
THE ROLE OF EMOTIONAL INTELLIGENCE IN VICTIM-CENTRIC JUSTICE DELIVERY

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ABSTRACT

Justice systems across the world have traditionally been structured around the adjudication of offences and the punishment of offenders, often relegating the victim to the position of a passive witness within the process. In recent decades, however, a paradigm shift towards victim-centric justice has emphasised the dignity, participation, protection and psychological well-being of victims as central concerns of criminal and restorative justice processes. This paper examines the role that Emotional Intelligence (hereinafter referred as EI) the capacity to perceive, understand, regulate and utilise emotions effectively plays in enabling justice functionaries to deliver justice in a manner that is humane, responsive and non-retraumatising. Drawing upon established models of EI and the normative framework of victim-centric justice, the paper analyses how emotionally intelligent conduct by police officers, prosecutors, judges, counsellors and correctional personnel can reduce secondary victimisation, enhance victim trust and cooperation, and improve overall justice outcomes. The paper further identifies institutional and cultural barriers to embedding EI within justice delivery and proposes a set of policy, training and structural recommendations. It concludes that emotional intelligence is not a peripheral soft skill but a foundational competency for justice systems that genuinely seek to serve, rather than merely process, victims of crime.

Keywords: Emotional Intelligence, Victim-Centric Justice, Restorative Justice, Secondary Victimisation, Trauma-Informed Practice, Criminal Justice System, Empathy.

INTRODUCTION

For much of modern legal history, the criminal justice process has been conceived primarily as a contest between the state and the accused, with the victim occupying a marginal role often reduced to that of a complainant or a witness whose testimony serves an evidentiary rather than a restorative function. This offender-centric orientation, while important for safeguarding due process and the rights of the accused, has frequently left victims feeling voiceless, unsupported and, in many instances, re-traumatised by the very system meant to vindicate their rights. The past four decades have witnessed a gradual but decisive shift towards what is now termed victim-centric justice an approach that places the needs, dignity, safety and participation of the victim at the heart of justice delivery, without displacing the fundamental guarantees owed to the accused. This shift has been propelled by the victims' rights movement, the development of restorative and therapeutic jurisprudence, and growing recognition within criminology and psychology of the phenomenon of secondary victimisation, whereby insensitive or bureaucratic handling by justice institutions compounds the harm originally inflicted by the crime.

Parallel to these developments in victimology, the field of psychology has, since the early 1990s, given increasing attention to EI as a distinct set of competencies concerned with the recognition, understanding and regulation of emotion both one's own and that of others.¹ While EI has been extensively studied in organisational, educational and clinical settings its application to the functioning of justice systems, and specifically to victim-centric justice delivery, remains comparatively underexplored.² This paper argues that emotional intelligence is not a peripheral or optional attribute for justice functionaries, but a core competency that determines whether victim-centric principles are realised in practice or remain aspirational text in policy documents.

1.1 Statement of the Problem

Despite the proliferation of victim-centric policies, legislation and international instruments, victims frequently report dissatisfaction with their treatment by police, prosecutors and courts citing indifference, procedural insensitivity, repeated and intrusive questioning, and a general absence of empathy. This gap between policy intent and lived experience suggests that structural and procedural reform alone is insufficient; the emotional competence of the individuals who implement these processes is equally, if not more, decisive.

1.2 Objectives of the Study

- i. To examine the conceptual linkages between Emotional Intelligence and victim-centric justice delivery.

¹ Salovey, P., & Mayer, J. D. (1990). Emotional intelligence. *Imagination, Cognition and Personality*, 9(3), 185–211.

² Goleman, D. (1998). *Working with Emotional Intelligence*. Bantam Books.

- ii. To analyse the role of EI at each stage of the justice process from first response through investigation, prosecution, trial and post-trial support.
- iii. To identify how deficits in emotional intelligence contribute to secondary victimisation.
- iv. To examine institutional and cultural barriers that inhibit the integration of EI into justice systems.

1.3 Significance of the Study

This study contributes to an interdisciplinary understanding of justice delivery by situating a psychological construct emotional intelligence within the normative and institutional framework of victimology and criminal procedure. Its findings are intended to be of practical use to police training academies, judicial academies, legal aid institutions, victim support organisations and policymakers engaged in criminal justice reform.

