

THE CHALLENGES OF VICTIMOLOGY PAST, PRESENT AND FUTURE

*John P.J. Dussich**



I. INTRODUCTION

A. Prologue

- Every year about 1 billion persons are *victimized* and close to 1.6 million of those are killed prematurely and violently.
- Close to 1 million women and children are *trafficked* every year (US Department of Justice); about half of those are between the ages of 13-18.
- Behind each one of these numbers is a mother and a father, and likely also an aunt, a sister, a brother, perhaps even a wife, a son, and a daughter. Each victim comes with a family and friends who also suffer greatly.
- If we were to grieve for one or two murdered persons, we could relate to what it would be like, but how can we imagine grieving for 1.6 million souls every year?

B. Brief Highlights (for more details see Appendix I – Key Dates):

- 1924 – Edwin Sutherland writes the first American text on Criminology and includes a chapter on Crime Victims; however, in subsequent editions, this chapter is dropped.
- 1937 – Benjamin Mendelsohn begins to research the offender/victim relationship in rape cases.
- 1947 – Benjamin Mendelsohn presents his concept of Victimology as a new science in Romania.
- 1957 – Margery Fry publishes her ideas about victim compensation in the London Times.
- 1958 – Benjamin Mendelsohn publishes his ideas in an article about his new science, Victimology, in France.
- 1968 – Stephen Schafer publishes the first English language textbook on victimology in the US, *The Victim and His Criminal*.
- 1973 – the First Symposium on Victimology is held in Jerusalem, Israel.
- 1976 – in the US the National Organization for Victim Assistance is launched in Fresno, California.
- 1979 – the World Society of Victimology is launched in Munster, Germany.
- 1985 – the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power is passed by the General Assembly in New York.
- 2003 – the Tokiwa International Victimology Institute is opened in Mito, Japan.

C. Victimization

The term “victimization” refers to a process whereby an external force comes in contact with a person, rendering that person to feel pain, sometimes causing injury, either of which can be short-lived or which might cause extended suffering and sometimes death. That force can be legal or illegal, natural or manmade, biological or chemical, expected or unexpected, social or individual, civil or uncivil, intended or unintended; the list of possibilities is endless.

*Director, Tokiwa International Victimology Institute, Tokiwa University, Japan.

Those persons who are the direct recipients of the external force are the primary victims, the ones who suffer first, feel pain the most severely, and are usually injured the worst. Other persons who are related to or acquainted with the primary victims and are negatively affected (usually emotionally) are the secondary victims. This group can feel an intense sense of sympathetic suffering in proportion to the severity of the injury and the nature of their relationship to the primary victim. Both primary and secondary victims can become traumatized by the original victimization and consequently need some degree of psychological treatment to diminish their pain and to recover.

Persons familiar with the original victimization but not related or acquainted to the primary victim, usually neighbours or members of the same community or in the broader social audience, are tertiary victims. They can be influenced emotionally, financially, or socially. These persons can be those who received news of the original victimization via conversations, the news media or as witnesses to the event. In some cases even these tertiary victims will become traumatized and will need treatment.

The study of victimization and its victims is part of a relatively new science. A Romanian lawyer, Benjamin Mendelsohn, first coined the word *victimology* in 1947, and promoted its concept as the science of "victimity," the study of all victims. He referred to his concept as "general victimology" to distinguish it from "crime victimology," which is only concerned with crime victimization. He also proposed the establishment of a society of general victimology, the establishment of victimological research institutes, victim departments in all national governments, a journal of general victimology, the creation of victim clinics and national societies in each country. Consequently, it is understandable that Benjamin Mendelsohn is called the "Father of Victimology."

All of these proposals came to fruition. The World Society of Victimology, founded in 1979, is open to all forms of victimization (although most of its activities focus on crime victimization). At least six victimology institutes exist worldwide, some limited to crime victimization and others to general victimization. Many governments have established special offices dedicated to victims of crime and concern themselves with distributing information about victims, and monitoring a wide range of victim support activities. In the United States, this office is the Office for Victims of Crime (OVC) located within the Department of Justice. At least five international journals dedicated to victims actively publish works about all aspects of victimology. Tens of thousands of victim assistance centres function across the globe, especially in most of the developed countries, and in many of the developing countries as well. Finally, there are about twenty national victim societies across the globe.

In the United States, the first official measurement tool on the extent of crime and victimization was the Uniform Crime Report (UCR), created by the International Association of Chiefs of Police in 1927. Compiled by the Federal Bureau of Investigation with data submitted voluntarily by police departments from all over the United States, these statistics unfortunately mostly gave information about the offenders, focusing on eight index crimes, but had little information about victims.

Because of the growing evidence of a sizable "dark figure" of victims (those who did not report their victimization) and the recognition that the UCR gave insufficient information about victims, a new national survey on victims appeared in 1966. This survey, now known as the National Crime Victimization Survey (NCVS), confirmed that actual victimization rates exceeded UCR data, roughly double the number reported to the police. They provided a wealth of new information about victims and victimizations which has, for almost the past four decades, given victimologists details about victims and their behaviours never before available. In recent years, both surveys have become more expansive and sophisticated sources of statistics and information about victimization.

Beyond collecting survey data about crime victims, victimologists also conduct research to measure the cause and effect relationships that surround victimizations. These studies explore such topics as victim vulnerability, victim/offender interactions, victim impacts, victim trauma, victim blaming, victim needs, victim recovery and many other topics that help victimologists better understand victim behaviours.

The last general category of research used in conjunction with victims is evaluative research used to measure the efficiency and efficacy of victim service programmes. These studies primarily focus on victim services for such programmes as those dealing with: child abuse, sexual assault, elder abuse, victim

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VISITING EXPERTS' PAPERS

advocacy, victim witnesses, spouse abuse, burglary victims, accident victims, victims of drunk drivers, etc. The results of these studies help determine what aspects of services are valuable to keep, so as to better reduce victim suffering and facilitate their recovery.

The main concerns of contemporary victimology are: crime victims (persons injured as a result of an illegal act), disaster victims (persons injured as a result of either natural or manmade catastrophes) and a special category referred to as abuses of power victims (persons injured as a result of genocide, apartheid, racketeering, inquisitions, torture, or ethnic cleansing).

The response to victimization has become a permanent part of our 21st century culture. Currently, there are: victims' rights in all states; service programmes that help all types of victims; victimization research studies which are major components of many scientific endeavours; universities that offer academic degrees at the bachelors, masters and doctorate levels; professional victim advocates; and major parts of national and states' budgets dedicated to providing assistance to a wide range of victims. Today, the concept of victimization, victim rights and victim assistance are familiar to most international victimologists and these changes have made a significant contribution to the improvement of the human condition.

The words "comparative victimology" mean the analysis of victimological sub-themes like victim behaviours, victimizations, victim rights, and victim services, which are the same or unique in different cultures, societies and nations. This perspective helps victimologists understand to what extent the victim behaviours of individuals or groups are universal and common to all humans and to what extent they are by-products of different physical and social environments.

D. Victimology

Linguistically the word victimology is a combination of two parts, *victim* and *ology*. The word *victim* comes from the Latin word *victima* which referred to a person or animal sacrificed in a religious ceremony. The *ology* comes from the Greek word *logos* which meant speech, word, or reason and was especially associated with divine wisdom, reason, doctrine, theory, and science. Today the word victimology is defined from the victim's perspective as the discipline which scientifically studies, as objects of investigation, all types of victims, especially crime victims.² It includes the theories and research used to explain all aspects of victimization, victim behaviours prior to, during and after the victimization; and, the analysis of laws, policies, psychological interventions and programmes used to help victims co-operate with government systems and recover from their physical, psychical, social, economical, and legal injuries. Since victimology comes from the word "victim", logically victimology should be about victim characteristics rather than being qualified by the many forces that cause victimization. It is the status, condition, and plight of victims that form the essence of what victimology studies.

The very early origins of victimology can be found in somewhat unrelated writings of a few insightful persons in: a novel about murder victims by Franz Werfel in 1920; a small chapter on victims in an American criminology textbook by Edwin Sutherland in 1924; a Cuban book about protecting crime victims by J. R. Figueroa, D. Tejera and F. Plá in 1929; a major chapter about victims in a criminology book by Hans von Hentig in 1948; a sentence about the need for "a science of victimology" in a book on violence by an American psychiatrist, Fredric Wertham, in 1948; and, a speech on victimology in Romania by Benjamin Mendelsohn in 1958. Then came the first full book on victim restitution in the English language by a Hungarian criminologist, Stephen Schafer, in 1960; a dissertation on victimology published as a Japanese book by Koichi Miyazawa in 1965; and, finally, the first victimology textbook, also by Stephen Schafer, in 1968.

The conceptualization of victimology as a formal discipline was born in the mind of the Romanian defence attorney Benjamin Mendelsohn. His interest in victims and their relationships with offenders began when he was trying to defend persons accused of crimes. He became aware of how important it was to understand the victim/offender interaction to determine degrees of offender blame. Eventually going beyond victim and offender interaction, Mendelsohn recognized that victims were largely ignored, disrespected and even abused by the system. Thus, he began to seek ways to protect and help victims by proposing the creation of victim assistance clinics, international organizations, and special research institutes. Like most of his contemporaries, Mendelsohn's early work with victimology was mostly about crime victims and their

relationship with their offenders; however, as he began to develop his ideas, his focus centered more on just the victim. This orientation reached its peak with the realization that victimology logically should be about the concern for all types of victims, from crimes, traffic accidents, disasters, etc. He referred to this broader type of victimology as “general victimology.”⁸ Today there are roughly three types of victimologists: those whose focus is limited to crime victims (specific); those whose focus is on human rights victims (which includes crime victims); and those who focus in on all victims regardless of the cause (general). Victimology today is an interdisciplinary field drawing especially from law, criminology, psychology, sociology, anthropology, and political science.

