

## GROUP 2

### RESPONSE TO THE NEEDS OF VICTIMS OF CRIME

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#### I. INTRODUCTION

The group was assigned to discuss “Response to Needs of Victims of Crime”. However, before starting to discuss the agenda, each participant made some comments on the group work and the general idea of victims of crime.

#### II. CONTENTS OF DISCUSSION

The group started their discussion by dwelling upon the impact of victimization. The Visiting Expert from Germany Dr Markus Loffelmann took the floor to say that a victim expects to be financially, psychologically and physically rehabilitated and restored. He also pointed out that victims often become traumatized and suffer from shyness and shame, because others, at times, blame the victims for the occurrence, and because sympathy and cooperation from the law enforcers are not always available.

In regard to juvenile offenders Dr Markus Loffelmann talked about the importance of cooperation between the law enforcement authorities and social institutions and gave some examples. He further opined that generally police and prosecutors are reluctant to pay attention to the restoration of the victims’ loss.

Mr Ibuki said that the victim of an offence should be informed of the release of the offender from prison so that the victim can be alerted.

Mr Sujayet Ullah wanted to emphasize the need to restore the victims of offences financially first. He argued that as a result of victimization a person is dislodged from his economic and professional pursuit. Apart from physical injury a victim suffers from financial losses. If he is not financially restituted he may be forced to recover the loss by committing another crime. Financial restitution is necessary to economically sustain the victim and his family. In regard to psychological impact Mr. Sujayet said some victims suffer from traumatic complications which need to be addressed. Police or the prosecutors do not take into consideration the plights of the victims while interrogating them. Thus, they become a victim once again while going through the process of investigation.

Mr. Ashraf, the Afghan participant, said that in his country a victim has to seek justice by filing a complaint to the appropriate authority. If the victim does not come up with a complaint the offender goes off with impunity. He said that the local tribal heads undertake to settle the dispute locally. Generally, the offender pays compensation to the victim. If the victim accepts it the offender can expect some consideration regarding the sentence, but he is entirely at the mercy of the court. But if the victim does not accept the compensation the offender has to face trial and the victim’s wishes are given much importance by the court. If the victim is ready to accept the compensation the offender can avoid incarceration by paying the amount, but if the victim does not accept the money and if he pleads for punishment of the offender the court

proceeds with the case.

Chairperson Mr. Azhar Rashid Khan said that in his country a victim has to go to the police to seek justice, and if he does not come up with a complaint no redress can be made available to him.

#### **A. Various Impacts of Victimization**

Mr. Takeda took the floor to talk about psychological injury of victims. In Japan, it has become known to the public after the “Oumu-shinrikyou” cult crime case in 1997. He said that psychological injury differs from person to person, depending on the gravity of the offence, and character and lifestyle of victims.

Mr. Elias said that in his country when a victims’ valuable property is stolen, he or she faces acute financial hardship.

Mr. Ashraf said that in his country compensation to the victim is paid if the reparation money can be extracted from the offender, and if not, reparation cannot be made. As regards to victims of rape, Mr Ashraf stated that in his country the woman raped is also held responsible as a co-accused, and she has to face trial.

Mr. Adelbai (Palau) said that the victims of crime need to feel safe, and victims need to know the criminal justice system after victimization and prosecutors need to understand the victims’ emotions.

Mr. Sujayet said that victims of injuries suffer three kinds of consequences. They receive simple or grievous injuries or they die. They also suffer financial loss as a result of damage done to their property or as a result of theft or deception committed with regard to their property. In all cases the victims suffer financial loss in many ways. At times, as a result of injury suffered, they are dislodged from their income-generating activities and employment. Victims also suffer trauma as a result of assault for different periods of time. They sometimes suffer from psychological injuries as a result of bodily and financial loss. As regards to secondary victimization Mr Sujayet said that a victim experiences loss and injuries as a result of negligent and harsh behaviour on the part of the investigating officers and court personnel.

Mr. Ibuki pointed out that victims on certain occasions become victims once again as a result of their public exposure by print and electronic media.

