



OFFICE OF THE PUBLIC PROSECUTOR

**VICTIM SUPPORT
SERVICE**

*Providing Assistance and
Support to Victims and
Witnesses of Crime*

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- ❖ Cover Page Image <https://www.look-uk.org/news-dla-changes/>
- ❖ Court Support Service Guidelines F2020, Ministry of Social Development, New Zealand <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/service-guidelines/court-support-service-guidelines.pdf>
- ❖ Witness Assistance Service Referral Guidelines, Commonwealth Director of Public Prosecutions, Australia https://cdpp.govcms.gov.au/sites/default/files/WAS-Referral-Guidelines%20August%202019_0.pdf
- ❖ NSW Communities & Justice Victims Services <https://www.victimsservices.justice.nsw.gov.au/>
- ❖ NSW Office of the Director of Public Prosecutions Witness Assistance Service <https://www.odpp.nsw.gov.au/odpps-witness-assistance-service>
- ❖ The Witness Assistance Service, ACT Government https://www.dpp.act.gov.au/witness_and_victim_services/the_witness_assistance_service
- ❖ Law Enforcement-Based Victim Services -Template Package II Protocols & Documentation, International Association of Chiefs of Police <https://www.theiacp.org/sites/default/files/LEV/Template%20Package%20II.pdf>

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About this Manual

1.1 Who is this Manual for?

This Manual has been designed for Victim Support Officers, Prosecutors, and any other officers of the Office of the Public Prosecutor, Vanuatu (OPP) who deal with victims of crime.

This Manual may be a useful guide to any individual involved in the investigation and prosecution of criminal offences in Vanuatu, including police prosecutors and police investigators.

1.2 What is the purpose of this Manual?

This Manual aims to guide best practice in the provision of a high quality and efficient victim support service within the criminal prosecution context.

1.3 How to use this Manual

This Manual provides a working protocol for all Prosecutors and Victim Support Officers or any officer at the OPP who works with victims and witnesses in the context of criminal prosecutions.

The Manual should be used as a reference point and as guidance. It should be read and applied in conjunction with the other relevant OPP policies and instruments. In particular:

- ❖ The [Victim of Crime Charter](#)
- ❖ The Prosecution Policy of the Office of the Public Prosecutor
- ❖ The [Prosecution Guidelines](#)
- ❖ The Domestic Violence Prosecution Handbook
- ❖ The OPP website for witnesses and victims <https://opp.gov.vu/index.php/witness-and-victims>

Revision and Feedback

2.1 First edition

This is the first edition of this Manual and it will be updated and revised to incorporate any required amendments or supplementation.

2.2 Feedback

Feedback on this Manual is welcomed and may be addressed to the Office of the Public Prosecutor at oppvila@vanuatu.gov.vu

Obligations to Victims – Sources and Guidance

3.1 OPP Victim of Crime Charter

The OPP Victim of Crime Charter is the Office of the Public Prosecutor’s Undertaking to Victims of Crime.



VICTIM OF CRIME CHARTER

The Office of the Public Prosecutor Undertaking to Victims of Crime

- 1** To treat victims with courtesy, compassion, respect and dignity. This will include, in some cases, seeking orders from the court to suppress names, ensuring the victim cannot see the accused in court and close the court to maintain the victims dignity.
- 2** To take into account and to treat a victim in a way that responds to their needs, for example obtaining support for children or people with disability during the court process.
- 3** To assist the return, as soon as possible, of a victims property which has been held as evidence. Where a victims property is not held by the OPP the victim will be directed to the police case officer.
- 4** To seek all necessary protection from violence and intimidation by a person accused of a crime against the victim, this includes:
 - seeking protective bail conditions from the court;
 - opposing bail because of the risk to the victim;
 - seeking suppression of the victims home address or contact details.
- 5** When a defendant has been convicted of an offence involving domestic violence and there is reason to believe that the victim remains at significant risk, the prosecutor will refer the concerns to police.
- 6** When a victim has suffered a loss that can be supported by documentation the prosecutor will seek a compensation or reparation order from the court at sentence.
- 7** To assist in protecting the victims privacy as far as possible and to take into account the victims welfare at all stages of the prosecution.

3.2 Public Prosecutor Act [CAP 293]

Subsection 8(2)(c) of the Public Prosecutor Act states that the Public Prosecutor must have appropriate regard to the concerns of victims of crime.

8. Functions of the Public Prosecutor

(2) In the performance of his or her functions, the Public Prosecutor must have regard to:

(c) the need to ensure that the prosecutorial system gives appropriate consideration to the concerns of the victims of crime.

Subsection 23(2) of the Public Prosecutor Act states that all State Prosecutors must have regard to the need to ensure that the prosecutorial system gives appropriate consideration to the concerns of victims of crime.

23. Functions of Prosecutors

(2) In the performance of their functions, the Deputy Public Prosecutor, Assistant Public Prosecutors and State Prosecutors must have regard to the need to ensure that the prosecutorial system gives appropriate consideration to the concerns of the victims of crime.

The Public Prosecutor Act can be located at http://www.paclii.org/vu/legis/consol_act/ppa218/

3.3 Code of Ethics

The OPP Code of Ethics sets out the standards of ethical and professional conduct for prosecutors in Vanuatu. It offers prosecutors and other members of the OPP staff a guideline about how they are expected to conduct themselves.

Part 1.5(e) of the Code of Ethics provides that prosecutors shall uphold the highest standard of confidentiality in the discharge of their duties, and actively exercise all care to ensure respect for the confidentiality of information, including the immediate reporting of suspected breaches of confidentiality where they may represent a danger to the safety, well-being or privacy of other prosecutors, other staff members, victims, witnesses, persons under investigation, the accused and their families.

The Code of Ethics sets out five core principles, are based on universally accepted statements of prosecutorial ethics and standards of conduct contained in various instruments including the Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors promulgated by the International Association of Prosecutors.