II. BASIC CONCEPTS AND THEORY OF VICTIMOLOGY

A. Basic Concepts

The essential elements of victimology include the following:

- “Victim” has its roots in the early religious notions of suffering, sacrifice and death. This concept of “victim” was well known in the ancient civilizations, especially in Babylonia, Palestine, Greece, and Rome. In each of these civilizations the law mandated that the victim should be recognized as a person who deserved to be made whole again by the offender.
- “Crime victim” is a person who has been physically, financially or emotionally injured and/or had their property taken or damaged by someone committing a crime.
- “Victimogenesis” refers to the origin or cause of a victimization; the constellation of variables which caused a victimization to occur.
- “Victim Precipitation” a victimization where the victim causes, in part or totally, their own victimization.
- “Vulnerability” is a physical, psychological, social, material or financial condition whereby a person or an object has a weakness which could render them a victim if another person or persons recognized these weaknesses and took advantage of them.
- “General Victim” is a person who has been physically, financially or emotionally injured and/or had their property taken or damaged by someone, an event, an organization or a natural phenomenon.
- “Victimization” refers to an event where persons, communities and institutions are damaged or injured in a significant way. Those who are impacted by persons or events suffer a violation of their rights or significant disruption to their well-being.
- “Victimology” is an academic scientific discipline which studies data that describes phenomena and causal relationships related to victimizations. This includes events leading to the victimization, the victim’s experience, its aftermath and the actions taken by society in response to these victimizations. Therefore, victimology includes the study of the precursors, vulnerabilities, events, impacts, recoveries, and responses by people, organizations and cultures related to victimizations.
- “Abuse of Power” is the violation of a national or international standard in the use of organized powerful forces such that persons are injured physically, mentally, emotionally, economically, or in their rights, as a direct and intentional result of the misapplication of these forces.
- “Victim Assistance, Support or Services” are those activities which are applied in response to victimizations with the intention of relieving suffering and facilitating recovery. This includes offering information, assessments, individual interventions, case advocacy, system advocacy, public policy and programme development.
- “Victim Recovery” is the resumption of the same or better level of functionality as was enjoyed prior to victimization. Persons who have been victimized vary in their level of mental health and well-being prior to their victimization. Consequently, victimization affects each person in a different way and causes differing degrees of injury or trauma. In their recovery it is necessary for victims to first try to regain their previous level of functioning plus learn from their misfortune and hopefully exceed their previous level of functionality. To be recovered suggests that a person has at least regained their prior level of well-being and at best, has exceeded it. This state may be measured by identifying their previous mental condition and determining if they have at least regained that prior status using the

criteria of: trust in others; autonomy of self; individual initiative; competency in daily activities; self-identity; interpersonal intimacy; control over personal situations; successful relationships; safety in daily activities; acknowledgment of memory; trauma symptoms have become manageable; self esteem is restored; resourcefulness is achieved; and there is an improved ability to ward off potential threats.

- “Child Abuse” is the intentional application of sexual, physical, emotional or psychological injury to a child, to include neglect at the hands of her or his parents or care-provider, within the confines of their family or place of care.
- “Victim Offender Mediation” (VOM) is a formal process for face-to-face meetings in the presence of a trained mediator between a victim of a crime and the offender who committed that crime. This is also called victim-offender dialogue, victim-offender conferencing, victim-offender reconciliation, or restorative justice. Often the victim and the offender are joined by their respective families and community members or other persons related to the crime event. In these meetings, the offender and the victim talk to each other about the victimization, the effects it had on their lives, and their feelings about it. The aim is to create a mutually agreeable plan to repair any damage or injury that occurred as a result of the crime in the hopes of permanently eliminating the conflict that caused the crime in the first place.
- “Restorative Justice” is a systematic formal legal response to crime victimization that emphasizes healing the injuries that resulted from the crime and affected the victims, offenders and communities. This process is a departure from the traditional retributive form of dealing with criminals and victims which traditionally have generally perpetuated the conflict which resulted in the original crime.
- “Victim Trauma” includes emotional and physical experiences that produce pain and injuries. Emotional injury is a normal response to an extremely abnormal event. It results from the pairing of a painful or frightening emotional experience with a specific memory which emerges and has a long-lasting effect on the life of a person. The more direct the exposure to the traumatic event, the higher the risk for emotional harm and prolonged effects.
- “Crisis Intervention” is the provision of emergency psychological care to traumatized victims so as to help them return to an adaptive level of functioning and to prevent or mitigate the negative impact of psychological and emotional trauma.
- “Compensation” is a formal administrative procedure provided by law which provides only money to victims for “out of pocket” real expenses directly resulting from the victimization, to be paid by the state after the victim is found to qualify according to specific criteria determined by the respective state or federal law.
- “Restitution” is a formal judicial procedure used by a judge after guilt is determined as part of a sentence which can provide money and/or services to the victim for damages or suffering which resulted from the victimization to be paid or performed by the offender.
- “Victim Survey” is a periodic data collection and analysis process conducted usually by a government entity within the general population to study information about crime victims regardless of whether they reported their victimization to the police or not. It typically uses a face-to-face or telephone interview (or sent questionnaire) and covers demographics, attitudes about crime and details about the victimizations experienced over the previous six months.
- “Victim Rights” are privileges and procedures required by written law which guarantee victims specific considerations and treatments by the criminal justice system, the government and the community at large.

B. Theory

Usually, a theory is a statement that explains a given phenomena based on causal relationships. In this case, what is needed is a statement that explains how and why victimizations occur.

1. Beniamin Mendelsohn

The first person to begin the development of theoretical writings about victimology was the Romanian defence attorney Beniamin Mendelsohn, who needed to understand victims to improve his ability to defend offenders. To do this, in 1956 he created a short taxonomy of six categories that centered on the

relative guilt of victims. These categories were designed to facilitate the degree to which a victim shared the responsibility for a crime with the offender; however, they do not explain the causes of victimization. Mendelsohn was intrigued with the relationship between the offender and the victim. He referred to this relationship phenomenon as the penal couple.

1. The completely innocent victim.
2. The victim with minor guilt.
3. The victim who is as guilty as the offender.
4. The victim who is more guilty than the offender.
5. The most guilty victim.
6. The imaginary victim.

2. Hans von Hentig

With the publication of his book, *The Criminal and His Victim*, von Hentig created a taxonomy that described how victims were responsible for their harms. His schema was based on psychological, social and biological factors. He was also interested in relationship between offender and victim, in what he called the criminal-victim dyad. In 1948, he developed three broad categorizations of victims.

1. General: age, gender, vulnerabilities.
2. Psychological: depressed, acquisitive, loneliness.
3. Activating: victim turned offender.

Ultimately, Von Hentig, expanded his categories to 13:

1. The Young
2. The Female
3. The Old
4. The Mentally Defective and Deranged
5. The Immigrants
6. The Minorities
7. The Dull Normals
8. The Depressed
9. The Acquisitive
10. Wanton
11. The Lonesome and the Heartbroken
12. The Tormentor
13. The Blocked, Exempted, or Fighting

3. Stephen Schafer

Extending the work of von Hentig, Stephen Schafer used an ironic change of titles with his book, *The Victim and His Criminal*. He was also focused on the offender victim interaction and developed a taxonomy based on the victim's functional responsibility for the crime:

1. Unrelated Victims (no victim responsibility)
2. Provocative Victims (victim shares responsibility)
3. Precipitative Victims (some degree of victim responsibility)
4. Biologically Weak Victims (no victim responsibility)
5. Socially Weak Victims (no victim responsibility)
6. Self-Victimizing (total victim responsibility)
7. Political Victim (no victim responsibility)

These three pioneer victimologists, strangely enough, were not focused on the injury caused to the victim by the offender. Their main concern was with the victim's role in contributing to the crime and in the co-operation of the victim with the criminal justice system. Mendelsohn, in 1976, proposed a different view of victims with his concept of general victimology which considered the source of the victimization. Based on this notion, he listed five types of victimizers:

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VISITING EXPERTS' PAPERS

1. A criminal
 2. One's self
 3. The social environment
 4. Technology
 5. The natural environment
 6. Most crime victimologists are also criminologists.
4. Dietrich L. Smith and Kurt Weis
In 1976, Dietrich L. Smith and Kurt Weis created a rudimentary model of the General Victimology perspective which considered the university of situations, events and processes that likely lead to victimization.
1. The study of the creation of definitions of victims by legal processes, everyday processes and scientific processes.
 2. The study of applications of the above definitions by control agents, significant others, community, behavioural and social scientists, and the victim him or herself.
 3. The study of societal response systems with victims such as crisis intervention, social services, police, prevention, medical services and civil courts.
 4. The study of the victim's reaction in the post-victimization behaviour such as seeking help, complaints, and reactions to the response of others.

5. John Dussich

The most recent attempt to create a unified comprehensive theory of victimization within the scope of general victimology was created by John Dussich in 1985 with the presentation of his Social Copy Theory. This has recently (2004) been revised to the Psycho Social Coping Theory. The essential ingredients of this model are to consider the existence of personal resources in the victim's environment that exist at the time of the victimization. Persons who have an adequate number or type of resources are able to thwart their victimization; if the victimization is not thwarted, the injury can be diminished, and the victim is able to recover sooner. Those with fewer personal resources in their environment will be more vulnerable to victimization, greater injury, and less recovery. The unique aspect of this theory is that it serves to both explain victimizations for all sources and it is useful to assist victims in their recovery process.

III. GATHERING DATA ON VICTIMIZATION AND KEY FINDINGS

A. Questions

Victimologists want basic questions answered to get a larger scope of the problem. They want to know where and when the majority of crimes occur; what are the weapons used by offenders; the nature of the victim/offender relationships; how victims react; do they fight back or try to escape; are they hospitalized; and how much loss do they experience in terms of time and money.

B. The Use and Abuse of Statistics

Statistics are meaningful numbers that reveal important information.

Criminologists and victimologists can either gather their own data and make calculations or use official statistics (compiled and published by government agencies).