Mr. Okumura said that in Japan victims often refrain from expressing their real feelings properly. He observed that in Japan there are two kinds of victims: one group is very aggressive in nature and demands compensation, and another group are relatively quiet in nature and keep silent. He admitted that prosecutors cannot understand the plight of victims. He emphasized the need for the police to spend time getting to know the victims.

Mr. Azhar stated that a recent survey held in Pakistan revealed that 93% of the people who took part opined that they have little confidence in the police. He further said that police did not pay attention to the needs of victims. He felt that police officers should be trained to take into account the plight of victims.

#### **B. What can be done to Support Victims?**

Mr. Sujayet said that in Bangladesh victims get physical shelter, medical care, legal and financial aid mostly from some NGOs and some human rights organizations. He further added that under the Acid Acts the Government of Bangladesh is supposed to provide shelter homes and medical care for acid victims. But the infrastructure is yet to be completed. Acid laws empower courts to realize compensation money from the offender in order to reimburse the same to the victims or their inheritors.

Mr. Elias frankly admitted that his country does not provide any psychological help to crime victims at this moment.

Mr. Adelbai said that in his country all kinds of help, namely physical, financial and psychological, are extended to victims.

Mr. Ashraf said that in Afghanistan reparation is made to victims if it is realized from offenders. He added that medical treatment is given free of cost.

**C. Providing Various Kinds of Support for Victims of Crime, Including Immediate and Direct Support, Especially Physical, Financial, and Psychological Assistance**

Chairperson Mr. Azhar requested all participants to elaborate on the victim support system in their countries.

Mr. Adelbai said that in his country courts order offenders to compensate victims. What is more the victims of sex offences, and children are protected and taken care of at shelters run by the government.

Mr. Okumura pointed out that in Japan Women's Shelters are maintained at the local level by local governments to provide female victims with all kinds of support.

Mr. Takeda said that a recently passed law enjoins that the Japanese government has a responsibility to protect and support victims of crime.

Mr. Ashraf said that in his country legal counselling are available for all victims of crime free of cost.

Mr. Azhar said that in his country victims of crime, especially victims of rape, can use the crisis centres run by the Pakistan government. He opined that reparations should be realized from perpetrators of offences and made over to victims.

**D. Minimizing Secondary Victimization**

Mr. Sujayet started by saying that secondary victimization occurs due to the failure of those who are entrusted with the duty of taking care of the crime victim. The police officer, the prosecutor, court personnel, the doctor, the near relatives and neighbours often fail to respond sympathetically to a crime victim. Victims are often interrogated without taking into consideration the plight of the victim caused by repeated interrogation. Rape and abduction victims are often despised and socially ostracized as a result of which some such victims commit suicide. The investigation officer does not give sufficient time to hear or to respond to the needs of the victim. Doctors treat victims mechanically. The psychological aspect of the injury is overlooked. The victim's plight reaches a climax when courts fail to do justice to the victim, when the victim's plea is not heard or overlooked. To minimize the plight of victims, Mr Sujayet suggested that investigation officers and others need to be sympathetic and friendly to victims. They should not be looked down upon or ostracized.

Mr. Adelbai said that in his country there is no scope for secondary victimization because his country provides all kinds of help to crime victims.

Mr. Ibuki and Mr. Okumura said that a victim faces firstly the police and sometimes the media. So he may fall victim a second time if the police and media fail to respond to the needs of victims.

Mr. Takeda said that in Japan probation officers are trained to behave sympathetically to victims. He emphasized the need to share information among all the organizations that deal with crime victims.

Mr. Elias said that civil remedies are available to a victim, and criminal courts also can give an order for restitution in cases involving bodily injury at the request of the public prosecutor.

Mr. Ashraf stated that in Afghanistan the problem of secondary victimization is not comprehended.

Mr. Azahar pointed out that in Pakistan a rape-victim is interrogated by male police officers, although there are female police stations and female police officers available. In his opinion this subjects a rape victim to secondary victimization. He further said that in his country the victim's status is that of an ordinary witness. Mr. Azhar said in every city in Pakistan crises centres are maintained by the social welfare department to give shelter and counselling to some victims.