The Code of Ethics can be located at https://opp.gov.vu/images/Publications/Code-Of-Ethics_web.pdf

3.4 Prosecutors' Code

The OPP Prosecutors' Code sets out the criteria governing the decision whether to prosecute or not. The Prosecutor's Code states that prosecutors should take into account matters relating to any victims in their consideration of whether the public interest requires a prosecution, including the assessment of the seriousness of the alleged offence, taking into account matters including the circumstances and harm caused to any victims.

For example, paragraph 3.10(c) of the Prosecutors' Code states:

c) What are the circumstances of and the harm caused to the victim?

The circumstances of the victim are highly relevant. The greater the vulnerability of the victim, the more likely it is that a prosecution is required. This includes where a position of trust or authority exists between the suspect and victim.

A prosecution is also more likely if the offence has been committed against a victim who was at the time a person serving the public. Prosecutors must also have regard to whether the offence was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity; or the suspect demonstrated hostility towards the victim based on any of those characteristics. The presence of any such motivation or hostility will mean that it is more likely that prosecution is required. In deciding whether a prosecution is required in the public interest, prosecutors should take into account the views expressed by the victim about the impact that the offence has had. In appropriate cases, this may also include the views of the victim's family.

Prosecutors also need to consider if a prosecution is likely to have an adverse effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence. If there is evidence that prosecution is likely to have an adverse impact on the victim's health it may make a prosecution less likely, taking into account the victim's views.

However, the OPP does not act for victims or their families in the same way as solicitors act for their clients, and prosecutors must form an overall view of the public interest.

The Prosecutors' Code can be located at https://opp.gov.vu/images/Publications/Prosecutors-Code_Print_Web.pdf

3.5 Prosecution Guidelines

The Prosecution Guidelines set out the criteria governing the decision to prosecute. It serves to provide Prosecutors with the necessary tools to prosecute matters effectively and fairly, to promote consistency in decision-making, and to inform the public of the principles upon which the OPP performs its Constitutional functions.

The Prosecution Guidelines can be located at <https://opp.gov.vu/images/Publications/Prosecution-Guidelines-22112018-Web.pdf>

The Prosecution Guidelines provide the key reference point for Prosecutors and Victim Support Officers in their dealings with victims and vulnerable witnesses, including the following topics:

- ❖ Consultation with victims prior to discontinuing certain proceedings
- ❖ Court arrangements for vulnerable victims and witnesses
- ❖ Court arrangements for victims of sexual offences
- ❖ Prosecuting Family Violence offences
- ❖ Victim Expectations
- ❖ Victim Impact Statements
- ❖ The duty of the OPP to consider the needs and concerns of victims of crime in exercising its functions
- ❖ The duty of the OPP to have regard the prosecution must have regard to the protection of the privacy of victims and other witnesses in fulfilling its disclosure obligations.

The Prosecution Guidelines document is an essential resource for the Victim Support Officer and all Prosecutors dealing with cases involving victims and vulnerable witnesses.

3.6 Prosecution Policy of the Office of the Public Prosecutor

Part 6 of the Prosecution Policy states that:

6 Victims of Crime

Prosecutors must, to the extent that it is relevant and practicable to do so, have regard to the rights of victims in addition to any other relevant matter.

Interested victims and relatives of victims, whether witnesses or not, should appropriately and at an early stage of proceedings have explained to them the prosecution process and their role in it. Prosecutors generally should initiate the giving of such information and should do so directly rather than through intermediaries.

In the case of a child witness the prosecutor is to ensure that the child is appropriately prepared for and supported in his or her appearance in court.

Special needs or conditions of all witnesses, victims and relatives of victims should be given careful consideration. Prosecutors should consider seeking the involvement of the Witness Assistance Service in their dealings with such persons.

Careful consideration should be given to any request by a victim that proceedings be discontinued. In sexual offences, particularly, such requests, properly considered and freely made, should be accorded significant weight. It must be borne in mind; however, that the expressed wishes of victims may not coincide with the public interest and in such cases, particularly where there is other evidence implicating the accused or where the gravity of the alleged offence requires it, the public interest must prevail.

In domestic violence offences, any request by the victim that proceedings be discontinued should be carefully considered. The needs, welfare and safety of the victim should be considered as relevant factors in determining where the overall public interest lies. It may be necessary to defer any decision on discontinuation until a thorough appraisal of all the circumstances of the case can be made.

3.7 Domestic Violence Prosecution Handbook

The Domestic Violence Prosecution Handbook is a key OPP resource which provides guidance to prosecutors and other OPP staff and the State Prosecutions Department in dealing with domestic violence matters as defined under the Family Protection Act.

The Domestic Violence Prosecution Handbook provides detailed information and references to further resources, specifically in relation to domestic violence and domestic violence prosecutions, however much of the information and the guiding principles detailed in the Handbook are applicable to any prosecution involving victims and vulnerable witnesses.

This Handbook is an essential resource for the Victim Support Officer and all Prosecutors dealing with cases involving family violence.

Victims of domestic violence

Victims of domestic violence will often feel fearful of coming to Court. It is important that you seek support during the court process and we strongly recommend that you consider speaking to the Vanuatu Women's Centre for support and counselling both during and after the court process. During Court the Prosecutor can apply to the court for certain things to be put in place to assist you such as:

The accused be screened from you so that you cannot see the defendant while they give evidence

That, if requested, they be allowed to have a support person if needed to sit with them

We encourage you to keep in contact with the prosecutor and discuss any issues that may arise or pressure you are put under by others.

Victims and witnesses with disabilities

If you have a disability that may affect your ability to give evidence in Court, please notify the OPP or police as soon as possible so that we can make arrangements to make it easier for you.

Those arrangements may include, interpreters, specialist transport and medical or psychological assistance.

3.8 OPP Website - Witnesses & Victims

The [Witnesses and Victims](#) page on the OPP website includes the following information:

Being a victim or a witness to a crime can be very difficult and you may be required to go to court or give evidence whilst not knowing very much about the criminal justice system. Here we will detail the criminal justice process from what you can expect, going to court and your role. The Office of the Public Prosecutor will treat all victims and witnesses of crime with respect and understanding.