C. What can We get from Statistics?

- Realistic assessments;
- Counts (such as body counts) and rates (per 100,000 people per year);
- Trends: revealing how situations change as time goes on;
- Costs and losses;
- Project a rough or "ballpark" figure;
- Information to evaluate the effectiveness of recovery efforts and prevention strategies;
- Profiles of what is usual or typical about the average victim.

D. Two Official Sources of Data in the USA

The FBI's *Uniform Crime Report: Crime in the United States* (UCR) is based on reports of eight major and 23 lesser crimes, most of which do not have victims, made to the police and then sent to the FBI.

The BJS's *National Crime Victimization Survey: Criminal Victimization in the United States* is based on biannual data collection. The first victim related survey was in 1966. This gave proof of the "Dark Figure" of crime, and undercut confidence in the accuracy of the UCR for all offences except murder.

E. The International Crime Victim Survey

In 1989 a group of European researchers started a standardized survey on crime which covered 16 countries and one city. This led to the further development of a more refined survey for developing countries and was primarily led by the United Nations Interregional Crime and Justice Research Institute (UNICRI) in Turin, Italy. This work has recently included the involvement of the United Nations Office on Drugs and Crime (UNODC) and has served to expand knowledge on victims throughout the world.

F. Key Findings

1. International Crime Victim Surveys (ICVS)

On average, an estimated 16% of the population in the 30 nations participating in the country level surveys was the victim of at least one of any of ten common crimes in 2003 or 2004. On average, 1% of the population was victimized by robbery in the participating countries and 2.4% in the main cities. A comparison was made between the level of victimization by crime according to the ICVS and the numbers of police-recorded crimes taken from the European Sourcebook on Crime Statistics. Compared to the police data, crime victim surveys seem a better source of information on levels of crime across countries. The reporting rates vary from almost 100% for car thefts and thefts which focused on the reporting of five types of crime: theft from cars; theft of bicycles; theft of personal property; completed burglary; and attempted burglary; on average, one in four of these crimes are reported. The highest reporting rates (about 60% or more) can be found in Austria, Belgium, Sweden, Switzerland, Germany, England & Wales, Scotland and Denmark. In Istanbul, Bulgaria and Hong Kong reporting rates are less than 40%. The developing countries show the lowest reporting rates for these five crimes. In half of them less than 20% of such crimes are reported.

About half of the victims who reported a crime were satisfied with the way the police treated their case, varying from over 70% in Denmark, Switzerland, Finland, Australia, Scotland and New Zealand to less than 30% in Estonia, Lima, Maputo, Greece, and Mexico.

2. National Victim Surveys from the USA

Teens and young adults experience the highest rates of violent crime. Considering fear of crime, respondents were asked how likely they think it is that a burglary will take place in their house in the coming year. Levels of concern were correlated to actual burglary rates. Concern is most common among the public in Japan, Greece and Italy, and least common in Finland, Denmark, USA, Sweden and the Netherlands. Persons in older age groups experienced lower violent victimization than persons in younger age groups.

Nearly half of all violent crimes and 40% of all property crimes were reported to police in 2008. Of the violent offences measured by the NCVS, robbery (61%) and aggravated assault (62%) were more likely than rape/sexual assault and simple assault (each 41%) to be reported to the police (text table 4). Of the property crimes measured, motor vehicle theft (80%) was the crime most frequently reported to the police in 2008.

Violent crimes against females were somewhat more likely to be reported to the police in 2008 than violent crimes against males. Violent crimes against black females were reported to a greater extent than those against white females or against males of any race, and to a slightly greater extent than those against females of other races.

3. Police Reports

The USA's FBI's Uniform Crime Reports show that in 2006, 87% of murder victims were aged 18 or older. Of all murder victims, 44% were 20 to 34 years old. The elderly, persons age 65 or older, generally experienced less violence and fewer property crimes than younger persons. Serious violent crime rates declined in recent years for both blacks and whites. In 2006 about 50% of murder victims were black, 47% were white, and 3% were Asians, Pacific Islanders, and Native Americans. Blacks were more likely than whites to be victimized by a carjacking (3 versus 1 per 10,000 respectively) from 1993-2002. Males experienced higher victimization rates than females for all types of violent crime except rape/sexual assault.

THE 144th INTERNATIONAL SENIOR SEMINAR
VISITING EXPERTS' PAPERS

According to the FBI's Uniform Crime Reports, most murder victims were male: 78% in 2007. Men were more likely than women to be the victim of a carjacking (2 men and 1 woman per 10,000 persons). In general, violent victimization rates were inversely related to household income; persons living in households with lower incomes generally had higher rates of violent crime.

In 2006 divorced or separated persons experienced somewhat higher rates of overall violence than persons of other marital status categories. When compared with other age groups, persons aged 65 or older were disproportionately affected by property crimes.

The property crime rate for Hispanics was 187 per 1,000 households, and for non-Hispanics was 128 per 1,000 households. Hispanic households had a motor vehicle theft rate of 12 per 1,000 compared to 6 per 1,000 for non-Hispanic households.

IV. THE VICTIM IN THE CRIMINAL JUSTICE SYSTEM

A. The Criminal Justice System

The criminal justice process is initiated by the action of victims and witnesses in reporting crimes. Without a reported crime the criminal justice system could not begin and would not function. Victims and witnesses also play critical roles in the police investigations and in the prosecution process through their co-operation with the agents of the system. In fact the ideal relationship between the victims and the system is critical in assuring the achievement of justice, for victims, offenders, the system and the community at large.

B. The Work of Victimologists

Victimologists explore how the CJS handles victims; how the police respond to complainants; how the police help victims report crimes; how prosecutors, defence attorneys and judges treat witnesses for the state; and how corrections, probation, and parole officials react to special requests from victims. It is critical to understand exactly what victims want and expect:

1. Punishment of the offender - punishment is what comes first to most people's minds when considering what justice entails;
2. Retaliation, *lex talionis* - an eye for an eye;
3. Treatment and rehabilitation of the offender - victims are more likely to endorse offenders' treatment if they are not complete strangers;
4. Restitution – rather than retaliation or rehabilitation, for victims and from offenders – money, service or a symbolic gesture.

C. Unacceptable Responses

Victims do not want inaction, lack of interest, neglect, abuse, disrespect, empty promises, or attempts at manipulation.

D. Conflict

Two areas of conflict can arise between victims and the police when officers unwittingly make them feel worse and cause a second wound:

1. Law enforcement officials might seem remote, uninvolved, or unconcerned;
2. Police may conclude that the complainants' charges lack credibility.

V. THE UN DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF CRIME AND ABUSE OF POWER AND THE DRAFT UN CONVENTION

A. The Declaration

The United Nations General Assembly unanimously passed the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in 1985 (25 years ago). This was the first legal instrument to be totally dedicated to victims of crime and abuse of power! It was a rallying cry heard around the world. Its promise and impact was so great that it is known as "Magna Carta for Victims' Rights". This Declaration

has been the primary reference document for victim reforms and was the theme of the 2005 UNAFEI course on victims. The early promoters and supporters of this dramatic initiative were mainly the World Society of Victimology; the United States of America, Finland, Canada and the Netherlands. This declaration for victims has ten essential principles for victims (see Appendix II):

1. To be treated with *compassion* and *respect*;
2. *To receive information* about the progress of *their proceedings and their role*;
3. To allow their concerns to be *presented and considered*;
4. To provide *support for all victims* during the entire legal process;
5. To minimize *inconvenience*, maintain *privacy* and ensure *safety*;
6. To also use *informal* ways for mediation, dispute resolution, arbitration, and customary or indigenous justice;
7. To receive material, medical, social and psychological *assistance*;
8. To always have *restitution* from the offender considered;
9. To also have *compensation* from the state available; and,
10. To expect *partnerships* with government agencies, NGOs and civil organizations.

B. The Draft Convention

The United Nations draft Convention on Justice and Support for Victims of Crime and Abuse of Power is a new initiative by the World Society of Victimology to recognize that over the past 25 years, the UN Declaration for victims has provided governments and organizations with a constant source of information and guidance concerning victims of crime and abuse of power. Some countries have adopted the Declaration. However, and sadly for victims, many others have not. This means that many, many victims are ignored. To honour the noble intents of that same Declaration, so that all victims can be helped, and to renew our efforts on behalf of these forgotten victims (who, for the most part, still remain silent and unseen), and, to strengthen the resolve of our community of nations, it is time to expand the global standards for victims. This effort must go beyond just recommending principles, and instead must require real reforms to take place. The next logical step up is a UN *Convention*, which could make the same noble principles a living reality so that all governments would treat all victims with “*compassion and respect*” (see Appendix III). The text of this proposal has a Preamble and 25 articles divided into four parts. The Preamble recalls the UN General Assembly declaration of 1985 which called upon Member States, “to take the necessary steps to give effect to the provisions contained in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power”.

VI. FUTURE PROSPECTS OF VICTIMOLOGY

The scientific study of victims, victimology, will continue to evolve in numerous directions. The research used to collect and analyse information about victims will become more sophisticated, more reliable and more available in support of keener understandings about victims. Theories based entirely on victim behaviour and empirical findings will emerge and help explain the complexities of why people are victimized, how and why they are differentially impacted and also help to identify what types of treatments are most effective in facilitating victim recovery. In partnership with theory, the multitude of practices used to prevent, protect and treat victims will prove the wisdom of evidence-based decisions such that all responses to victims will be first tested prior to being used. This will lead to universal standards of professional conduct supported by legal controls and strict educational requirements. Ultimately, policy will shift away from unsubstantiated opinions and move toward rational processes that will produce safer societies, result in more efficient responses and help victims recover sooner.