Hot debate ensued over two issues raised yesterday by the Visiting Expert Mr Markus Loffelmann. 1. Why some victims are unwilling to report the crime to the police, and why police fail to obtain statements of true feelings from victims; and 2. is it the responsibility of the criminal justice system to find the truth with regard to an offence in order to establish peace in society, or to deal with matters relating to the welfare of victims?

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Regarding the first issue Mr. Sujayet pointed out that there are a number of reasons as to why victims do not come or at least hesitate to come to the police with a complaint. These are: 1. victim is apprehensive of unfriendly behaviour by the police; 2. fear of reprisals by a powerful offender who maintains a good relationship with the police officers; 3. apprehension of being despised and socially ostracized in sex offence cases; and 4. to avoid an anticipated increase in financial burden; 5. lack of confidence in the efficacy of police actions.

With regard to the second issue Mr. Sujayet opined that the purpose of criminal justice does not end in convicting the offender. A crime creates social imbalance in that victims of offences suffer economic, financial and physical impairment. Until and unless these losses are made good justice cannot be said to have been done. This is the essence of criminal justice. The criminal justice system cannot avoid this reality if it wants to establish peace in society.

Mr. Azhar claimed that the police are not temperamentally suited to jobs relating to the welfare of a crime victim. He does not deny the necessity of victimology, but feels that some department other than the police can undertake jobs relating to the welfare of victims. The group got divided over this issue. It has been decided that these issues may be taken to the plenary session for a greater audience.

And Mr. Takeda said that probation officers in Japan take into account the emotions and feelings of victims of crime. He said that Japanese probation officers are imbued in that way during training. So this is one way of reducing secondary victimization.

Mr. Adelbai of Palau said that in his country the community leaders and elders sit together to heal the mental injuries of victims caused by the offence. This type of conferencing helps resolve many family disputes and breaches resulting from domestic violence.

Mr. Sujayet said that secondary victimization is caused by 1. an inadequate response from public servants; and 2. unfriendly behaviour by doctors, relatives and neighbours. He observed that the syndrome of secondary victimization is traceable in countries where civil rights are not honoured and where democracy has not taken root. In order to curb secondary victimization to a considerable magnitude Mr. Sujayet opined that people in general and victims in particular should be made aware of their legal rights. Public servants and police officers often deprive victims of their rights taking advantage of people's ignorance of the law. Lastly he emphasized the need to train law enforcers in the light of a victim oriented prosecution system.

As the discussion went on the role of law enforcers in dealing with victims drew attention. Having accepted the reality of inadequacy of response and negligence on the part of the police and other public servants in discharge of their public duty insofar as it relates to victims of crime Mr. Azhar, the Chairperson, made a proposal that countries can formulate a Code of Conduct for public servants which would specifically set forth the manners to be observed in dealing with crime victims. All the participants seemed to acquiesce in the idea, but Mr. Sujayet was sceptical of the efficacy of such a set of instructions unless it has the force of law and criminal and or departmental liabilities for its breach.

Professor Shinkai expressed interest to discuss the idea regarding elements of a code of conduct. Mr. Okumura suggested that victims should be informed of their rights, and also the right of changing his or her interrogator if he/she so wishes. Mr. Takeda expressed his doubt pointing out that this may not be commensurate with the criminal justice system, and that a code of conduct will not be effective if there is no provision for punishment for not following the code of conduct. Mr. Azahar stated that in Pakistan a victim has the right to ask for a change of investigating officer. Mr. Ibuki stressed that police officers have got to be friendly in their attitude to crime victims. He cited an example a few years back in Japan in which the mass media severely criticized the unfriendly behaviour of the police in relation to the murder of a woman who, reportedly, prior to her murder, sought help from the police repeatedly but the police did not respond. All the participants unanimously agreed that training criminal justice personnel and their motivation to take care of victims' interests are very important. Professor Megumi Uryu shared her experience of her six-month attachment with a victim support centre, and said that the experience inculcated in her a victim friendly attitude.

The Chairperson decided that the matter should be referred to the plenary session.