All victims and witnesses

Before coming to Court the prosecutor should contact victims and witnesses and speak to you about attending Court. If they do not please call the OPP and request an appointment to speak to the Prosecutor handling your matter.

If you receive a summons you must go to Court. We realise this is often daunting or upsetting for witnesses and victims to go to court and here at the OPP we will do everything we can to make the experience a fulfilling one.

In your summons you will see there is a contact number, if you have any questions please call this number and we will speak with you.

If you want to know how the Court works you can look at the Court's website or read through our pamphlet on 'Going to Court'.

You can find out more about how the Court works on the [Judiciary of the Republic of Vanuatu website](#).

Children in court

Prosecutors will always apply to the Court so any witness or victims under the age of 18 years will give evidence:

- Without their name being published
- In a closed Court, so no members of the public are present when they give evidence
- With a support person if needed and
- In a setting aimed at protecting the child's privacy and making it easier for them – for example, Prosecutors will often ask that lawyers remove their formal robes and sit down while talking to the child, so they do not appear so intimidating.

Victims of sexual offences

Prosecutors will always apply to the Court so any Victim of a sexual offence will give evidence:

- Without their name being published
- In a closed Court, so no members of the public are present when they give evidence
- Screened from the accused so the accused cannot see them while they give evidence, and
- With the assistance of a support person if needed.

We recognise that talking about the offence will be very difficult for a victim of a sexual offence and will make all efforts to assist these victims to be comfortable as possible. We encourage all victims of sexual offences to contact the Vanuatu Women's Centre for support and counselling both during and after the court process.

Victims of domestic violence

Victims of domestic violence will often feel fearful of coming to Court. It is important that you seek support during the court process and we strongly recommend that you consider speaking to the Vanuatu Womens Centre for support and counselling both during and after the court process. During Court the Prosecutor can apply to the court for certain things to be put in place to assist you such as:

- The accused be screened from you so that you cannot see the defendant while they give evidence
- That, if requested, they be allowed to have a support person if needed to sit with them

We encourage you to keep in contact with the prosecutor and discuss any issues that may arise or pressure you are put under by others.

Victims and witnesses with disabilities

If you have a disability that may affect your ability to give evidence in Court please notify the OPP or police as soon as possible so that we can make arrangements to make it easier for you.

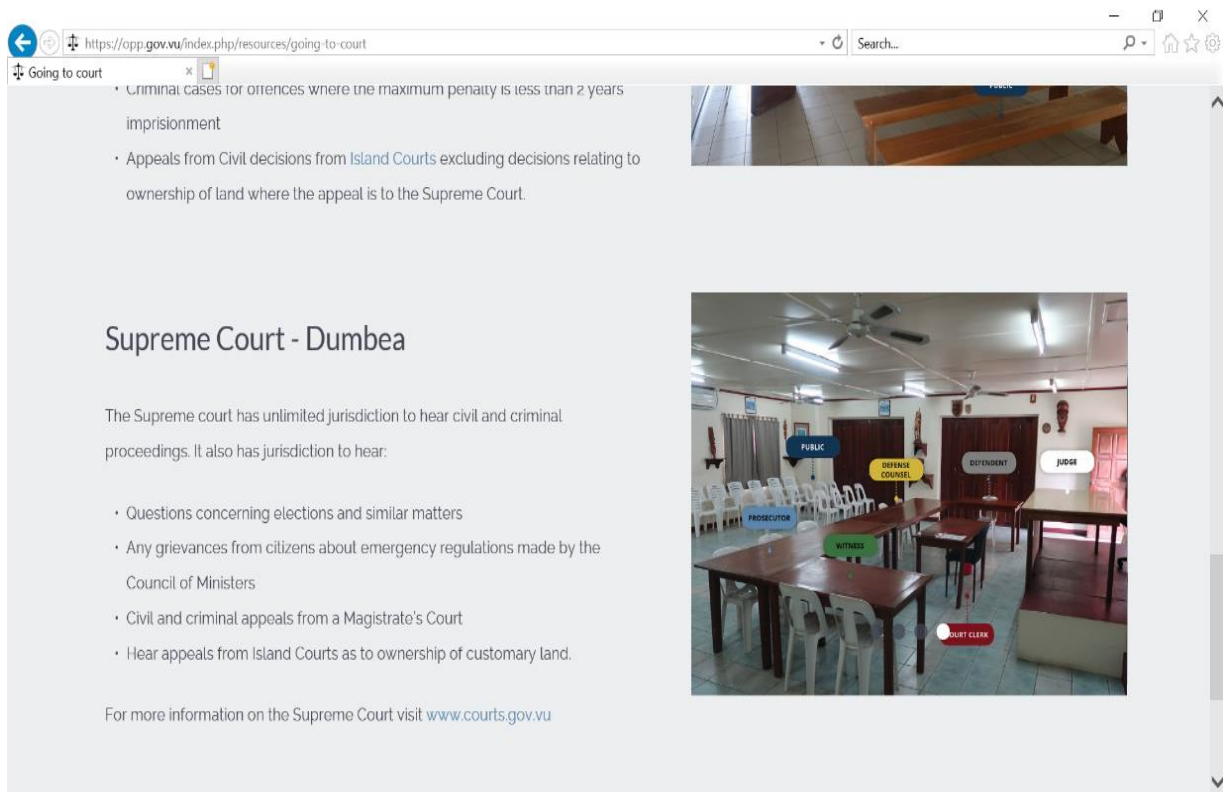
Those arrangements may include, interpreters, specialist transport and medical or psychological assistance.

3.9 Other Resources on the OPP Website

The OPP website also provides information about the court setting and the court processes.

All prosecutors should be familiar with the content and you can use the resources there to inform and assist the victims and witnesses you are working with.