VII. RECOMMENDATIONS FOR CRIMINAL JUSTICE OFFICIALS

A. Toward More Formal Victim Rights for Victims within the CJS

1. Five Basic Rights

1. To be handled with fairness, respect, and dignity;
2. To be notified, heard, or be present for important judicial proceedings;

THE 144th INTERNATIONAL SENIOR SEMINAR
VISITING EXPERTS' PAPERS

3. Promptly get stolen property returned;
 4. To be protected from intimidation and harassment;
 5. To receive restitution and/or compensation.
2. Compensation
 1. To be reimbursed for out-of-pocket expenses for medical bills and lost wages arising from injuries inflicted during a violent crime.
 3. Victim Influence

Two forms in which victims can influence the outcome of sentencing decisions:

 1. Victim impact statements;
 2. Allocution.
 4. Restorative Justice (Conciliation; Mediation; and Arbitration)
 1. Empowerment;
 2. Notification;
 3. Direct involvement;
 4. Offender accountability;
 5. Receiving restitution;
 6. Informal justice (retaliatory justice).
 5. Summary

In sum: In the 21st century victims will pursue three different courses:

 1. Seek to exercise their recently granted rights;
 2. Explore the possibilities that are opening up in a new approach;
 3. Retaliatory violence.

B. Police

Toward a victim-oriented police department. A victim-oriented department would undertake outreach efforts to:

- Handle the victims with care;
- Build confidence of citizens;
- Provide sensitive and timely death notifications;
- Meet the special needs for all victimized children and women, rape victims, disabled persons and elder victims;
- Dispatch officers quickly to the scene of a crime;
- Recover stolen property and return it to the rightful owner as soon as possible.

C. Prosecutors

Toward a victim-oriented prosecution

- Offer protection and safety to all victims and witnesses and their families;
- Establish victim witness programmes to render assistance;
- At all times victims will be treated with dignity and respect, especially during trials and hearings;
- Keep the victim informed about decisions in their cases from the initial charging to the determination of parole and involve victims in all hearings, especially victims of violent crimes;
- Permit all victims allocution;
- Charge and pursue conviction of defendants who harass, threaten, injure, or attempt to intimidate or retaliate against victims or witnesses.

D. The Future of the International Crime Victim Surveys

Repeats of the ICVS in 2007 and 2008 are under preparation in several countries. It is hoped that plans made in the framework of the European Union for a standardized EU crime survey will allow for a continuation of the ICVS-based series by using elements of the ICVS methodology, including its core set of questions.

APPENDIX I

A. Key Dates in Victimology

- **1924:** Edwin Sutherlands' Chapter III, "The Victims of Crime" appeared in his first *Criminology* textbook.
- **1937:** Benjamin Mendelsohn wrote about the personality of victims and lectured in Romania and in the Belgium journal *Revue de Droit Penal et de Criminologie*, Bruxelles.
- **1940:** Benjamin Mendelsohn published his first work, "*Rape in criminology*" in the Italian journal, *Giustizia Penale*, Rome.
- **1946:** Benjamin Mendelsohn circulated his work "New bio-psycho-social horizons: victimology", among medico-legal experts in Bucharest, Romania.
- **1947:** Benjamin Mendelsohn gave his famous speech at the Colzea State Hospital in Bucharest, Romania about his new science, "Victimology."
- **1948:** Hans von Hentig, *The Criminal and his Victim*. Yale University Press.
- **1957:** Margery Fry published an article in the *London Times* on Victim Compensation.
- **1958:** Benjamin Mendelsohn published his major explanation "*La Victimologie*" in the French journal *Revue Francaise de Psychanalyse*. January-February.
- **1963:** New Zealand passed the world's first Victim Compensation Law.
- **1965:** California was the first US state to pass a Victim Compensation Law.
- **1966:** The US government conducted its first crime victimization survey.
- **1968:** Stephen Schafer published the first victimology book, *The Victim and His Criminal*.
- **1972:** The first three victim assistance programmes were created:
 - (i) Aid for Victims of Crime in St. Louis, Missouri;
 - (ii) Bay Area Women Against Rape in Berkeley, California;
 - (iii) Rape Crisis Center in Washington, D.C.
- **1973:** First International Symposium on Victimology was hosted by Israel Drapkin, in Jerusalem, Israel.
- **1974:**
 - The Federal Law Enforcement Assistance Administration (LEAA) funds the first victim-witness programmes in the Brooklyn and Milwaukee District Attorneys' offices, plus seven others through a grant to the National District Attorneys Association, to "create model programmes of assistance for victims, encourage victim co-operation, and improve prosecution".
 - The first law enforcement-based victim advocate programmes are established in Fort Lauderdale, Florida, and Indianapolis, Indiana.
 - The U.S. Congress passes the Child Abuse Prevention and Treatment Act which establishes the National Center on Child Abuse and Neglect (NCCAN). The new Center creates an information clearinghouse and provides technical assistance and model programmes.
 - The first national meeting of victim assistance persons met in Ft. Lauderdale, Florida with support from LEAA at the initiative of and co-ordinated by John Dussich.
- **1975:**
 - The first "Victims' Rights Week" is organized by the Philadelphia District Attorney.
 - International Study Institute on Victimology held in Bellagio, Italy, co-ordinated by Emilio Viano and attended by many of the pioneers in victimology of that time.

THE 144th INTERNATIONAL SENIOR SEMINAR
VISITING EXPERTS' PAPERS

• **1976:**

- Activists from across the USA united to expand victim services and increase recognition of victims' rights at the 2nd National Conference on Victim Assistance in Fresno, California and on that occasion John Dussich created and co-ordinated the formation of the National Organization for Victim Assistance (NOVA).
- The National Organization for Women forms a task force to examine the problem of battering. It demands research into the problem, along with money for battered women's shelters.
- Nebraska becomes the first state to abolish the marital rape exemption.
- The first national conference on battered women is sponsored by the Milwaukee Task Force on Women in Milwaukee, Wisconsin.
- In Fresno County, California, Chief Probation Officer James Rowland creates the first victim impact statement to provide the judiciary with an objective inventory of victim injuries and losses prior to sentencing.
- Second International Symposium on Victimology held in Boston, Massachusetts organized by Stephen Schafer.
- Women's advocates in St. Paul, Minnesota start the first hotline for battered women.
- Women's Advocates and Haven House in Pasadena, California establish the first shelters for battered women.
- First scholarly journal published by Emilio Vianno, *Victimology: An International Journal*.

• **1977:** Oregon becomes the first state to enact mandatory arrest in domestic violence cases.

• **1978:**

- The National Coalition Against Sexual Assault (NCASA) is formed to combat sexual violence and promote services for rape victims.
- The National Coalition Against Domestic Violence (NCADV) is organized as a voice for the battered women's movement on a national level. NCADV initiates the introduction of the Family Violence Prevention and Services Act in the U.S. Congress.
- Parents of the Murdered Children (POMC), a self-help support group, is founded in Cincinnati, Ohio.
- Minnesota becomes the first state to allow probable cause (warrentless) arrest in cases of domestic assault, regardless of whether a protection order had been issued.

• **1979:**

- Third International Symposium on Victimology in Munster, Germany. At this event the World Society of Victimology was established with Hans Schneider as its president and John Dussich as its Secretary General.
- Frank G. Carrington, considered by many to be "the father of the victims' rights movement", founds the Crime Victims' Legal Advocacy Institute, Inc., to promote the rights of crime victims in the civil and criminal justice systems. The nonprofit organization was named VALOR, the Victims' Assistance Legal Organization, Inc., in 1981.
- The Office on Domestic Violence is established in the U.S. Department of Health and Human Services, but is later closed in 1981.
- The U.S. Congress fails to enact the Federal Law Enforcement Assistance Administration (LBAA) and federal funding for victims' programmes is phased out. Many grassroots and "system-based" programmes close.

• **1980:**

- Mothers Against Drunk Driving (MADD) is founded after the death of thirteen-year-old Cari Lightner, who was killed by a repeat offender drunk driver. The first two MADD chapters are

created in Sacramento, California and Annapolis, Maryland.

- The U.S. Congress passes the Parental Kidnapping Prevention Act of 1980.
- Wisconsin passes the first “Crime Victims’ Bill of Rights”.
- The first National Day of Unity in October is established by NCADV to mourn battered women who have died; celebrate women who have survived such violence; and honour all who have worked to defeat domestic violence. This day becomes Domestic Violence Awareness Week and, in 1987, expands to a month of awareness activities each October.
- NCADV holds its first national conference on Washington D.C., which gains federal recognition of critical issues facing battered women, and sees the birth of several state coalitions.
- The first Victim Impact Panel is sponsored by Remove Intoxicated Drivers (RID) in Oswego County, New York.
- **1981:**
 - Ronald Reagan becomes the first President to proclaim “Crime Victims’ Rights Week” in April.
 - The disappearance and murder of Adam Walsh prompts a national campaign to raise public awareness about child abduction and enact laws to better protect children.
 - The Attorney General’s Task Force on Violent Crime recommends that a separate Task Force be created to consider victims’ issues.
- **1982:**
 - In a Rose Garden ceremony, President Reagan appoints the Task Force on Victims of Crime, which holds public hearings in six cities across the nation to create a greatly needed national focus on the needs of crime victims. The Task Force *Final Report* offers 68 recommendations that become the framework for the advancement of new programmes and policies.
 - The Federal Victim and Witness Protection Act of 1982 brings “fair treatment standards” to victims and witnesses in the federal criminal justice system.
 - California voters overwhelmingly pass Proposition 8, which guarantees restitution and other statutory reforms to crime victims.
 - The passage of the Missing Children’s Act of 1982 helps parents guarantee that identifying information of then-missing children is promptly entered into the FBI National Crime Information Center (NCIC) computer system.
 - The first Victim Impact Panel sponsored by MADD, which educates drunk drivers about the devastating impact of their criminal acts, is organized in Rutland, Massachusetts.
- **1983:**
 - The first victim advocate certificate programme is launched by John Dussich at CSU Fresno, offering standardized victim assistance training for practitioners.
 - The U.S. Attorney General establishes a Task Force on Family Violence, which holds six public hearings across the United States.
 - The U.S. Attorney General issues guidelines for federal victim and witness assistance.
 - In April, President Reagan honours crime victims in a White House Rose Garden ceremony.
 - The First National Conference of the Judiciary on Victims of Crime is held at the National Judicial College in Reno, Nevada.
 - President Reagan proclaims the first National Missing Children’s Day in observance of the disappearance of missing child Etan Patz.
 - The International Association of Chiefs of Police Board of Governors adopts a Crime Victims’ Bill of Rights and establishes a victims’ rights committee to bring about renewed emphasis on the needs of crime victims by law enforcement officials nationwide.