### **E. Plenary Session One**

The Plenary session was chaired by Mr. Azhar. He informed the session that group 2 had discussed the Impact of Victimization. The Rapporteur, Mr. Sujayet, briefed the session about the points and results of discussion, including the two points of stand-off upon which opinions from all the participants were invited to contribute. These two points were: 1. why police fail to elicit perfect statements, with all the true accompanying feelings, from a crime victim; and 2. why victims hesitate or feel reluctant to come to the police with their complaints and grievances. Mr. Jusa, the participant from Zimbabwe, identified four reasons: (i) intimidation by the offender or his cohorts, (ii) lack of privacy and confidentiality, (iii) Police personnel do not behave with empathy, (iv) the police do nothing to address the mental and psychological injuries suffered by the victim, and (v) the police rarely treat victims of rape with compassion, and often treat them as women of easy virtue.

The second point was: should it be the responsibility of the criminal justice administration to look to the interests, welfare and restitution of crime victims instead of or in addition to the investigation of offences and bringing the offender to justice? Mr. Yudi from Indonesia, Mr. Jusa from Zimbabwe, Mr. Ozeki and Professor Sakata gave a common view that it should be the responsibility of the criminal justice system to ensure complete restoration and rehabilitation of victims of crime. According to them justice is not established in full with the punishment of the offender, the victims' plight must also be addressed by the criminal justice system. Nobody offered a different view. So the matter has been resolved accordingly. The plenary session ended there.

### **F. Interdisciplinary Coordination between Victim Support Organizations and Government Organizations (Especially Criminal Justice Agencies)**

Mr. Adelbai from Palau and Mr. Elias from Micronesia stated that in their countries there are no private victim support organizations only governmental agencies. All the other participants remarked that there are many private victim support organizations working for the welfare of victims in their countries. Everybody felt the need for coordination between governmental and private organizations in order to extend maximum and effective support to crime victims. Mr. Okumura raised two important points: 1. whether any private victim support organization is at all necessary when governmental agencies are there to cater to the needs of crime victims, and 2. the activities of private victim support organizations may impede or mislead the course of the investigation. It has been agreed that private victim support agencies are necessary because of the fact that criminal justice personnel's response to the needs of crime victims are often inadequate and unacceptable to society. They cannot reach out to all because of many limitations. The activities of private organizations can reduce the burden of public servants. So it is natural that people will come forward in an organized way to extend help to a crime victim. The other point raised by Mr. Okumura incited the opinion of all. Everybody expressed in unison that the work-area of private victim support organizations and that of an investigation officer is quite distinct and they do not overlap each other. The jurisdictions of investigation officers are generally enunciated in the criminal procedure code where the private victim support personnel have no access. Victim support organizations look to the welfare of victims. They are not supposed to dictate or influence the course of the investigation. It was unanimously agreed that private victim support organizations and criminal justice personnel should cooperate with each other at the personal and institutional level. It has been observed that the roles of private agencies and criminal justice departments are not at all antagonistic, rather complementary to one another, and that concerted efforts are necessary to create a victim friendly environment in the criminal justice system in order to minimize the plight of crime victims.

The meeting proceeded to discuss what private organizations are specifically expected to do. Mr. Takeda stated that they can extend to different kind of help, financial, psychological and others according to the needs of victims. Mr. Ashraf from Afghanistan stated that in Afghanistan some victims' cases are referred to the Ministry of Justice. And the Ministry of Justice sends them to an international NGO working in Afghanistan. The NGO gives financial aid and counselling to those victims. Professor Megumi Uryu intervened to say that training private victim support personnel on criminal justice procedure will increase the efficiency of those people. This will also be helpful for them to collaborate with the police and prosecutors in their activities. It was agreed that interdisciplinary coordination, collaboration among various public and private agencies are crucial for the creation of an effective and victim-friendly environment in society.