❖ <https://opp.gov.vu/index.php/resources/going-to-court>



The screenshot shows a web browser window displaying the page <https://opp.gov.vu/index.php/resources/going-to-court>. The page content includes:

- Going to court**
 - Criminal cases for offences where the maximum penalty is less than 2 years imprisonment
 - Appeals from Civil decisions from Island Courts excluding decisions relating to ownership of land where the appeal is to the Supreme Court.
- Supreme Court - Dumbea**

The Supreme court has unlimited jurisdiction to hear civil and criminal proceedings. It also has jurisdiction to hear:

 - Questions concerning elections and similar matters
 - Any grievances from citizens about emergency regulations made by the Council of Ministers
 - Civil and criminal appeals from a Magistrate's Court
 - Hear appeals from Island Courts as to ownership of customary land.

For more information on the Supreme Court visit www.courts.gov.vu

The page features two images. The top image shows a wooden bench. The bottom image shows a courtroom interior with various seating areas labeled: PROSECUTOR, PUBLIC, WITNESS, DEFENSE COUNSEL, DEFENDENT, JUDGE, and CLERK.

Victim Support Officer

4.1 Purpose

The purpose of the OPP Victim Support Officer (VSO) is provide support to victims of crime and witnesses who need to appear in Court to give evidence.

The role of the VSO is to assist the OPP fulfil its obligations to victims and vulnerable witnesses, by providing the support, information and assistance required throughout the prosecution process.

The VSO works *with* victims and witnesses *not for* victims and witnesses.

It is *not* the role of the VSO to:

- ❖ Provide counselling to victims or witnesses
- ❖ “Represent” the victim or witness
- ❖ Seek to influence prosecution decisions or legal outcomes.

4.2 Duties and Responsibilities

The VSO Duties and Responsibilities, Key Results and Key Performance Indicators, are contained in the document at **Annexure A**.

4.3 Prioritising Victim Services

Due to resource constraints, the VSO cannot assist every victim or witness who may benefit from assistance.

The VSO will give priority to cases involving:

- ❖ Children and young people under the age of 18
- ❖ Victims of sexual offences
- ❖ Victims of serious domestic and family violence offences
- ❖ Witnesses and family members where the offence has resulted in a death
- ❖ Sexual servitude and forced marriage offences
- ❖ People vulnerable through disability, age, or mental health issues
- ❖ Victims of serious violent offences.

The VSO will discuss competing priorities and any difficulties with the capacity to provide services with the relevant prosecutors with conduct of the cases, or with the Public Prosecutor if necessary.

Victim Support Service

5.1 Services provided

The VSO assists victims and vulnerable witnesses in a number of ways, including:

- ❖ Liaising with the prosecutor handling the matter
- ❖ Organising and attending meetings (including witness proofings with prosecutors)
- ❖ Assisting in preparing witnesses for court
- ❖ Providing updates on court dates
- ❖ Providing information about other services that may be available
- ❖ Providing information about the legal process
- ❖ Discussing questions and concerns.

5.2 Getting ready for court

The VSO can help victims and witnesses get ready for court by:

- ❖ Helping witnesses understand their role and what to expect at court
- ❖ Liaising with the prosecutor about witnesses' needs or concerns
- ❖ Arranging a visit to court and other facilities to become familiar with the environment
- ❖ Preparing witnesses, including children, for giving evidence in court

5.3 In court

- ❖ Supporting victims who are giving evidence in court
- ❖ Providing information about victims' rights and special provisions for giving evidence
- ❖ Preparing people for court outcomes, such as a verdict of not guilty.

5.4 After the trial or hearing

After the trial or hearing the VSO can assist:

- ❖ In explaining the outcome, including the verdict and sentence
- ❖ Providing information about Victim Impact Statements (VIS) and the sentencing process and can assist with preparing the VIS if required
- ❖ Make referrals to other agencies for victim support.

Victim Support Guidance

6.1 Planning and Providing Support

The approach taken in each case should be adapted to suit the individual circumstances. The topics set out below may provide some guidance for planning and carrying out meetings and discussions with victims of crime.

Introductions

Introduce yourselves and briefly explain your roles.

Meeting / Discussion Overview

Briefly explain the purpose of the meeting and how long you expect it to take. This may include:

- ❖ Role of the OPP
- ❖ Case Update
- ❖ General Information regarding Legal Process
- ❖ Decision being considered (commence/discontinue/plea negotiation etc)
- ❖ Advise to ask questions/raise concerns at any stage (prosecutor should also ask if victim has any questions at various stages throughout the meeting/discussion rather than at the end).

Role of the OPP

Briefly explain what the OPP is and what it does.

- ❖ Responsible for prosecuting offences
- ❖ Represents community and not the victim but recognises the important role of the victim
- ❖ VOC/OPP Policy – inform/consult/right of review
- ❖ Distinguish from role of referring agency (e.g. police).

Case-specific Information

What has happened so far?

- ❖ Provide a summary of what has happened with case so far (e.g. investigation/brief to office/charges laid/bail etc)
- ❖ Explain where matter is currently at (e.g. next court date/decision to be made?)

- ❖ Explain OPP responsibility to apply Prosecution Policy:
 - Reasonable prospect of conviction; and
 - Public Interest (Prosecution and Victims of Crime Policy, views of victim).

General Legal Process

- ❖ Explain general stages of legal process
- ❖ Provide OPP info resources.

Decisions under Consideration

- ❖ Decision to commence/not commence
- ❖ Decision to discontinue (Nolle Prosequi)
- ❖ Plea Negotiation
- ❖ Decline to proceed after a committal
- ❖ Bail – safety – victim’s views?
- ❖ Right of review.

Being a Witness

- ❖ What is involved in being a witness?
- ❖ OPP Victims of Crime Policy

Pre-Court Attendance

- Role of Prosecutor/Defence Counsel/Judge
- Information provision (case-specific/general)
- Referrals to support services
- Arrange court tour/court support
- Liaison role of VSO
- Pre-trial Conference
- Witness Expenses and Arrangements

At Court

- Special measures available/victim’s views?
- Court support
- Giving Evidence
 - Oath/affirmation
 - Voir Dire
 - Examination in Chief
 - Cross Examination
 - Possible re-examination
 - Ability to watch remainder of proceedings

Sentencing

- Role of Prosecutor/Judge/Defence
- Submissions Prosecutor/Defence
- Victim Impact Statements
 - Presentation options (read aloud//closed court/support person/handed to judge without being read aloud etc.)
- Reparation orders.