THE 144th INTERNATIONAL SENIOR SEMINAR
VISITING EXPERTS' PAPERS

• **1984:**

- The Office for Victims of Crime (OVC) is created by the U.S. Department of Justice within the Office of Justice Programs to implement recommendations from the President's Task Force on Victims of Crime.
- The passage of the Victims Of Crime Act (VOCA) establishes the Crime Victims' Fund, made up of federal criminal fines, penalties and bond forfeitures, to support state victim compensation and local victim service programmes.
- President Reagan signs the Justice Assistance Act, which establishes a financial assistance programme for state and local government and funds 200 new victim service programmes.
- The National Minimum Drinking Age Act of 1984 is enacted, providing strong incentives to states without "21" laws to raise the minimum age for drinking, saving thousands of young lives in years to come.
- The National Center for Missing and Exploited Children (NCMEC) is created as the national resource for missing children. Passage of the Missing Children's Assistance Act provides a Congressional mandate for the Center.
- The Spiritual Dimension in Victim Services is founded to involve the religious community in violence prevention and victim assistance.
- The U.S. Congress passes the Family Violence Prevention and Services Act, which earmarks federal funding for programmes serving victims of domestic violence.
- Concerns of Police Survivors (COPS) is organized at the first police survivors' seminar held in Washington, D.C. by 100 relatives of officers killed in the line of duty.
- The first National Symposium on Sexual Assault is co-sponsored by the Office of Justice Programs and the Federal Bureau of Investigation.
- A victim-witness notification system is established within the Federal Bureau of Prisons.
- The Office for Victims of Crime hosts the first national symposium on child molestation.
- Victim-Witness Coordinator positions are established in the U.S. Attorneys' offices within the U.S. Department of Justice.
- California State University, Fresno, initiates the first Victim Services Certificate Program offered for academic credit by a university.
- Remove Intoxicated Drivers (RID) calls for a comprehensive Sane National Alcohol Policy (SNAP) to curb aggressive promotions aimed at youth.

• **1985:**

- The Federal Crime Victims' Fund deposits total \$68 million.
- The National Victim Center is founded in honour of Sunny von Bulow to promote the rights and needs of crime victims, and to educate Americans about the devastating effect of crime on their society.
- 29 November: The United Nations General Assembly passes The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
- President Reagan announces a Child Safety Partnership with 26 members. Its mission is to enhance private sector efforts to promote child safety, to clarify information about child victimization, and to increase public awareness of child abuse.
- The U.S. Surgeon General issues a report identifying domestic violence as a major public health problem.

• **1986:**

- The Office for Victims of Crime awards the first grants to support state victim compensation and assistance programmes.

- Rhode Island passes a constitutional amendment granting victims the right to restitution, to submit victim impact statements, and to be treated with dignity and respect.
- MADD's "Red Ribbon Campaign" enlists motorists to display a red ribbon on their automobiles, pledging to drive safe and sober during the November-December holiday period. This national public awareness effort has since become an annual campaign.
- **1987:**
 - The Victims' Constitutional Amendment Network (VCAN) and Steering Committee is formed at a meeting hosted by the National Victim Center.
 - Security on Campus, Inc. (SOC) is established by Howard and Connie Clery, following the tragic robbery, rape, and murder of their daughter Jeanne at Lehigh University in Pennsylvania. SOC raises national awareness about the hidden epidemic of violence on America's campuses.
 - The American Correctional Association establishes a Task Force on Victims of Crime.
 - NCADV establishes the first national toll-free domestic violence hotline.
- **1988:**
 - The National Aging Resource Center on Elder Abuse (NARCEA) is established in a co-operative agreement among the American Public Welfare Association, the National Association of State Units on Aging, and the University of Delaware. Renamed the National Center on Elder Abuse, it continues to provide information and statistics.
 - *State v. Ciskie* is the first case to allow the use of expert testimony to explain the behaviour and mental state of an adult rape victim. The testimony is used to show why a victim of repeated physical and sexual assaults by her intimate partner would not immediately call the police or take action. The jury convicts the defendant on four counts of rape.
 - The Federal Drunk Driving Prevention Act is passed, and states raise the minimum drinking age to 21.
 - Constitutional amendments are introduced in Arizona, California, Connecticut, Delaware, Michigan, South Carolina and Washington. Florida's amendment is placed on the November ballot where it passes with 90 percent of the vote. Michigan's constitutional amendment passes with over 80 percent of the vote.
 - The first "Indian Nations: Justice for Victims of Crime" conference is sponsored by the Office for Victims of Crime in Rapid City, South Dakota.
 - VOCA amendments legislatively establish the Office for Victims of Crime, elevate the position of Director by making Senate confirmation necessary for appointment, and induce state compensation programmes to cover victims of homicide and drunk driving.
- **1989:** The legislatures in Texas and Washington pass their respective constitutional amendments, which are both ratified by voters in November.
- **1990:**
 - The Federal Crime Victims' Fund deposits total over \$146 million.
 - The U.S. Congress passes the Hate Crime Statistics Act requiring the U.S. Attorney General to collect data of incidence of certain crimes motivated by prejudice based on race, religion, sexual orientation, or ethnicity.
 - The Student Right-to-Know and Campus Security Act, requiring institutions of higher education to disclose murder, rape, robbery, and other crimes on campus, is signed into law by President Bush.
 - The Child Protection Act of 1990, which features reforms to make the federal criminal justice system less traumatic for child victims and witnesses, is passed by the U.S. Congress.
 - The first National Incidence Study on Missing, Abducted, Runaway, and Throwaway Children in America shows that over one million children fall victim to abduction annually.

THE 144th INTERNATIONAL SENIOR SEMINAR
VISITING EXPERTS' PAPERS

- The National Child Search Assistance Act requires law enforcement to enter reports of missing children and unidentified persons in the NCIC computer.
- **1991:**
 - U.S. Representative Ilene Ros-Lehtinen (Republican Party, Florida) files the first Congressional Joint Resolution to place victims' rights in the U.S. Constitution. The Violence Against Women Act of 1991 is considered by the U.S. Congress.
 - California State University, Fresno, approves the first Bachelors Degree Program in Victimology in the nation.
 - The Campus Sexual Assault Victims' Bill of Rights Act is introduced in the U.S. Congress.
 - The results of the first national public opinion poll to examine citizens' attitudes about violence and victimization, *America Speaks Out*, are released by the National Victim Center during National Crime Victims' Rights Week.
 - The U.S. Attorney General issues new comprehensive guidelines that establish procedures for the federal criminal justice system to respond to the needs of crime victims.
 - The first national conference that addresses crime victims' rights and needs in corrections is sponsored by the Office for Victims of Crime in California.
 - The first International Conference on Campus Sexual Assault is held in Orlando, Florida.
 - The American Probation and Parole Association (APPA) establishes a Victim Issues Committee to examine victims' issues and concerns related to community corrections.
 - The International Parental Child Kidnapping Act makes the act of unlawfully removing a child outside the United States a federal felony.
 - The Spiritual Dimension in Victim Services facilitates a conference of leaders of thirteen religious denominations to plan ways in which these large religious bodies can increase awareness of crime victims' needs and provide appropriate services.
 - The New Jersey legislature passes a victims' rights constitutional amendment, which is ratified by voters in November.
 - Colorado legislators introduce a constitutional amendment on the first day of National Crime Victims' Rights Week. Fifteen years later, the bill is unanimously passed by both Houses to be placed on the ballot in 1992.
 - In an 8-0 decision, the U.S. Supreme Court ruled in *Simon & Schuster v. New York Crime Victims Board* that New York's notoriety-for-profit statute was overly broad and, in the final analysis, unconstitutional.
- **1992:**
 - *Rape in America: A Report to the Nation* clarifies the scope and devastating effect of rape in America, inducting the fact that 683,000 women are raped annually in the United States.
 - The Association of Paroling Authorities, International establishes a Victim Issues Committee to examine victims' needs, rights, and services in parole processes.
 - The U.S. Congress reauthorizes the Higher Education Bill which includes the Campus Sexual Assault Victims' Bill of Rights.
 - The Battered Women's Testimony Act, which urges states to accept expert testimony in criminal cases involving battered women, is passed by Congress and signed into law by President Bush.
 - In a unanimous decision, the U.S. Supreme Court-in *R.A.V. vs. City of St. Paul* struck down a local hate crimes ordinance in Minnesota.
 - Five states: Colorado, Kansas, Illinois, Missouri, and New Mexico, ratify constitutional amendments for victims' rights.
 - Twenty-eight states pass anti-stalking legislation.

