, perpetrator repents.

Role option A	Tasks
<i>Victim</i>	<i>You were beaten by your husband, whom you fear. You know that you will continue living together. It was not the first time, but you want it to be the last. The agreement is important to you.</i>
<i>Offender</i>	<i>You want to take advantage of the mediation process for the benefit of your trial to do well in court and did not get a penalty.</i>
<i>Mediator</i>	<i>You are to carry out mediation, not forcing the parties to a settlement.</i>
<i>Observers</i>	<i>Observe, take down notes, share a reflection, not suggesting anything to the parties.</i>



Role option B	Task
<i>Victim</i>	<p><i>You were the victim beaten by your husband, whom you fear.</i></p> <p><i>You know that you will continue living together.</i></p> <p><i>It was not the first time, but you want it to be the last, and therefore he must be punished.</i></p> <p><i>You do not want to compromise but revenge.</i></p>
<i>Offender</i>	<p><i>You are remorseful and you feel guilty.</i></p> <p><i>You want to compromise and never again hurt a loved one.</i></p>
<i>Mediator</i>	<p><i>You are to carry out mediation, not forcing the parties to a settlement.</i></p>
<i>Observers</i>	<p><i>Observe, take down notes, share a reflection, not suggesting anything to the parties.</i></p>

Case 2: Punishable threats

Option A: Victim has a demanding attitude, perpetrator is remorseful.

Option B: Victim does not have a demanding attitude, perpetrator admits his guilt but does not want to repair the damage.

Role option A	Task
<i>Victim</i>	<p><i>You are offended victim.</i></p> <p><i>You had concerns that the offender could meet his threats.</i></p> <p><i>Now deal with your stress and you are requesting more and more as part of compensation.</i></p>
<i>Offender</i>	<p><i>You got angry unnecessarily.</i></p>



	<i>Now you regret and you want to convince victim. You do not want to get punishment, you want to say how sorry you are.</i>
<i>Mediator</i>	<i>You are to carry out mediation, not forcing the parties to a settlement.</i>
<i>Observers</i>	<i>Observe, take down notes, share a reflection, not suggesting anything to the parties.</i>

Role option B	Task
<i>Victim</i>	<i>You want to compromise. You want him to fix your damage.</i>
<i>Offender</i>	<i>You admit your guilt. You do not want to fix the damage.</i>
<i>Mediator</i>	<i>You are to carry out mediation, not forcing the parties to a settlement.</i>
<i>Observers</i>	<i>Observe, take down notes, share a reflection, not suggesting anything to the parties.</i>

In the case 1 and 2 the aim is to show the different attitudes occupied by both the victim and the offender in the process of mediation. With exercise, participants will be able to learn from them and learn to recognize them. At the same time the aim was to identify the trauma of crime disrupting victim's perception. Another goal is to present the role of mediation in restoring the proper perspective for action/ repair harm.



Case 3: Traffic accident with guilt VIP

Option A - Victim demands punishment for violator, while he does not want to hit the criminal record.

Option B – Victim wants to compromise, violator exerts pressure on the victim.

Role option A	Task
<i>Victim</i>	<i>VIP car hit you, but harmless. You do not go for compensation, but above all you want to punish VIP – violator.</i>
<i>Offender</i>	<i>You are guilty. You want to communicate and do not want to hit the criminal record.</i>
<i>Mediator</i>	<i>You are to carry out mediation, not forcing the parties to a settlement.</i>
<i>Observers</i>	<i>Observe, take down notes, share a reflection, not suggesting anything to the parties.</i>

Role option B	Task
<i>Victim</i>	<i>VIP car hit you, but harmless. You want to communicate in the partner's way. You do not want to say "No problem".</i>
<i>Offender</i>	<i>You are guilty. You want to push victim to withdraw his testimony.</i>
<i>Mediator</i>	<i>You are to carry out mediation, not forcing the parties to a settlement.</i>
<i>Observers</i>	<i>Observe, take down notes, share a reflection, not suggesting anything to the parties.</i>



Case nr 3 includes in order to demonstrate non-procedural motivation of the victim and the offender in the mediation process and the difficulties associated with maintaining the balance of the parties when offender is trying to exert pressure on the victim.

Case 4: A fight / Beating

Option A: Victim wants to punish the offender in a particular way – violator wants to have a "blank sheet".

Option B: Victim wants to know the culprit - violator wants to intimidate victim.

Role option A	Task
<i>Victim</i>	<i>You were beaten and humiliated. You know the right punishment for the violator and you demand that.</i>
<i>Offender</i>	<i>You have hit victim but you think he could also be blamed for the reason. You are very keen to have a no criminal record. You want the victim withdraw the accusation.</i>
<i>Mediator</i>	<i>You are to carry out mediation, not forcing the parties to a settlement.</i>
<i>Observers</i>	<i>Observe, take down notes, share a reflection, not suggesting anything to the parties.</i>



Role option B	Task
<i>Victim</i>	<i>You do not why you have been beaten but you want to get the knowledge on that. You want to know violator.</i>
<i>Offender</i>	<i>You are guilty. You want victim to withdraw his testimony. You are trying to intimidate him.</i>
<i>Mediator</i>	<i>You are to carry out mediation, not forcing the parties to a settlement.</i>
<i>Observers</i>	<i>Observe, take down notes, share a reflection, not suggesting anything to the parties.</i>

The goal of the Case 4 exercise is to show the weakness of the position of victim in a direct confrontation with the perpetrator, if the victim is not supported by the mediator. Another objective is to separate the problem/conflict from punishment and satisfaction, thereby strengthening the position of the victim .

5. Timetable

Time	Topic	Objective	Methodology
10.00 – 10.45	Introduction: discussion about the international regulations on mediation	Participants will be able to describe international standards relating to mediation	Group and subgroup discussion.
10.45-11.00	<i>Coffee break</i>		



11.00 – 12.30	Workshop I - cases: direct violence in the family and punishable threats	Participants will be aware of the importance of mediation as a judicial remedy against secondary victimization and as a standard in the trial proceedings. The participants will have also an opportunity to practice how to mediate.	Role playing – perspective of mediator, victim and offender
12.30 – 14.00	Workshop II - cases: traffic accident, VIP involved	Participants practice how to mediate.	Role playing – perspective of mediator, victim and offender
14.00 – 14.30	<i>Lunch break</i>		
14.30-16.00	Workshop III - fight	Participants practice how to mediate.	Role playing – perspective of mediator, victim and offender

6. Materials

- PowerPoint presentation.
- Outline of case studies.

7. Equipment and supplies

- Mediation table
- Flipcharts





- Markers
- Selotape
- Laptop
- Multimedia projector



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