Post-Sentence

- Sentence details in writing
- Feedback form
- Information regarding relevant services
 - *Victims Register?*
 - *Offenders Register?*
 - *State Compensation Scheme?*
- Information Provision (*do they wish to be advised of any appeal?*)
- Sentencing Remarks (*would they like a copy sent out?*)

Information & resources provided

- ❖ VOC Charter
- ❖ Going to Court
- ❖ Victim Impact Statements (English, French or Bislama available)

Confirm future contact and contact details

- ❖ Who should be contacted with future updates?
- ❖ What level of information?
- ❖ Preferred mode of contact - Phone? Email? Mail? Letter, Messages OK?
- ❖ Current contact details? (multiple sources if possible – email/phone/home/work)

Where to from here?

- ❖ Advise when can they next expect contact from OPP
- ❖ Letter or email or SMS to be sent out? (e.g. with next court date and details?)
- ❖ Provide OPP contact details.
- ❖ Note any action required, e.g. victim has requested a hard copy of the charges.
- ❖ Final Questions for OPP?

6.3 Victims of Crime Checklist

The Victims of Crime Checklist is designed to ensure all relevant actions are taken and to prompt the VSO or prosecutor where required. A Victims of Crime Checklist is to be printed and completed for each individual victim in a case. The completed checklist must be kept strictly confidential.

Special Measures to Protect Vulnerable Persons in Court

Victims of crime may be reluctant to give evidence and may feel fearful, anxious and intimidated by the prospect of attending court and giving evidence. In addition, many victims may be fearful of seeing the accused in person and hold concerns for their personal safety and/or that of their family should they give evidence.

Vulnerable witness protections include:

- Arrangements to restrict contact with the defendant or members of the public while giving evidence (screening orders)
- the exclusion of some or all members of the public while giving evidence (closed court)
- Suppression and pseudonym orders
- Non-publication orders relating to a witness' name or identifying characteristics
- Presence of a support person while giving evidence

These protections seek to ensure that witnesses are in an optimal position to present their evidence to the court by minimising the risk of intimidation, additional trauma, fear for personal safety and/or undue public embarrassment. If a witness is unable to give their evidence fully and accurately, or is reluctant to give evidence at all, this may adversely affect the outcome of a trial.

The VSO or OPP prosecutor should inform relevant victims and witnesses of any special measures that may be available to them in a timely manner and seek their views and preferences. It should be explained that when an application being made, the court ultimately makes the decision as to the application of any special measures. It is the role of the Prosecutor to make the application for protective orders.

Victims or witnesses under 18 years of age

The rights of children throughout the prosecution process are recognised in a range of instruments including:

- *Model Guidelines for the Effective Prosecution of Crimes Against Children* (International Association of Prosecutors)
- *United Nations Convention on the Rights of the Child*
- *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)*.

The International Association of Prosecutors recognises that child victims and witnesses must be treated in a manner that is respectful of their rights and needs and that they should not be discriminated against on the basis of being a child.

Where the victim is a child, consideration may be given to making a referral to any relevant child witness services where they exist. It is important that informed consent be sought and provided by the victim and/or the parent or caregiver before providing personal information (such as victim's names and contact details) to external support services.

The VSO will assess the need for such referrals and ensure that informed consent is sought from the victim and/or parent or caregiver before providing personal details of victims to any external agencies.

Where possible and appropriate it is important that efforts are made to provide children/young people with the opportunity to express their views in relation to matters that affect them, such matters include but are not limited to;

- decisions to commence or discontinue matters,
- decisions to accept plea negotiations, and
- decisions as to whether or not to create and submit a Victim Impact Statement (in appropriate cases).

The VSO or prosecutor will consult and liaise with police, parents, caregivers and other relevant persons in order to determine who best to have direct contact within matters involving child victims.

In all matters involving teenage victims, consideration should be given to having direct contact with the child victims concerned in order to seek their views as to whether or not they would like to receive direct contact from the office, in order to keep them informed of the prosecution process and seek their views at appropriate points.

In the case of a victim who is a child, the appropriate parent, guardian or caregiver should be contacted by the VSO or police investigator. It is important that the investigator be contacted in order to identify the most appropriate adult to contact on behalf of the child.

It may be desirable the prosecutor to confer with victims who are children on a number of occasions. For example, a conference may be necessary prior to the laying of charges, if an assessment is required to be made of the evidence likely to be given by the child in the context of assessing whether there exists a reasonable prospect of conviction. A conference is likely to be the main way in which the prosecution can make an early assessment of the ability of the child to give evidence as well as forming an appreciation of the child's developmental level.

Similarly, a conference is likely to be required prior to a trial, where the child will be a key witness. In addition to addressing evidentiary issues, a conference will ensure that the child is familiar with the criminal justice process, including the roles played by the various participants and is prepared for the experience of giving evidence.

A conference may also be important to establish:

- the child's language skills
- the child's anxiety/level of distress
- rapport and trust with the child.

When conferring with a child, as with any other witness, obvious care should be taken not to inadvertently influence the child's evidence.

Liaison and Referral to other Agencies

7.1 Agencies

There are a number of other agencies which can provide support to victims and witnesses in the criminal justice system.

The VSO liaises with those agencies to ensure as much as possible that the needs of victims and witnesses are met.

The VSO also provides referrals for witnesses to other agencies for ongoing support such as counselling and assistance with applications for financial assistance.

From time to time, the VSO or other OPP officers may be contacted by individuals who have been affected by a potential crime, but who are not yet “victims” or “witnesses” for the purpose of the work of the Office of the Public Prosecutor. That is, they may be “victims” but there is not currently any prosecution on foot, and in some instances, no report to the authorities has been made at all.