2. CONCEPTUAL FRAMEWORK

2.1 Emotional Intelligence: Meaning and Models

Emotional Intelligence was first articulated as a formal psychological construct by Salovey and Mayer¹, who conceptualised it as the ability to monitor one's own and others emotions, to discriminate among them, and to use this information to guide thinking and action. The construct was subsequently popularised for a wider audience through the work of Goleman², who framed EI in terms of five broad domains: self-awareness, self-regulation, motivation, empathy and social skill. A third strand of scholarship, associated with Bar-On³ and later Petrides and Furnham⁴, conceives of EI as a trait-based disposition measurable through self-report, encompassing intrapersonal and interpersonal competencies, stress management, adaptability and general mood.

According to Peter Salovey and John D. Mayer,⁵

"Emotional intelligence is the ability to monitor one's own and others' feelings and emotions, to discriminate among them, and to use this information to guide one's thinking and actions."

According to Daniel Goleman,

"Emotional intelligence is the capacity to recognize one's own feelings and those of others, motivate oneself, and manage emotions effectively in oneself and in relationships."

According to Reuven Bar-On,

"Emotional intelligence is "an array of noncognitive capabilities, competencies, and skills that influence one's ability to succeed in coping with environmental demands and pressures."

For the purposes of this paper, EI is understood as comprising four interlinked competencies of particular relevance to justice functionaries:

- Self-awareness: The capacity to recognise one's own emotional reactions, including frustration, fatigue or bias, while engaging with a victim's account.
- Self-regulation: The ability to manage one's emotional responses so as to maintain professionalism, patience and composure, particularly in emotionally charged or distressing situations.
- Empathy: The capacity to accurately perceive and understand the emotional state of a victim, including the effects of trauma, fear, shame or grief.
- Relationship management: The ability to communicate in a manner that builds trust, conveys respect, and facilitates the victim's meaningful participation in the process.

2.2 Victim-Centric Justice: Meaning and Principles

Victim-centric justice denotes an approach to criminal and restorative justice that prioritises the rights, needs, safety, and voice of the victim throughout the justice process, rather than treating the victim solely as an instrument for securing a conviction. Its normative foundations may be traced to the United Nations Declaration

¹ *Supra* note 2.

² *Supra* note 3.

³ Bar-On, R. (1997). The Emotional Quotient Inventory (EQ-i): A Test of Emotional Intelligence. Multi-Health Systems.

⁴ Petrides, K. V., & Furnham, A. (2001). Trait emotional intelligence: Psychometric investigation with reference to established trait taxonomies. *European Journal of Personality*, 15(6), 425–448.

⁵ Salovey, P., & Mayer, J. D. (1990). Emotional intelligence. *Imagination, Cognition and Personality*, 9(3), 185–211.

of Basic Principles of Justice for Victims of Crime and Abuse of Power¹, which articulated victims entitlements to access to justice and fair treatment, restitution, compensation, and assistance.

Victim-centric justice typically rests on the following principles:

Firstly, recognition and respect for the victim's dignity and personal situation. *Secondly*, the right to be informed about the progress and outcome of proceedings. *Thirdly*, the right to participate meaningfully, including through victim impact statements. *Fourthly*, protection from intimidation, retaliation and repeat or secondary victimisation. Lastly, access to support services, including medical, psychological and legal assistance and access to restitution, compensation and, where appropriate, restorative processes. A recurring theme across this literature is that the manner in which justice is delivered the tone, sensitivity and emotional attainment of those administering it is as significant to victim well-being as the substantive outcome of the case. This is precisely the point at which emotional intelligence becomes analytically central.

3. LITERATURE REVIEW

Victimological scholarship has long recognised the concept of secondary victimisation harm inflicted upon victims not by the original offender, but through negative, insensitive or blaming responses from institutions and individuals encountered in the aftermath of a crime. Herman's foundational work on trauma and recovery underscored that recovery from traumatic victimisation is contingent upon the survivor regaining a sense of safety, control and connection, all of which can be undermined by institutional processes that are impersonal or disempowering. Restorative justice scholarship, notably Braithwaite's (1989) work on reintegrative shaming and Zehr's² (2002) writings on restorative principles, has similarly emphasised the centrality of respectful, empathetic engagement with both victims and offenders as a precondition for meaningful accountability and healing. Wemmers comparative studies on procedural justice found that victims satisfaction with the justice process was more strongly correlated with perceptions of respectful and fair treatment than with the ultimate outcome of the case, lending empirical support to the proposition that interpersonal and emotional dimensions of justice delivery carry independent weight. Within policing literature, emotional intelligence has been examined as a predictor of effective communication, de-escalation and trust-building in community interactions³ (Goleman, 1998), particularly in cases involving sexual violence, domestic abuse and crimes against children, where the manner of initial contact profoundly shapes a victim's willingness to disclose and cooperate. Judicial studies on trauma-informed courts likewise indicate that judicial demeanour, tone and responsiveness materially affect victims and witnesses experience of testifying, independent of the legal merits of the case.⁴ Taken together, this body of literature converges on a common insight: victim-centric justice cannot be achieved through procedural or legislative reform alone; it requires justice functionaries who possess, and are trained in, the emotional competencies necessary to translate policy into humane practice.