### **G. Access to Justice**

Then the discussion moved on to the fourth agenda item namely Access to Justice (e.g. right to counsel, court escort service). The Japanese situation was described by Mr. Okumura and Mr. Takeda, who said that in Japan victims' access to the trial procedure is very limited. A victim can remain present in the courtroom to watch the proceedings with a feeling of resignation, and accept what has happened as a *fait accompli*. The Japanese criminal procedure code does not contemplate participation of the victim in the trial procedure. Mr. Sujayet, Mr. Ashraf and Mr. Azhar said that in their criminal justice system victims can play an important role in determining the fate of both the offender and the case. Victims can employ private lawyers in addition to or instead of the Public Prosecutor in order to pursue their case at every stage of the judicial proceedings. In some cases the trial can be stopped and the case can be withdrawn and the accused can be released at the behest of the victim. Mr. Sujayet said that the protection of the law is a fundamental right of a Bangladeshi citizen enshrined in the constitution. Mr. Sujayet pointed out, and everybody agreed, that access to justice is an inalienable right of every crime victim which was mentioned in the UN resolution of 1985.

### **H. Victim's Right to a State-Paid Lawyer and the Right to an Escort, Etc.**

Mr. Azhar invited comments on these subjects as well as on issues like lengthy trial, etc. since this is the main obstacle in his country to redress victims.

Most of the participants agreed that delay in disposing of criminal cases is a serious problem which amounts to denial of justice. It has been observed that in some countries courts are caught up in an imbroglio of cases, and take an unreasonable time to conclude the trial. This delay is caused by many reasons. But this goes against the victim as he is denied justice and the offenders move with apparent impunity. So, it has been agreed that in order to safeguard the victim's interest delay in criminal justice must be minimized. On this point Mr. Ashraf referred to the specific provisions of a time limit for trial in his country. The trial court has to conclude the trial within two months. In case of failure the court has to explain the reasons for the delay and failure to the High Court.

Regarding an escort service the group expressed the necessity of providing an escort for the victims if it is necessary. The escort can be provided by the police or by social workers or probation officers. With regard to the right to counsel, except Afghanistan and Bangladesh where state-paid private lawyers give legal aid to victims, no other country has such a system of providing legal counselling to victims. Mr. Okumura said that some private lawyers in Japan provide legal advice to crime victims but their actual role is limited because they can not arrogate the role of Public Prosecutor.

Mr. Sujayet raised an important point regarding the victim's right to sue somebody in criminal courts in case the public prosecutor decides on non-prosecution. He insisted that to get the protection of law is an important right of citizens. For the sake of protection of this right a victim should be allowed to fight his own case if the public prosecutor does not pursue the case. According to him the Japanese monopolistic system of public prosecution allows a victim to agitate the Prosecution Review Commission in case the public prosecutor refuses to send a case for trial. But since the decision of the public prosecutor is not amenable to judicial scrutiny, and the extra-judicial Prosecution Review Commission's decisions currently have no binding effect upon prosecutors, it is not enough to guarantee a victim's right to access to justice. The Japanese legislature has passed a bill to the effect that if the Prosecution Review Commission twice recommends the prosecution of any case, the prosecutor will be bound to prosecute the case. Some participants pointed out the pitfalls of private prosecution in as much as it requires a lot of money to hire a private lawyer. Therefore, it would be better if a legal aid system is introduced following the example of the Bangladeshi Legal Aid Act of 2000. The group were divided over this issue and it was decided that the matter be referred to the plenary meeting.

The group then proceeded to discuss Easy Access to Victim Support, such as a one stop centre. The group found the situation in Palau an ideal one wherein governmental hospitals work as a one stop centre for victim's of crime. There a victim is given medical treatment, legal counselling and shelter. All other countries lack this type of institutional support for the victim. It was unanimously decided that countries should maintain a one-stop centre for victims of crime following the Palau model.

## **I. Providing Information to Victims of Crime**

Group 2 then discussed Providing Information to Victims of Crime. Most participants agreed that it is important to ensure that victims get information regarding the progress of enquiry and trial of their case. In this regard Mr. Elias said that in Micronesia the police are under an obligation to inform the victim about the arrest of offenders. In Japan information regarding the arrest of an offender, date of trial, date of final judgment and date of release of the offender are delivered to victims on request. In Palau almost all citizens know each other, so they don't feel the urge to make any formal law to require such information to be delivered to victims. But Mr. Azhar expressed two reservation that: 1. this right of the victim to information should not be unqualified because on some occasions the victim attacks offenders in custody and causes death or injury to the offender, and 2. at times informing the victim of the development of the case may serve as a tormenting reminder of the nightmare caused by the offence leading to secondary victimization. Mr Okumura pointed out that in Japan the prosecutor generally asks, in the early stages of the case, whether or not the victim wants to be informed of the progress of the case. Professor Uryu insisted that the victims' intention should be respected. Mr. Sujayet pointed out that these two extreme situations cannot be relied on for depriving the victims of their right to information in the present-day world. It was decided that the matter be referred to the plenary meeting for a greater audience.