In those circumstances the VSO and other OPP officers will, depending on the nature and circumstances of the case, make contact with and refer the individual to the relevant agency or service providers who may be best placed to assist the individual.

Such referrals will take place in accordance with the same established protocols as for those victims who are already within the criminal justice system.

Reporting and Recording

8.1 File Management

Complete and accurate records of all interactions and events are expected to be maintained in accordance with the OPP office policies and procedures.

The information contained in VSO notes and files is highly sensitive and confidential. The personal information should be secured and stored appropriately at all times.

8.2 Case Management System

The VSO is required to update CMS and maintain accurate CMS records in accordance with OPP policy.

8.3 Monthly and Annual Reporting

The VSO is required to prepare and provide a report on activities to the Public Prosecutor each month.

The VSO is required to provide reports as required for inclusion in the OPP Annual Report, or for any other reporting purpose.

The form and content of the reporting is to be stipulated by the Public Prosecutor.

8.4 Measurement and Accountability

The role of the VSO is to assist the Office of the Public Prosecutor fulfil its obligations to victims of crime and to improve access to justice in Vanuatu. The recording of accurate data is crucial to measuring the effect that the VSO role has on these goals.

The **Victim Support Service Feedback Form** is at **Annexure E**

Each victim should be asked to complete this survey at the conclusion of the proceedings.

They can be completed at or after court while the victim is with the VSO. The VSO can ask the questions and fill out the form by hand according to the answers provided, and have the victim sign the form. The victim may be uncomfortable commenting openly and frankly on the performance of the VSO in their company, but this approach is more likely to result in the form being completed.

The victim may prefer to take the form away with them and fill it out in their own time. This may result in more open and honest answers, but it may be difficult to obtain completed forms this way.

ANNEXURES

Annexure A

VSO Job Description and Responsibilities

| | | | |
|-----|--|-----|---|
| 5 | Department / Unit | | Office of the Public Prosecutor |
| 6 | Location | | PORT VILA , Efate , Vanuatu |
| 7 | Purpose | | To provide support to vulnerable victims and witnesses during court proceedings |
| 8 | Key Result Areas | 9 | Key Performance Indicators |
| 8.1 | Ensure efficient and effective service delivery to victims of crime. | 9.2 | Generally providing Victim with information in relation to court processes. |
| 8.2 | Ensure Victims comfortable with court proceedings | 9.2 | Arrange and facilitate counselling where necessary for victims and witnesses |
| 8.3 | Record and maintain case notes and other client information in an efficient manner; | 9.3 | Keep an updated personal and desegregated information and data about victims from families, case officers and police. |
| 8.4 | Provision of individual and appropriate high quality support to victims, ensuring that they complete their journey through the criminal justice system where necessary and access additional support services; | 9.4 | Victims are given timely updates with the information relating to the court processes they must go through. Less complains from victims. |
| 8.5 | Client support and assistance that may include the provision of psychological services, information and advocacy, practical support and referral to specialist and professional services. | 9.5 | Provide additional services in a timely manner as to when the victims needed it. |

| | | | |
|-----------|--|-----|--|
| 8.6 | Provide monthly report to the administration on the job you are doing. | 9.6 | Monthly report is submitted monthly to the Public Prosecutor and the administration. Annual Report is also submitted to the Public Prosecutor and the administration at the end of its financial year |
| 10 | Duties and responsibilities | | |
| 10.1 | Receive and record complete personal and desegregated information and data about victims from families, case officers and police. | | |
| 10.2 | Engage with all stakeholders to ensure that the victims are secure and their well-being is not at risk. | | |
| 10.3 | Engage with victims and others to complete a comprehensive victim's statement. | | |
| 10.4 | Manage interactions between victims and OPP including arranging transport, meetings and accommodation as required. | | |
| 10.5 | Explain court processes, introduce the victim to the court environment, and accompany victims to court. | | |
| 10.6 | Arrange and facilitate counselling and other support services for victims by other agencies. | | |
| 10.7 | Update vulnerable victims and witnesses about ongoing processes that affect them including court proceeding. | | |
| 10.8 | Update prosecutors with information relating to victims and witnesses. | | |
| 10.9 | Assist and support prosecutors obtain statements from victims and exhibits. | | |
| 10.10 | Provide support to victim at court when requested by Prosecutors. | | |
| 10.11 | Identify the needs and concerns of the victims and assist in addressing them through services provided by other agencies and organisations, including health, education and friendly environment | | |
| 10.12 | Explain the role of key agencies to victims and witnesses | | |
| 10.13 | Generally provide support to victim where and when necessary | | |

Annexure B

Victim of Crime Checklist



VICTIMS OF CRIME - CHECKLIST

| CASE INFORMATION | | | |
|-------------------|--|----------------|--|
| Defendant's Name: | | Victim's Name: | |
| File Number: | | Contact: | |
| Offence(s): | | Address: | |
| Prosecutor: | | VSO engaged: | |

| CHECKLIST | | |
|--------------------------|---------------|--|
| <input type="checkbox"/> | Victim status | <ul style="list-style-type: none"> - Child - Elderly - Special vulnerability – physical, mental, psychological - Sexual offence - Serious injuries (physical or psychological) - Family of deceased - Other (specify) |
| <input type="checkbox"/> | CMS | <ul style="list-style-type: none"> - Data is complete and correct on CMS |
| <input type="checkbox"/> | Contact | <ul style="list-style-type: none"> - Initial contact and introduction - Victim informed of their right to be updated and consulted - Victim's needs assessed and referrals made - Information provided to victim |
| <input type="checkbox"/> | Charges | <ul style="list-style-type: none"> - Victim informed of charges laid and next court date |
| <input type="checkbox"/> | Custody | <ul style="list-style-type: none"> - Attitude of victim to bail - Victim advised that resumed cohabitation could increase risk - Appropriate conditions? - Applying for Family Protection Order? - Children's safety - Victim provided with details of bail conditions - Victim advised who to contact in case of breach - Consult victim re: any proposed bail variations |