- Massachusetts passes a landmark bill creating a statewide computerized domestic violence registry and requires judges to check the registry when handling such cases.
- **1993:**
 - Wisconsin ratifies its constitutional amendment for victims' rights, bringing the total number of states with these amendments to 14.
 - President Clinton signs the "Brady Bill" requiring a waiting period for the purchase of handguns.
 - Congress passes the Child Sexual Abuse Registry Act establishing a national repository for information on child sex offenders.
 - Twenty-two states pass stalking statutes, bringing the total number of states with stalking laws to 50, plus the District of Columbia.
- **1994:**
 - The American Correctional Association Victims Committee publishes the landmark *Report and Recommendations on Victims of Juvenile Crime*, which offers guidelines for improving victims' rights and services when the offender is a juvenile.
 - Six additional states pass constitutional amendments for victims' rights-the largest number ever in a single year - bringing the total number of states with amendments to 20. States with new amendments include: Alabama, Alaska, Idaho, Maryland, Ohio, and Utah.
 - President Clinton signs a comprehensive package of federal victims' rights legislation as part of the Violent Crime Control and Law Enforcement Act. The Act includes:
 - The Violence Against Women Act, which authorizes more than \$1 billion in funding for programmes to combat violence against women.
 - Enhanced VOCA funding provisions.
 - Establishment of a National Child Sex Offender Registry.
 - Enhanced sentences for drunk drivers with child passengers.
- **1995:**
 - The Federal Crime Victims' Fund deposits total \$233,907,256.
 - The Crime Victims' Rights Act of 1995 is introduced in the U.S. Congress.
 - Legislatures in three states, Indiana, Nebraska, and North Carolina, pass constitutional amendments which will be placed on the ballot.
 - The National Victims' Constitutional Amendment Network proposes the first draft of language for a federal constitutional amendment for victims' rights.
 - The U.S. Department of Justice convenes a national conference to encourage implementation of the Violence Against Women Act.
 - The first class graduates from the National Victim Assistance Academy in Washington, D.C. Supported by the Office for Victims of Crime, the university-based Academy provides an academically credited 45-hour curriculum on victimology, victims' rights, and a myriad other topics.
- **1996:**
 - Federal Victims' Rights Constitutional Amendments are introduced in both houses of Congress with bipartisan support.
 - Both presidential candidates and the Attorney General endorse the concept of a Victims' Rights Constitutional Amendment.
 - The Federal Crime Victims' Fund reaches an historic high with deposits totalling over \$500 million.

THE 144th INTERNATIONAL SENIOR SEMINAR
VISITING EXPERTS' PAPERS

- Eight states ratify the passage of constitutional amendments for victims' rights, raising the total number of state constitutional amendments to 29 nationwide.
- The Community Notification Act, known as "Megan's Law," provides for notifying communities of the location of convicted sex offenders by amendment to the national Child Sexual Abuse Registry legislation.
- President Clinton signs the Antiterrorism Act, providing one million dollars in funding to strengthen antiterrorism efforts, making restitution mandatory in violent crime cases, and expanding the compensation and assistance services for victims of terrorism both at home and abroad, including victims in the military.
- The National Domestic Violence Hotline is established to provide crisis intervention information and referrals to victims of domestic violence and their friends and family.
- To fully recognize the sovereignty of Indian Nations, the OVC for the first time provides all grants in Indian Country directly to the tribes.
- OVC launches a number of international crime victim initiatives, including working to foster worldwide implementation of a United Nations Declaration on victims' rights and working to better assist Americans who are victimized abroad.
- The American Society of Victimology is launched in Topeka, Kansas by holding its first annual national symposium.
- **1999:** The United Nations and the US Office for Victims of Crime publish the *Guide for Policymakers on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* and the *Handbook on Justice for Victims: On the use and application of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.
- **2002:** On 11 April the Rome Statute was ratified and went into force on 1 July, at which time the International Criminal Court became effective and it included the creation of a Victim and Witness Unit.
- **2003:** On 2 October the Tokiwa International Victimology Institute, in Mito, Japan, opened its doors to promote victim rights, to conduct seminars, courses, publish an international journal, host annual symposia and lectures and research victimology.
- **2004:** The World Society of Victimology at its annual Executive Committee meeting in Orlando, Florida adopted a dramatic new strategic plan to commit itself to the ideals and promises of the UN Declaration (see Appendix II).
- **2005:** Japan puts the UN Basic Principles of Justice for Victims of Crime and Abuse of Power into its national legislation by adopting a new fundamental law for crime victims. To ensure that the principles would be initiated, the Prime Minister established a cabinet level committee. The new law includes services for victims, restitution from the offender, information about criminal justice and a right to formally participate in the criminal justice process.
- **2009:** The World Society of Victimology held its 13 International Symposium in Mito, Japan, bringing together 483 participants from 51 countries.

APPENDIX II
**UN DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF
CRIME AND ABUSE OF POWER**

A/RES/40/34

29 November 1985

96th plenary meeting

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

The General Assembly,

Recalling that the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders recommended that the United Nations should continue its present work on the development of guidelines and standards regarding abuse of economic and political power,

Cognizant that millions of people throughout the world suffer harm as a result of crime and the abuse of power and that the rights of these victims have not been adequately recognized,

Recognizing that the victims of crime and the victims of abuse of power, and also frequently their families, witnesses and others who aid them, are unjustly subjected to loss, damage or injury and that they may, in addition, suffer hardship when assisting in the prosecution of offenders,

1. Affirms the necessity of adopting national and international measures in order to secure the universal and effective recognition of, and respect for, the rights of victims of crime and of abuse of power;
2. Stresses the need to promote progress by all States in their efforts to that end, without prejudice to the rights of suspects or offenders;
3. Adopts the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, annexed to the present resolution, which is designed to assist Governments and the international community in their efforts to secure justice and assistance for victims of crime and victims of abuse of power;
4. Calls upon Member States to take the necessary steps to give effect to the provisions contained in the Declaration and, in order to curtail victimization as referred to hereinafter, endeavor:
 - (a) To implement social, health, including mental health, educational, economic and specific crime prevention policies to reduce victimization and encourage assistance to victims in distress;
 - (b) To promote community efforts and public participation in crime prevention;
 - (c) To review periodically their existing legislation and practices in order to ensure responsiveness to changing circumstances, and to enact and enforce legislation proscribing acts that violate internationally recognized norms relating to human rights, corporate conduct, and other abuses of power;
 - (d) To establish and strengthen the means of detecting, prosecuting and sentencing those guilty of crimes;
 - (e) To promote disclosure of relevant information to expose official and corporate conduct to public scrutiny, and other ways of increasing responsiveness to public concerns;
 - (f) To promote the observance of codes of conduct and ethical norms, in particular international standards, by public servants, including law enforcement, correctional, medical, social service and military personnel, as well as the staff of economic enterprises;
 - (g) To prohibit practices and procedures conducive to abuse, such as secret places of detention and incommunicado detention;

THE 144th INTERNATIONAL SENIOR SEMINAR
VISITING EXPERTS' PAPERS

- (h) To co-operate with other States, through mutual judicial and administrative assistance, in such matters as the detection and pursuit of offenders, their extradition and the seizure of their assets, to be used for restitution to the victims;
5. Recommends that, at the international and regional levels, all appropriate measures should be taken:
- (a) To promote training activities designed to foster adherence to United Nations standards and norms and to curtail possible abuses;
 - (b) To sponsor collaborative action-research on ways in which victimization can be reduced and victims aided, and to promote information exchanges on the most effective means of so doing;
 - (c) To render direct aid to requesting Governments designed to help them curtail victimization and alleviate the plight of victims;
 - (d) To develop ways and means of providing recourse for victims where national channels may be insufficient;
6. Requests the Secretary-General to invite Member States to report periodically to the General Assembly on the implementation of the Declaration, as well as on measures taken by them to this effect;
7. Also requests the Secretary-General to make use of the opportunities, which all relevant bodies and organizations within the United Nations system offer, to assist Member States, whenever necessary, in improving ways and means of protecting victims both at the national level and through international co-operation;
8. Further requests the Secretary-General to promote the objectives of the Declaration, in particular by ensuring its widest possible dissemination;
9. Urges the specialized agencies and other entities and bodies of the United Nations system, other relevant intergovernmental and non-governmental organizations and the public to co-operate in the implementation of the provisions of the Declaration.

ANNEX

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

A. Victims of Crime

1. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.
2. A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.
3. The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, color, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability.

Access to justice and fair treatment

4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

5. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.

6. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:

- (a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved and where they have requested such information;
- (b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;
- (c) Providing proper assistance to victims throughout the legal process;
- (d) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
- (e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.

7. Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims.

Restitution

8. Offenders or third parties responsible for their behavior should, where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.

9. Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.

10. In cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of a community.

11. Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims.

Compensation

12. When compensation is not fully available from the offender or other sources, States should endeavor to provide financial compensation to:

- (a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;
- (b) The family, in particular dependants of persons who have died or become physically or mentally incapacitated as a result of such victimization.

THE 144th INTERNATIONAL SENIOR SEMINAR
VISITING EXPERTS' PAPERS

13. The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

Assistance

14. Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.

15. Victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.

16. Police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims, and guidelines to ensure proper and prompt aid.

17. In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors such as those mentioned in paragraph 3 above.

B. Victims of abuse of power

18. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.

19. States should consider incorporating into the national law norms proscribing abuses of power and providing remedies to victims of such abuses. In particular, such remedies should include restitution and/or compensation, and necessary material, medical, psychological and social assistance and support.

20. States should consider negotiating multilateral international treaties relating to victims, as defined in paragraph 18.

21. States should periodically review existing legislation and practices to ensure their responsiveness to changing circumstances, should enact and enforce, if necessary, legislation proscribing acts that constitute serious abuses of political or economic power, as well as promoting policies and mechanisms for the prevention of such acts, and should develop and make readily available appropriate rights and remedies for victims of such acts.

APPENDIX III

Draft Convention – 5 December 2009

UN Convention on Justice and Support for Victims of Crime and Abuse of Power

PREAMBLE

The State Parties to this Convention:

Recalling the resolution of the UN General Assembly (GA/RES/50/34) in 1985 which called upon Member State to take the necessary steps to give effect to the provisions contained in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Recognizing that millions of people, including many women and children, throughout the world still suffer harm as a result of crime, abuse of power and terrorism, and that the rights of these victims still have not been adequately recognized, and that they may, in addition, suffer hardship when assisting in the prosecution of perpetrators,

Noting the partial progress achieved by some Member State in

- legislating the basic principles of justice into domestic laws combined with a high level office to implement policies and programs to provide comprehensive measures for victims of crime;
- providing victims of crime with better information, support services, reparation from offenders, compensation from the state and a role in criminal proceedings;
- establishing programmes to protect victims of crime who are vulnerable, for instance because of gender or age;
- launching permanent boards and legislation to promote the use of effective and proven prevention of victimization at all levels of government.