## **J. Plenary Session Two**

Mr. Sujayet, the Rapporteur, placed before the session two points for discussion in the plenary session:

1. Private Prosecution;
2. Providing Information to Victims of Crimes.

In response to the first point Mr. Tauchi, the Director of UNAFEI, remarked that private prosecution may tend to cause unnecessary harassment of the public and the complainant may not be able to collect evidence. Referring to what the German Expert, Mr. M Loffelmann, has said of the German system Mr. Tauchi stated that a private prosecution may not function well. Mr. Ozeki of Japan supported the view of Mr. Tauchi, and also added that a private prosecution might be necessary where the public prosecution is not broadly supported by the people.

Ms. Mathumo of Botswana said that it is not likely that public prosecutors will always make the correct decision. So there should be a system for private prosecution in case the public prosecutor does not indict an offender. There was no consensus on this point.

Regarding the second point Mr. Watts of Guyana observed that victims should be informed of the results of investigation. He pointed out that a law enforcement agency is under an obligation to inform the victim of the progress of the case. Deputy Director Mr. Senta stated that the police or prosecutor should notify the victims that they have a legal right to be informed of the progress of their case.

## **K. Providing Information to Victims of Crime, Cont'd**

Group 2 resumed group discussion with Mr. Okumura raising some important issues. What kind of information should be supplied and at what stage- he/she want to know? He also wondered what if the victim does not want any information. All participants agreed that information has to be given to victims, but investigation officers may refrain from giving information which may jeopardize the investigation. Mr Okumura stated that some victims are too eager to know the progress of the investigation. It has been observed that Investigation Officers can make an informal exchange of information during an investigation, how much information should be given is a matter to be decided by the investigation officer.

Mr. Azhar made a proposal that some officials, like public relations officers, may be entrusted with the responsibility of giving information to the victims. But it did not seem viable as it requires another institution or person to be briefed everyday by the investigation officer regarding the progress of the investigation. And the victim may not be satisfied talking to someone who is not the investigation officer. Professor Uryu reminded us that in Japan there is a victim support officer in the police station who serves as a liaison officer between the victim and the investigator. Mr. Azahar pointed out that this type of liaison officer can relieve the investigation officer of much of his/her workload. Mr. Okumura supported him. Mr. Sujayet said that the victims receive two types of information: formal information after the investigation is over and informal information during the investigation. He added that informal information is generally given at any time according to the convenience of both the investigation officer and the victim. Formal

information is to be given after the investigation is over. It was agreed that formal information should be supplied to the victims after the conclusion of the investigation.

Mr. Ibuki said that in Japan victims are informed, upon their request, of the date of release of offenders through the office of the public prosecutor. In reply to a question put by Professor Sugiyama, Mr. Ibuki stated that the authority does not supply the victims with the information relating to the current situation of victims because it is important to protect the personal information of the inmates of prison.