4. ROLE OF EMOTIONAL INTELLIGENCE ACROSS STAGES OF JUSTICE DELIVERY

4.1 First Response and Police Investigation

The first point of contact between a victim and the justice system typically a police officer is disproportionately influential in shaping the victim's subsequent trust in, and engagement with, the process⁵. An emotionally intelligent first responder is attuned to signs of shock, fear or trauma, adapts the pace and tone of questioning accordingly, avoids language that implies disbelief or blame, and creates an environment in which the victim feels safe to disclose.⁶ Self-regulation is particularly critical here, as investigators must often manage their own reactions to disturbing accounts while maintaining a calm, non-judgmental demeanour that does not compound the victim's distress.⁷

¹ United Nations. (1985). Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. UN General Assembly Resolution 40/34.

² Zehr, H. (2002). The Little Book of Restorative Justice. Good Books.

³ *Supra* note 3.

⁴ Wemmers, J. (1996). Victims in the Criminal Justice System. Kugler Publications.

⁵ *Ibid*.

⁶ *Supra* note 10.

⁷ *Supra* note 3.

4.2 Prosecution and Legal Counsel

Prosecutors and victim advocates serve as intermediaries between the victim and the formal machinery of the court. Emotionally intelligent prosecutorial practice involves clear and empathetic communication regarding the progress of a case, realistic explanation of likely outcomes, and sensitivity in preparing victims for the adversarial rigours of cross-examination. Empathy enables prosecutors to anticipate a victim's emotional vulnerabilities in the courtroom and to take preparatory or protective measures such as requesting in-camera proceedings or the use of screens that mitigate re-traumatisation.

4.3 Judiciary and Courtroom Proceedings

Judicial officers occupy a position of considerable symbolic and practical authority, and their demeanour materially shapes a victim's experience of testifying. Emotionally intelligent judicial conduct includes managing courtroom dynamics to prevent intimidation of the victim, exercising patience with victims who struggle to articulate traumatic experiences, and maintaining impartiality without appearing cold or indifferent. This requires a delicate balance: judicial empathy must coexist with the constitutional obligation of neutrality and fairness to the accused, underscoring that EI in this context is about emotionally intelligent conduct of proceedings rather than emotionally driven decision-making.

4.4 Victim Support Services and Counselling

Professional counsellors and victim support officers rely most directly on core EI competencies empathy, active listening and relationship management to help victims process trauma, navigate the justice system, and rebuild a sense of agency. Emotionally intelligent support work also entails recognising the limits of one's own competence and making timely referrals to specialised psychological or medical care.

4.5 Restorative Justice and Mediation

Restorative processes, such as victim-offender mediation and community conferencing, depend heavily on facilitators emotional intelligence to manage highly charged encounters between victims and offenders (Braithwaite, 1989; Zehr, 2002). Facilitators must read the emotional undercurrents of the room, regulate tension, and create conditions in which genuine acknowledgment of harm and, where appropriate, reconciliation, can occur without exposing the victim to further harm.

4.6 Correctional and Post-Trial Processes

Emotional intelligence remains relevant even after adjudication, particularly in the administration of victim compensation schemes, parole hearings involving victim input, and communication regarding an offender's release. Emotionally attuned communication at this stage reduces victims' anxiety and reinforces their confidence that the justice system continues to regard their welfare as significant beyond the conclusion of trial.