CHECKLIST

| | | |
|--------------------------|-----------------|---|
| <input type="checkbox"/> | Pre-Court | <ul style="list-style-type: none">- Witness Statement- Court orientation visit- Information sheet / website- Witness proofing (conferencing)- Language / communication barriers identified & addressed |
| <input type="checkbox"/> | Discontinuation | <ul style="list-style-type: none">- Withdrawal Request – discuss reasoning with victim- Family Violence Withdrawal Request Form completed & signed- Nolle Prosequi – communicate intention to discontinue and explain in non-legalistic terms the reasons why discontinued |
| <input type="checkbox"/> | In Court | <ul style="list-style-type: none">- Assistance getting to and from court- Suppression/non-publication/screening orders sought- Explanation of court processes- Physical support in court- Moral support in court- Offered Victim Impact Statement option and assist with VIS- Reparation or compensation orders – evidence from victim |
| <input type="checkbox"/> | Post-Court | <ul style="list-style-type: none">- Inform victim outcome of case- Explain reasoning of Court decisions where necessary- Advise victim of any appeals lodged- Offer referral to services as required |
| <input type="checkbox"/> | All stages | <ul style="list-style-type: none">- Bear in mind the victim’s right to be informed and consulted on all important decisions and steps in prosecution process- Remember the victim’s views will be taken into account but are not necessarily determinative of the final decisions- Record all interactions with victims in a file note- Protect confidential personal information- Report threats made to victims or safety issues to police- Refer to appropriate agency for support or assistance as need arises, bearing in mind that needs can change over time. |

Annexure C

Victim Support Service Record of Contact



VICTIMS OF CRIME – RECORD OF CONTACT

| CASE INFORMATION | | | |
|--|-----------|--|--|
| Defendant's Name: | | Victim's Name: | |
| File Number: | | Contact: | |
| Offence(s): | | Address: | |
| Prosecutor: | | VSO engaged: | |
| RECORD OF VICTIM CONTACT (<i>Sample Content</i>) | | | |
| Date | Via | Subject | |
| xx/xx/xx | Voicemail | <i>Initial contact introducing VSO to victim, provided contact details and offered meeting. No reply as at X date. [VSO initials].</i> | |
| xx/xx/xx | In person | <i>V attended OPP office to discuss witness statement. V, VSO and Prosecutor X sat down together to discuss her evidence and explain the court process. V was emotional and was receptive to a referral to the VWC and psychologist. Confirmed VSO would make referral and confirm with V once referral accepted. [VSO initials]</i> | |
| xx/xx/xx | At court | <i>Preliminary Inquiry hearing. Case was committed to Supreme Court for trial. V advised VSO outside court that she wanted to withdraw her complaint. VSO suggested she make appointment to discuss with Prosecutor at OPP office. [VSO initials]</i> | |
| xx/xx/xx | In person | <i>V attended OPP office to discuss intended withdrawal of complaint. VSO, Prosecutor X and V discussed why V wanted to withdraw. Refer to completed Family Violence Withdrawal Request Form and File Note of Meeting for further detail. [VSO initials]</i> | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Annexure D

Victim of Crime Profile Template



VICTIM OF CRIME – PROFILE TEMPLATE

CONFIDENTIAL WHEN COMPLETE

KEY

Case/File No.

CASE DETAILS

| | |
|--------|--|
| V | Victim |
| D | Defendant |
| P | Parents |
| NOK | Next of Kin |
| LGBTQI | lesbian, gay, bisexual, transgender, transsexual & queer |

| | |
|---|--|
| Defendant's Name: | Victim's Name: |
| Gender: Male Female Other (LGBTQI) | Gender: Male Female Other (LGBTQI) |
| Age of D: | Age of V: |
| | Type of Victims: <ul style="list-style-type: none"> ○ Disability ○ Toddler (1 year old) ○ Preschooler (2 – 5 years old) ○ School aged child (6 - 9 years) ○ Teenage (10 – 17 years old) ○ Young adult (18 – 35) ○ Middle age (36 – 55) ○ Older adult (55+) |

| | |
|---|--|
| | <p>Type of Disability:</p> <ul style="list-style-type: none"> <input type="radio"/> Physical <input type="radio"/> Intellectual (slow mind) <input type="radio"/> Vision (blind) <input type="radio"/> Communication (nambud) <input type="radio"/> Psychosocial (Mental health condition or kranky) <input type="radio"/> Hearing (deaf) <input type="radio"/> Other _____ <p>*information from the Vanuatu Society for people with Disability</p> |
| <p>Marital Status (18+):</p> <ul style="list-style-type: none"> <input type="radio"/> Single <input type="radio"/> Married <input type="radio"/> De-facto <input type="radio"/> Divorced <input type="radio"/> Widowed | <p>Marital Status (18+):</p> <ul style="list-style-type: none"> <input type="radio"/> Single <input type="radio"/> Married <input type="radio"/> De-facto <input type="radio"/> Divorced <input type="radio"/> Widow |
| <p>Residence of Defendant:</p> | <p>Residence of Victim:</p> |
| <p>Village, Island / Country:</p> | <p>Village, Island / Country:</p> |
| | <p>Language:</p> <ul style="list-style-type: none"> <input type="radio"/> Dialogue native <input type="radio"/> Bislama <input type="radio"/> English <input type="radio"/> French |
| <p>Date of Offence:</p> | <p>Contact:</p> |
| | <p>Relationship to Defendant</p> <ul style="list-style-type: none"> <input type="radio"/> Father, Mother, Brother, Sister <input type="radio"/> Uncle, Aunty <input type="radio"/> Niece, Nephew <input type="radio"/> Close family member <input type="radio"/> Distant family member <input type="radio"/> Total stranger |
| <p>Offence(s):</p> | <p>Name of Parent's/Next of Kin:</p> |
| <p>Prosecutor:</p> | <p>Contact of P/NOK:</p> |
| | <p>VSO engaged:</p> |

| Date | Via (preferred mode of contact for V) | Venue (if to meet V face to face) | Subject |
|--------------|---|--|---------|
| X/X/X | <ul style="list-style-type: none"> <input type="radio"/> Face to face <input type="radio"/> Phone call <input type="radio"/> Video call <input type="radio"/> Text <input type="radio"/> Email <input type="radio"/> Social Media | <ul style="list-style-type: none"> <input type="radio"/> OPP <input type="radio"/> Victim's home <input type="radio"/> Parent's home <input type="radio"/> NOK's home <input type="radio"/> Other _____ | |
| | | | |