#### **L. Compensation and Restitution System for Victims of Crime**

From the discussion that followed it came to light that except Japan no other country in group 2 provides compensation to the victims of crime, although in some countries reparation is given to victims if it can be realized from the offender. Mr Okumura stated that in Japan a lump-sum amount of money is paid by the state to the victims under the Crime Victims' Benefit Payment Law, but that is a benefit giving system and not compensation. He also stated that in Japan civil remedies are available for compensation, and there is also a new system of reconciliation for victims under which offenders, upon reconciliation with the victims, make commitments in criminal court to pay reparation to the victims. This was introduced for the sake of victims, but in reality this is being exploited by offenders to reduce their sentence, rather than assisting victims by offering a benefit. Professor Uryu and Mr. Sujayet explained the differences between the terms 'compensation and restitution'. The meeting arrived at a consensus that a victim should be restored to a physical and financial position in which he/she had been just immediately before the offence took place. The amount necessary for such restoration should be paid either by the offender or by the state in case the offender does not pay. Mr Takeda said that offenders often make such commitments to avoid or reduce punishment. Mr. Ibuki remarked that most of the prisoners are poor and they don't have enough money to pay restitution to victims. Mr. Sujayet explained that states are morally bound to pay compensation since it is the failure of the state for which victimization ensued. So, it is the duty of the state to make all sorts of restitution, physical and financial, to the victims of offences. Mr. Azhar apprised the meeting regarding the amount of reparation to be realized from the offender for different types of bodily injuries and homicide according to the provisions of Islamic Sharia Law. The meeting agreed that the victim should be given exactly the amount necessary for his/her total restitution. Mr. Elias expressed his views on measures to ensure payment of restitution. According to him, offenders' property should be seized to pay for restitution of victims.

Mr. Okumura pointed out that some victims require compensation in terms of financial help promptly right after the occurrence and can't wait for the trial to conclude; therefore, such types of victims can be awarded some immediate financial help from the public exchequer. Mr. Azhar proposed that states may operate an emergency fund for this purpose regardless of the results of trial, and this type of prompt help can be extended to a victim and recouped later from the offender.

All the participants agreed that victims of all crimes should be brought under the purview of a compensation and restitution system. This compensation should be given by the state only when it is not possible to exact restitution from the offender. The participants also discussed the sources of funds to be created by states for victims of crime. It has been emphasized that the state should make the highest contribution to the fund from which to provide financial help to crime victims. This is logical and indeed the state is under an obligation to make good any loss suffered by citizens as it is the duty of the state to ensure public safety. Apart from state donations the following sources were also identified. These are:

1. Money realized as a pecuniary penalty from convicts and offenders
2. Property of offenders confiscated by courts
3. Taxes realized as tolls from vehicles plying the highways
4. Money realized from the forfeiture of bail-bonds
5. Pension funds of public and private institutions
6. Sale-proceeds of prison products
7. Confiscated unclaimed property and money
8. Money realized from the registration and inspection of vehicles
9. Proceeds of crime or property subject to asset sharing under international or bilateral agreements or arrangements
10. Donations from individuals and private organizations

Mr. Azhar added that legislation should be made so that courts have to impose pecuniary penal sentences in all types of offences, especially offences of sexual assault and child abuse.

There was a unanimous agreement on the universal availability of state compensation for all persons regardless of the nationality of the victim of the crime. Some participants expressed misgivings on such a system in the presence of many statutes which are repugnant to this idea.

### III. RECOMMENDATIONS

1. States should conduct a survey on the impact of physical, financial and psychological injuries and secondary victimization of crime victims.
2. Criminal Justice Personnel should be given training on the impact of secondary victimization and the plight of crime victims.
3. States should endeavour to make various types of support available to victims of crime at one place.
4. States should promulgate a Code of Conduct for Criminal Justice Personnel to deal with victims of crime and victims of abuse of power.
5. Private victim support organizations and criminal justice personnel should act in cooperation in order to extend maximum support to victims of crime. A coordination body should be set up to coordinate activities of private victim support organizations and criminal justice agencies.
6. A charter containing rights of victims should be adopted by states, and those rights should be widely disseminated so that people are conversant of their rights. This charter should be included in the academic curriculum of states.
7. Victims should be given all information regarding the case as long as it does not jeopardize the investigation and trial.
8. States should create a fund for compensation of victims of crime. Apart from state donations, the following sources of funds have been identified:
  - (i) Money realized as a pecuniary penalty from convicts and offenders
  - (ii) Taxes realized as tolls from vehicles plying the highways
  - (iii) Property of offenders confiscated by the courts
  - (iv) Money realized from the forfeiture of bail-bonds
  - (v) Pension funds of public and private institutions
  - (vi) Sale-proceeds of prison products
  - (vii) Confiscated unclaimed property and money
  - (viii) Money realized from the registration and inspection of vehicles
  - (ix) Proceeds of crime or property subject to asset sharing under international or bilateral agreements or arrangements
  - (x) Donations from individuals and private organizations.