Noting the initiatives at the UN to implement the Declaration, including:

- UN Commission endorsement of the website *Victimology.nl* in 1998;
- UN Commission approval of The Guide for Policy Makers and the Handbook on Justice for Victims in 1999;
- Statute of Rome in 1998 (and later the Rules of Procedure and Evidence) to establish the International Criminal Court;
- Convention on Trans-national Organized Crime in 2000 and its optional protocol in 2002 on trafficking that include specific sections for victims;
- ECOSOC adoption in 2002 of the Guidelines on Restorative Justice;
- UN Commission funding in 2003 for 19 pilot projects;
- ECOSOC adoption in 2005 of the Guidelines for Child Victims and Witnesses;
- ECOSOC acceptance in 2002 of crime prevention guidelines;
- UN General Assembly adoption of the Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law in 2005.

Recognizing that some issues relating to justice and support for victims are handled increasingly through a variety of processes often referred to as restorative justice. This includes systems found in indigenous societies and incorporates principles of community involvement in dispute reconciliation; perpetrator accountability; victim empowerment; and restoration of harmony in relationships and community. Some examples include mediation, family group conferencing and indigenous community justice systems.

Noting in 2005 the inclusion in the Declaration of the UN Crime Congress in Bangkok by the Member State of the following paragraph:

“17. We recognize the importance of giving special attention to the need to protect witnesses and victims

THE 144th INTERNATIONAL SENIOR SEMINAR
VISITING EXPERTS' PAPERS

of crime and terrorism, and we commit ourselves to strengthening, where needed, the legal and financial framework for providing support to such victims, taking into account, inter alia, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.”

Recognizing the importance of promoting full use and application of the UN Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power.

Have agreed as follows:

PART I GENERAL CONSIDERATIONS

Article 1

Definitions

- (1) ‘Victims’ means natural persons who, individually or collectively, have suffered harm including physical or mental injury, emotional suffering or economic loss or violations of fundamental rights in relation to victimizations identified under ‘scope’.
- (2) A person is a victim regardless of whether the crime is reported to the police, regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term ‘victims’ also includes, where appropriate, the immediate family or dependants of the direct victims and persons who have suffered in intervening to assist victims in distress or to prevent victimization.
- (3) A ‘witness’ is a person who could be called to a court or other appropriate forum to provide testimony.
- (4) An ‘expert’ is a person who by virtue of specialized training, particular knowledge or experience assists the legal system.

Article 2

Scope

This convention covers natural persons who are victimized by acts or omissions that:

- (a) are violations of criminal laws of State Parties or;
- (b) are abuses of power; defined as acts or omissions that are not violations of national criminal laws but are violations of internationally recognized *jus cogens* norms, and/or are violations by person(s) in a position of power within a political structure, who misapply that power against vulnerable persons and suffer harm or death as a result.
- (c) are acts of terrorism, as defined in international instruments relevant to terrorism, intended to cause death or serious bodily harm to civilians or noncombatants, or damage to property, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.
- (d) are acts of human trafficking, which includes persons who have been kidnapped, coerced or deceived away from their homes and communities with the promise of legitimate employment but in actual fact is sexual exploitation, forced prostitution, bonded labor, debt bondage or slavery.

Article 3

General application

- (1) Nothing in this Convention shall diminish any provisions which protect the rights and interests of victims which are contained in the law and practice of a State Party or international law in force in that State.
- (2) State Parties shall undertake to implement these provisions to the maximum extent of their available

resources. For planning purposes, State Parties shall set priorities for implementing the provisions and seek to provide them over time through progressive realization of goals.

(3) State Parties shall ensure that the provisions contained herein shall be applicable to all, without discrimination of any kind, such as race, color, gender, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability. This will be without prejudice to providing special justice and support best suited to victims who are particularly vulnerable because of age, gender, disability or other characteristics.

(4) State Parties shall ensure that all officials and other persons dealing with victims treat them with courtesy, compassion, cultural sensitivity, and respect for their rights and dignity.

Article 4

Commitment to reduce victimization

State Parties shall commit to provide both justice and support for victims and to reduce victimization consistent with international guidelines by, *inter alia*, developing:

- (a) more effective detection, prosecution, sentencing and corrections of perpetrators, consistent with internationally recognized norms;
- (b) measures to reduce the risk of occurrence of victimization by considering vulnerable groups and identifying resource deficiencies and vulnerability factors; and, creating ways to neutralize these weaknesses;
- (c) strategies to reduce the opportunity for repeat victimization by improving services and support for those already victimized;
- (d) international cooperation to exchange proven and promising practices and seek trans-national solutions.

PART II RIGHTS AND DUTIES

Article 5

Access to justice and fair treatment

(1) State Parties shall provide victims with access to the mechanisms of justice and redress which is expeditious, fair, inexpensive and accessible, as provided for by domestic legislation, through:

- (a) judicial and administrative mechanisms which will enable victims to obtain redress;
- (b) informal mechanisms for the resolution of disputes, including mediation, arbitration, and customary justice processes or indigenous practices, where appropriate, to facilitate conciliation and redress for victims;
- (c) information about their rights in seeking redress through all these mechanisms.

(2) State Parties shall ensure that the judicial, administrative and informal processes are responsive to the needs of victims. This should be facilitated by:

- (a) giving the victim a fair hearing within a reasonable time in the determination of their entitlement to a remedy for the injury, loss or damage suffered by them as a result of their victimization without prejudice to the accused;
- (b) allowing the views and concerns of victims to be presented and considered at appropriate stages of proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant domestic criminal justice system;
- (c) allowing victims to present their views and concerns themselves or through legal or other representatives without prejudice to the discretion of the court, tribunal or other appropriate authority, and in consonance with the relevant domestic criminal justice system;

THE 144th INTERNATIONAL SENIOR SEMINAR
VISITING EXPERTS' PAPERS

- (d) the prompt return to victims of their property, taken or recovered by the police or any other agency for the purpose of the investigation, when no longer needed;
 - (e) providing to victims, where appropriate, the right of appeal against decisions of the prosecutorial authority not to prosecute in cases where they were victimized.
 - (f) providing proper assistance to victims throughout informal, administrative, investigative and judicial processes;
 - (g) taking measures to minimize inconvenience to victims and protect their privacy wherever appropriate;
 - (h) ensuring the safety of victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
 - (i) avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims;
 - (j) ensuring the enforcement of any order or decree granting awards to victims.
- (3) State Parties shall reimburse victims and witnesses for their reasonable expenses related to the procedure incurred as a result of their legitimate participation in criminal proceedings.

Article 6

Protection of victims, witnesses and experts

- (1) State Parties shall take appropriate measures in accordance with their domestic legal systems to protect the safety, physical, psychological, and social well-being, dignity and privacy of victims, witnesses and experts from potential retaliation or intimidation and, as appropriate, for their relatives and other persons close to them.
- (2) The measures envisaged in paragraph 1 of this article may include:
 - (a) establishing procedures for the physical protection of such persons, such as, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons; and/or to the extent necessary and feasible, relocating them, changing their identity and any other measures needed for their protection;
 - (b) providing evidentiary rules to permit victims, witnesses and experts to give testimony in a manner that ensures the safety of such persons, such as permitting testimony to be given through the use of communications technology such as video or other appropriate means;
 - (c) agreements or arrangements with other State Parties for the relocation of persons.

Article 7

Information

- (1) State Parties shall ensure that victims have a right to information, and must be informed of this, from their first contact with law enforcement or other agencies. State Parties shall ensure that victims receive general information in the most expeditious and efficient method appropriate to the culture such as through oral or written communication with concern for literacy and literary traditions. Specific information should be given person to person. Such information should facilitate an informed understanding for victims and shall be at least as follows:
 - (a) the type of services or organizations to which they can turn for support;
 - (b) the type of support which they can obtain, including the availability of health and social services and other relevant assistance;
 - (c) where and how they can report an offence;
 - (d) procedures following such a report and their role in connection with such procedures;
 - (e) their role and the scope, timing and progress of the proceedings and of the, disposition of their

cases, especially where serious crimes are involved and where they have requested such information;

- (f) how and under what conditions they can obtain protection;
- (g) to what extent and on what terms they have access to legal advice or legal aid;
- (h) requirements for them to be entitled to compensation;
- (i) if they are resident in another State, any special arrangements available to them in order to protect their interests;
- (j) where and how victims could obtain more information.

(2) State Parties shall ensure that victims who have expressed a wish to this effect are kept informed of:

- (a) the outcome of their complaint;
- (b) relevant factors enabling them, in the event of prosecution, to know the conduct of the proceedings regarding the person prosecuted for offences concerning them, except in exceptional cases where the proper handling of the case may be adversely affected;
- (c) the court's sentence.

(3) State Parties shall take the necessary measures to ensure that the victim is notified, at least in cases where there might be danger to the victim, when the person prosecuted or sentenced for an offence is released.

(4) In so far as State Parties take forward on their own initiative the information referred to in paragraphs 2 and 3, they shall ensure that victims have the right not to receive it, unless communication thereof is compulsory under the terms of the relevant criminal proceedings.

Article 8

Assistance

(1) State Parties shall ensure that the necessary material, medical, psychological and social assistance to victims is provided through government, voluntary, community-based and indigenous means. Such assistance may be provided through any agencies or comprehensive programs that are appropriate under domestic laws or norms.

(2) State Parties should be encouraged to develop networks of criminal justice, social services, health and mental health services, victim assistance services and other relevant groups or institutions in order to facilitate referrals, coordination and planning among those providing assistance.

(3) State Parties should be encouraged to establish local and regional victim assistance centers to coordinate networks, develop and make referrals, and provide outreach to victims and direct services where appropriate.

(4) State Parties shall facilitate the referral of victims by the police and other relevant agencies to victim assistance centers or other service institutions.

(5) Language understood by victims should be encouraged. If translators are needed, they should be trained in the subject matter that they are addressing and victim support personnel should be familiar with common terms that will be used.