5. EMOTIONAL INTELLIGENCE AND THE PREVENTION OF SECONDARY VICTIMISATION

Secondary victimisation typically arises from a cluster of institutional failures: repeated and intrusive interviewing, victim-blaming language, dismissive attitudes, excessive procedural delay without explanation, and physical or symbolic confrontation with the accused.¹ (Herman, 1992). Each of these failures has an identifiable emotional-intelligence deficit at its root whether an inability to regulate frustration, a lack of empathic perspective-taking, or poor communication of difficult information. Conversely, institutions that systematically cultivate EI among their personnel are better positioned to identify early warning signs of victim distress, adapt procedures accordingly, and coordinate across agencies (police, prosecution, medical and psychological services) to minimise the cumulative emotional burden placed upon the victim.²

6. INSTITUTIONAL PRACTICES AND ILLUSTRATIVE APPROACHES

A number of jurisdictions have introduced structural mechanisms that, while not always framed explicitly in the language of emotional intelligence, operationalise its underlying principles. Specialised courts for offences against women and children frequently employ victim-friendly infrastructure, such as separate waiting areas, video-link testimony and child-friendly interview rooms, precisely to reduce the emotional burden of confrontation and repeated recounting of trauma. Victim liaison and witness care units in several police forces are staffed by officers specifically trained in trauma-informed communication. Restorative justice programmes operating in various countries employ trained facilitators whose selection and training place explicit emphasis on empathy, active listening and conflict de-escalation. These practices, though developed independently of

¹ Herman, J. L. (1992). *Trauma and Recovery: The Aftermath of Violence: From Domestic Abuse to Political Terror*. Basic Books.

² *Supra* note 11.

formal EI theory, collectively illustrate that justice systems perform better on victim-centric metrics precisely where they build in structures that compel or support emotionally intelligent conduct.

7. CHALLENGES IN INTEGRATING EMOTIONAL INTELLIGENCE INTO JUSTICE DELIVERY

i. Institutional culture: Many justice institutions retain a bureaucratic, procedure-first culture in which emotional engagement with victims is viewed as inefficient or unprofessional rather than as a core competency.

ii. Training gaps: Police academies, judicial training institutes and prosecutorial training programmes frequently allocate minimal curricular time to emotional and psychological competencies relative to substantive and procedural law.

iii. Compassion fatigue and burnout: Justice functionaries who repeatedly engage with traumatic material are themselves vulnerable to secondary traumatic stress, which can erode empathic capacity over time if unaddressed.

iv. Risk of role confusion: There is a legitimate concern that excessive emphasis on empathy could compromise the impartiality required of judicial and prosecutorial roles; EI training must therefore be carefully calibrated to preserve procedural fairness.

v. Resource constraints: Under-resourced justice systems, high caseloads and staff shortages leave limited time for the individualised, unhurried engagement that emotionally intelligent practice often requires.

vi. Measurement difficulty: Unlike legal knowledge, emotional intelligence is difficult to assess through conventional examinations, complicating its integration into recruitment and performance evaluation.

8. RECOMMENDATIONS

8.1 Training and Capacity Building

- Incorporate structured emotional intelligence and trauma-informed care modules into the foundational and in-service training curricula of police, prosecutors, judicial officers and correctional staff.
- Use simulation-based and scenario training, including role-play with trained victim-actors, to build practical empathic and de-escalation skills rather than relying solely on classroom instruction.

8.2 Institutional and Structural Reform

- Establish dedicated victim liaison officers within police stations and prosecutorial offices to serve as a consistent, emotionally attuned point of contact throughout the case lifecycle.
- Expand the use of victim-friendly infrastructure, including video-conferencing facilities for testimony, separate waiting areas, and child- and trauma-friendly interview rooms.
- Introduce single-window or coordinated case management to minimise the number of times a victim must recount traumatic events to different officials.

8.3 Recruitment and Evaluation

- Incorporate validated emotional intelligence assessments as one component of recruitment and promotion criteria for roles involving direct victim interaction.
- Include victim-experience feedback mechanisms in the performance evaluation of investigating officers, prosecutors and support staff.

8.4 Well-Being of Justice Functionaries

- Institutionalise regular psychological supervision, peer support and access to counselling for personnel regularly exposed to traumatic material, to guard against compassion fatigue and preserve their emotional capacity to serve victims effectively.

8.5 Policy and Legal Reform

- Embed emotional intelligence and trauma-informed standards explicitly within victim rights legislation, standard operating procedures and judicial bench manuals.
- Encourage law schools and judicial academies to integrate victimology and emotional competence as part of the core curriculum, rather than as optional or peripheral modules.

