

# **SHIELDING THE VULNERABLE:**

**JUSTICE SYSTEM REFORMS  
FOR CONFLICT AND HUMAN RIGHTS CHALLENGES**

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# Vulnerable witness

- A person who is at increased risk of psychological harm from appearing before the court
- A person who experiences psychological, socio-emotional or physical difficulties affecting their ability to appear

## **Causes of vulnerability:**

- person-related factors
- factors associated with the nature of the criminal act
- factors based on unique circumstances

# Factors which influence vulnerable witnesses

- trauma
- collective memory
- culture of shame
- pressure and intimidation

# Motivation to testify

- need for justice
- desire to alleviate own suffering
- aspiration to regain self-esteem and control over their lives
- ethical responsibility towards those who did not survive
- desire to record the true version of events
- desire to shield others from similar experiences

# **Vulnerable witness in criminal proceedings**

- Well-being
- Safeguarding against re-traumatization
- Physical security

# Protection mechanism

- Do no harm!
- Procedural instruments
  - VWS (support, familiarisation)
  - interviewing v. interrogation (PEACE questioning model)
    - non-confrontational hearing
    - evidentiary presumptions

# Vulnerable witnesses – perspective from Ukraine

- VWS at the Office of Prosecutor General
- Model Courts' Initiative
  - Trainings and information campaign
  - Model solutions
    - Volunteers' service
  - Inter-institutional cooperation



**Thank you!**