

Media release

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Criminal justice system traumatises victims

The Victims of Crimes Commissioner (VOCC) today released [*Silenced and Sidelined* report](#) into victims' experience of participating in the justice system, from reporting a crime through to court processes and beyond.

Alongside 55 recommendations it identifies an alarming gap between victims' legal entitlements and their lived experiences, despite some of the efforts that had been made to implement government reforms introduced in 2018 to improve victims' ability to take part in justice processes.

Many victims are being traumatised by the Victorian criminal justice system, impacting a willingness to report crimes. Shockingly 52% of victims surveyed by the VOCC said they either would not (25%) or are unsure (27%) if they would report a crime again. 36% of victims who had acted as witnesses would not want to give evidence again and some victims felt unable or unsafe to report crimes in the first place.

Commissioner Fiona McCormack, in calling for the Victorian Government to introduce a "new deal for victims", said ongoing shortfalls were harming many victims who urgently needed stronger protections such as increased legal rights, specialist victim legal advice and for the justice system to be made easier and safer.

"When victims report a crime, they expect to play a part in the justice process but in reality, most felt they were silenced and sidelined," Ms McCormack said.

"Time and time again victims felt the person accused of the crime was given more consideration than them. Most of the victims surveyed felt their needs, concerns or preferences were unimportant or ignored, while 74% said they never or rarely felt they were treated as part of the justice process at all."

"Victims are the inevitable result of crime, yet the criminal justice system is primarily designed to ensure the fair treatment of the accused. Victims are asking for a criminal justice system that delivers justice for them, that isn't inconsistent with the system we have but it will need major reform. Victorians owe victims of crime the dignity of that reform and this report is their report."

Victims said being treated as irrelevant caused them secondary trauma which meant they were being harmed by the justice process itself and, for some, reporting a crime and going through court was even more traumatic than the crime.

“There were some very distressing stories like a parent finding themselves sitting beside their son’s alleged killer in a court foyer because there were no separate spaces for victims and their families,” Ms McCormack said.

“Pursuing protection or justice is often not even an option for many victims, especially those who’ve had negative experiences in the past, don’t trust the system or face barriers like language and disability,” Ms McCormack said.

“Some victims miss out on an opportunity for justice at the very first hurdle - particularly Aboriginal peoples, people with disability, LGBTIQ+ people, culturally and linguistically diverse people, the elderly, children and young people. This is particularly concerning to me given these are people more likely to be targeted as victims of crime and yet face the greatest difficulties in accessing justice.

The report makes 55 recommendations designed to improve victims’ experiences without affecting the rights of accused offenders.

“It is imperative victims are not traumatised by the justice process - for their own well-being and because society depends on them to play a role in community safety by reporting crime and providing evidence against the accused,” Ms McCormack said.

“An urgent priority is providing victims with stronger rights that are proactively upheld and establishing a free, independent legal service for all victims who suddenly have to navigate a complex justice system.”

Other priority recommendations included:

- Recognising victims’ rights as human rights
- Ensuring victims’ rights are equal rights
- Stronger protections for victims giving evidence
- Magistrates and judges to check victims’ rights are being upheld
- An independent body to review certain decisions by police and prosecutions
- Alternative and culturally safe options for reporting crimes
- Legal protection from unreasonable court delays
- An online victims’ portal to provide timely and accessible updates about individual cases
- Non-disclosure of Victim Impact Statements until sentencing
- Funding for courts, police, prosecutions, and legal aid to advance victims’ rights

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