Annexure E

Victim Support Service Feedback Form



VICTIM SUPPORT SERVICE – FEEDBACK FORM

| CASE INFORMATION | | | | |
|---|---|----------------|---|---|
| Defendant's Name: | | Victim's Name: | | |
| File Number: | | Contact: | | |
| Offence(s): | | Address: | | |
| Prosecutor: | | VSO engaged: | | |
| VSO SERVICE RATING – To be completed by or with each victim | | | | |
| 5 – Excellent | | | | |
| 4 – Very good | | | | |
| 3 – Good | | | | |
| 2 – Fair | | | | |
| 1 – Poor | | | | |
| COMMUNICATION AND CONTACT WITH VSO | | | | |
| 5 | 4 | 3 | 2 | 1 |
| INFORMATION PROVIDED BY VSO | | | | |
| 5 | 4 | 3 | 2 | 1 |
| SUPPORT AND ASSISTANCE PROVIDED BY VSO | | | | |
| 5 | 4 | 3 | 2 | 1 |
| OVERALL RATING OF VICTIM SUPPORT SERVICE | | | | |
| 5 | 4 | 3 | 2 | 1 |
| Comments: | | | | |
| | | | | |
| Signature: | | | | |

VICTIM IMPACT STATEMENT MADE FOR COURT IN THE REPUBLIC OF VANUATU

How to use this Victim Impact Statement form

This form will help you prepare a Victim Impact Statement (VIS), but it's only a guide. You don't have to use this form to prepare a VIS.

If you need more space to write, you can add pages to this form.

Help is available

- If you need help writing your victim impact statement please ask:
 - A police officer from the Family Protection Unit or Criminal Investigations
 - A friend or relative who you think can assist
 - A person at the Vanuatu Womens Centre
 - A witness assistant from the Office of the Public Prosecutor
- |

What to include in your Victim Impact Statement

The court wants to hear from you in your own words about how the crime affected you. You should explain how the crime has affected you:

- emotionally
- physically
- financially
- socially.

You can also add other materials to your VIS if it helps explain how a crime has affected you. These can be things like letters, poems, photographs, drawings or medical reports.

Thinking about what to write

Imagine that someone who knows about what happened to you asked "how has the crime changed your life?". This can be a good way to start. Some people also find it useful to think about how the crime will change their life into the future. If the crime caused the death of a loved one, you might want to describe what you miss most about them.

Victim Impact Statement form

- **Your name:**
- **If you are not the direct (primary) victim of the crime, please write the name of the primary victim below and describe your relationship to the primary victim:**

Victim's name:

Your relationship to the victim:

- **Name of the accused person (if known):**
- **Name of the police investigator (if known):**
- **Name of the Court where the matter will be heard (if known):**
- **Would you like your Victim Impact Statement read aloud in court?**
The judge or magistrate will decide if you can read all of your Victim Impact Statement or only some parts of it in court.

No – I don't want my Victim Impact Statement read aloud in court

Yes – I would like my Victim Impact Statement read aloud in court by:

Me

The prosecutor

Someone else that I nominate

I'm not sure yet

If you would like your VIS read aloud in court, please discuss this with the OPP prosecutor or the police investigator as soon as possible.

Emotional impact of the crime

This section is a guide only. You don't need to fill it out.

You can use this section to describe any emotional impacts of the crime, including:

- your general feelings of wellbeing or enjoyment of life
- how the crime has affected any relationships (with your partner, family, friends or co-workers)
- any emotions or feelings related to the crime (such as hurt, anger, fear, frustration)
- effects on your lifestyle and activities (such as trouble sleeping, eating, working)
- psychological effects of the crime, including any treatment you need (such as depression or anxiety)
- how these impacts might change your life into the future.

You can add a medical report to this form if you think it will help the court understand the emotional or psychological effects of the crime on you.

Describe the emotional impact of the crime here

Physical impact of the crime

This section is a guide only. You don't need to fill it out.

Use this section to describe:

- injuries as a result of the crime (such as broken bones, bruises)
- how injuries have affected your life (such as work, sport or leisure activities)
- any long term impacts of injuries on your life
- any ongoing medical treatment you need.

You can add a medical report to this form if you think it will help the court understand the physical effects of the crime on you.

Describe the physical impact of the crime here

Financial impact of the crime

This section is a guide only. You don't need to fill it out.

Use this section to describe:

- loss of future earnings because of the crime (if a physical or psychological injury has affected your ability to work)
- general expenses caused by the crime (such as home security, replacing items)
- travel expenses because of the crime (such as court appearances)
- cost of medical treatment needed because of the crime.

You can add a medical report or other documents such as receipts or invoices if you think it will help the court understand the financial impacts of the crime on you.

Describe the financial impact of the crime here

Social impact of the crime

This section is a guide only. You don't need to fill it out.

Use this section to describe any other problems the crime has caused in your life, including how the crime has affected:

- work or study commitments
- family or social life (friendships, social events, sporting commitments)
- how safe you feel.

Some people find it useful to think about how their life has changed since the crime, and how they see their future.

When a crime has caused the death of a loved one, you might want to describe how your life has changed, and what you miss most about them.

You can add materials such as letters, poems, or drawings to this form if they help you express how the crime has affected you.

Describe the social impact of the crime here

Declaration

I swear on oath that the contents of this Victim Impact Statement are true and correct. I understand that this victim impact statement will be provided to the Judge or Magistrate during a sentence proceeding.

Declared at _____

on this _____ day of 20__

.....
Signature of person making this declaration
[to be signed in front of witness]

Before me,

.....
Signature of Witness

| |
|--|
| |
|--|