9. CONCLUSION

Victim-centric justice cannot be achieved through legislative reform, procedural redesign, or the creation of victim-support mechanisms alone. Although laws and institutional procedures provide the necessary framework

for protecting victims rights, their effectiveness ultimately depends on the people responsible for implementing them. Police officers, prosecutors, judges, lawyers, counsellors, healthcare professionals, probation officers and other justice functionaries must be equipped not only with legal knowledge and technical competence, but also with the emotional and interpersonal capacities required to engage with victims in a sensitive, respectful and humane manner. A formally progressive justice system may still fail victims if its representatives respond with indifference, suspicion, impatience or insensitivity. Emotional intelligence, comprising self-awareness, self-regulation, empathy and relationship management, provides a coherent framework for understanding and cultivating these essential professional competencies. Self-awareness enables justice functionaries to recognise their own assumptions, prejudices, emotional reactions and professional limitations. Self-regulation helps them manage frustration, anger, fatigue and unconscious bias, particularly while dealing with traumatic, emotionally complex or distressing cases. Empathy enables them to understand the victim's experience without diminishing the seriousness of the harm suffered, while relationship management promotes respectful communication, trust, cooperation and constructive engagement throughout the justice process. Together, these dimensions influence whether victims experience justice institutions as sources of validation, protection and support, or as sites of disbelief, humiliation and further harm. The importance of emotional intelligence becomes especially evident in cases involving sexual violence, domestic abuse, child victimisation, trafficking, communal violence, caste-based violence and other forms of trauma. Victims in such cases may struggle to provide consistent accounts, express themselves clearly, recall events chronologically or participate confidently in formal proceedings. Their emotional responses may include fear, anger, silence, confusion, withdrawal or apparent detachment. These reactions should not automatically be interpreted as indicators of dishonesty, non-cooperation or lack of credibility. Emotionally intelligent justice functionaries are better placed to understand that trauma can affect memory, communication, behaviour and decision-making. This understanding can prevent secondary victimisation and ensure that the victim's conduct is not unfairly used against them.

As justice systems worldwide continue to reorient themselves around the rights, dignity and needs of victims, emotional intelligence must be recognised not as an ancillary soft skill, a matter of personal courtesy, or an optional personality trait, but as a foundational professional competency. It should be deliberately incorporated into legal education, police and judicial training, prosecutorial development, continuing professional education and institutional evaluation. Training should move beyond abstract discussions of empathy and include practical exercises involving active listening, trauma-informed interviewing, de-escalation, cultural sensitivity, ethical communication, bias recognition, emotional regulation and the management of difficult interactions. Such training must also be continuous, because emotional intelligence is not acquired through a single workshop; it is developed through sustained reflection, supervision, feedback and professional accountability.

Institutional reinforcement is equally important. Individual sensitivity cannot compensate for systems that are hostile, inaccessible or excessively bureaucratic. Courts, police stations, prosecution offices and victim-support services must adopt policies that allow victims to communicate safely, receive timely information, access appropriate support and participate meaningfully in proceedings. Mechanisms such as victim liaison officers, counselling services, interpreter support, child-friendly procedures, regular case updates, privacy protections and clear complaint processes can help translate emotionally intelligent practice into institutional reality. Performance assessments should also consider how justice functionaries communicate with victims, protect their dignity and respond to their emotional and practical needs.

At the same time, emotional intelligence must be applied carefully and ethically. Empathy should not lead to partiality, emotional over-identification or the abandonment of procedural fairness. Justice functionaries must remain objective, impartial and legally accountable while recognising the humanity of those who enter the justice system. The purpose of emotional intelligence is not to replace evidence, legal reasoning or due process, but to ensure that these processes are carried out in a manner that is respectful, accessible and responsive to the lived realities of victims. In this sense, emotional intelligence strengthens rather than weakens the rule of law.

A justice system that is legally sound but emotionally illiterate may satisfy formal procedural requirements while failing to provide meaningful justice. It may record complaints but discourage reporting, conduct hearings but silence victims, and deliver judgments without addressing the psychological and social consequences of victimisation. Conversely, a system that integrates emotional intelligence into its institutional fabric stands a far better chance of delivering justice that is not only procedurally correct, but also trustworthy, dignified and humanly restorative. Ultimately, victim-centric justice requires more than recognising victims in law; it requires recognising them as human beings whose experiences, emotions and dignity must shape the manner in which justice is delivered. Emotional intelligence therefore represents an essential bridge between the formal promise of justice and its humane realisation in practice.