(6) State Parties shall seek to establish the following kinds of assistance to victims:

A. Immediate Assistance:

- (a) medical attention and accompaniment to medical exams, including first aid, emergency medical attention and medical transport. Support services should be provided to victims when forensic examinations are called for or in the aftermath of death;
- (b) material support such as shelter, housing, transportation, or property repair;
- (c) crisis intervention, involving crisis counseling and problem solving;
- (d) information and notification about what happened to the extent that such information does not

THE 144th INTERNATIONAL SENIOR SEMINAR
VISITING EXPERTS' PAPERS

interfere with investigation, including notification of any immediate responsibilities to the criminal justice system. Assistance should be offered in notifying family or friends of what happened;

(e) protection from repeat victimization should be provided through the development of safety and security plans. This may include information on police surveillance, relocation, emergency communication and the like. It may also involve assistance with obtaining protection orders through the judicial system;

(f) victims should be protected from media intrusion;

(g) general support and advocacy should be offered when victims interact with social, justice and medical institutions as well as appropriate referrals for urgent needs;

(h) confidentiality and privacy should be guaranteed to the extent allowable under current law and policy.

B. Medium term Assistance:

(a) the continuation of the services provided under A 'Immediate Assistance';

(b) psycho/social health and spiritual interventions that may include post-trauma counseling, mental health therapy, family counseling, pastoral counseling, or traditional healing intercessions;

(c) assistance with financial needs or claims including filing and advocacy for compensation claims, restitution, insurance, or emergency funds.

(d) legal referrals should be provided for legal assistance in the criminal or civil justice systems. To the extent possible such legal assistance should be free.

(e) Information, support and assistance concerning options for participation in alternative justice forums should be provided.

C. Long term Assistance:

(a) the continuation of the services provided under A 'Immediate Assistance' and B 'Medium Assistance';

(b) assurances and re-establishment of the victim's place in the family, community, education and in the workplace should be encouraged;

Article 9

Restorative justice

(1) State Parties shall endeavor, where appropriate, to establish or enhance systems of restorative justice, that seek to represent victims' interests as a priority. State shall emphasize the need for acceptance by the offender of his or her responsibility for the offence and the acknowledgement of the adverse consequences of the offence for the victim.

(2) State Parties shall ensure that victims shall have the opportunity to choose or to not choose restorative justice forums under domestic laws, and if they do decide to choose such forums, these mechanisms must accord with victims' dignity, compassion and similar rights and services to those described in this Convention.

Article 10

Restitution including reparation

(1) State Parties shall legislate to make offenders responsible for paying fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, provide the opportunity for a sincere apology where appropriate place in 9 above, the provision of services and the restoration of rights.

(a) State Parties shall review their practices, regulations, laws and their constitution to ensure that

restitution is an available sentencing option in criminal cases.

- (b) In cases of environmental crime, State Parties shall legislate to include restitution to restore the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of the community.
- (c) Where public officials or other agents acting in an official or quasi-official capacity have violated domestic criminal laws, State Parties shall legislate to provide restitution to victims from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurs is no longer in existence, the State or Government successor in title shall provide restitution to the victims.
- (d) When there is a court order for restitution, the State Party shall be responsible for enforcing the order.
- (e) In cases where the offender is under a legal obligation to pay restitution as well as other pecuniary sanctions, the former shall have precedence over the latter.
- (f) In cases where the victim seeks restitution through civil remedies, State shall endeavor to expedite these proceedings and minimize expenses.

Article 11

Compensation

- (1) When restitution is not fully available from the offender or other sources, State Parties shall endeavor to provide financial compensation to:
 - (a) victims who have sustained significant bodily injury or impairment of physical or mental health as a result of intentional violent crime;
 - (b) the victims' family, in particular dependants of persons who have died (or become physically or mentally incapacitated) as a result of such victimization.
- (2) Compensation shall be provided for:
 - (a) treatment and rehabilitation for physical injuries;
 - (b) pain and suffering and other psychological injuries caused to victims;
- (3) State should also consider compensation for loss of income, funeral expenses and loss of maintenance for dependants.
- (4) The establishment, strengthening and expansion of national, regional or local funds for compensation to victims should be encouraged. State Parties may consider providing funds through general revenue, special taxes, fines, private contributions, and other sources.
- (5) These funds shall guarantee fair, appropriate and timely compensation. They should also allow for emergency and/or interim payments. Special care should be taken to make the funds accessible. This requires, *inter alia*, extensive dissemination of information on the eligibility criteria and the procedure to be followed. State should also consider other means to raise public awareness of the existence of these funds.
- (6) Where appropriate, other funds may also be established for this purpose, including in those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.
- (7) In cases of cross border victimization, the State where the crime has occurred should pay compensation to the foreign national, subject to the principle of reciprocity.

PART III IMPLEMENTATION, MONITORING AND COOPERATION

Article 12

Implementation

- (1) State Parties shall take appropriate measures to:
 - (a) bring into force the laws, regulations and administrative provisions necessary for the implementation of this Convention;
 - (b) establish and enhance such institutions and mechanisms as may be necessary for the achievement of the objectives of this Convention;
 - (c) ensure the establishment and/or enhancement of appropriate procedures, which are victim-friendly and which must be adhered to.
- (2) State Parties shall ensure that personnel dealing with victims and witnesses make every effort to adopt an interdisciplinary and cooperative approach in aiding them. This approach may include protocols for the different stages of the justice process to encourage cooperation among bodies that provide services to victims and witnesses.
- (3) State Parties shall ensure the building of partnerships among local, national and international stakeholders, including intergovernmental and non-governmental organizations, civil society as well as the private sector in the implementation process. To this end, all stakeholders shall be encouraged to contribute to the resources required for implementation.
- (4) State Parties shall foster, develop and improve international cooperation in order to:
 - (a) facilitate the more effective protection of victims' interests in informal, administrative or judicial proceedings;
 - (b) promote mutual assistance for the purpose of facilitating collection and exchange of information and the detection, investigation and prosecution of crimes.
- (5) State Parties shall provide adequate training, education and information to all persons working with victims and witnesses with a view to improving and sustaining particular methods, approaches and attitudes that protect and deal effectively and sensitively with victims and witnesses. This training should particularly be aimed at avoiding secondary victimization.
- (6) State Parties shall ensure that sufficient information, advice and assistance be provided to:
 - (a) victims in order to enable them to be empowered to seek assistance from appropriate quarters so as to be able to receive justice, support and assistance in respect of their victimization;
 - (b) members of the public in order to enable them to understand the reasons for provision of justice, support and assistance to victims.
- (7) State Parties shall foster, develop and improve cooperation between State in order to facilitate the more effective implementation of the provisions contained in this Convention and the more effective protection of victims' interests in criminal proceedings, whether in the form of networks directly linked to the judicial system or of links between organizations which provide support to victims.

Article 13

Monitoring

- (1) State Parties shall take appropriate measures to monitor the efficiency and effectiveness of policies and measures designed for the implementation of this Convention. In particular, they shall undertake periodical review and evaluation of their legislation, regulations and procedures, including the use of research.
- (2) State Parties shall ensure that the various agencies, organs or bodies dealing with victims shall submit periodic reports to an appropriate authority within their domestic jurisdiction designated for this purpose.

- (3) State Parties undertake to make the principles and provisions of this Convention widely known by appropriate and active means.

Article 14

Committee on Justice and Support for Victims of Crime and Abuse of Power

(1) For the purpose of examining the progress made by State Parties in achieving the realization of the obligations undertaken in the Convention, there shall be established a Committee on Justice and Support of Victims of Crime and Abuse of Power, which shall carry out the functions hereinafter provided.

(a) The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by State Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

(b) The members of the Committee shall be elected by secret ballot from a list of persons nominated by State Parties. Each State Party may nominate one person from among its own nationals.

(c) The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to State Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating State Parties which have nominated them, and shall submit it to the State Parties to the present Convention.

(d) The elections shall be held at meetings of State Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of State Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of State Parties present and voting.

(e) The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if re-nominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

(f) If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

(g) The Committee shall establish its own rules of procedure.

(h) The Committee shall elect its officers for a period of two years.

(i) The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the State Parties to the present Convention, subject to the approval of the General Assembly.

(j) The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

(k) With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 15

- (1) State Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:
- (a) within two years of the entry into force of the Convention for the State Party concerned;
 - (b) thereafter every five years.
- (2) Reports made under the present Article shall indicate factors and difficulties, if any, affecting the degree of fulfillment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
- (3) A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
- (4) The Committee may request from State Parties further information relevant to the implementation of the Convention.
- (5) The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
- (6) State Parties shall make their reports widely available to the public in their own countries.
- (7) The Committee is entitled, where appropriate, to make on-site visits to assess progress made in the implementation of the Convention.

Article 16

Cooperation

- (1) In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:
- (a) The United Nations Office on Drugs and Crime, the specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the United Nations Office on Drugs and Crime, the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the United Nations Office for Drugs and Crime, the specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
 - (b) The Committee shall develop a regular dialogue and discuss possible areas of cooperation with all relevant actors, including national human rights institutions, governments, relevant United Nations bodies, specialized agencies and programs, in particular with the United Nations Office on Drugs and Crime, the Counter-Terrorism Committee of the Security Council and the Office of the United Nations High Commissioner for Human Rights.
 - (c) The Committee shall transmit, as it may consider appropriate, to the United Nations Office for Drugs and Crime, specialized agencies and other competent bodies, any reports from State Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;
 - (d) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the matters covered under this Convention.

PART IV CONCLUDING PROVISIONS

Article 17

The present Convention shall be open for signature by all State.

Article 18

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 19

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 20

(1) The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

(2) For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 21

(1) Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to State Parties, with a request that they indicate whether they favor a conference of State Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the State Parties favor such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of State Parties present and voting at the conference shall be submitted to the General Assembly for approval.

(2) An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of State Parties.

(3) When an amendment enters into force, it shall be binding on those State Parties which have accepted it, other State Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 22

(1) The Secretary-General of the United Nations shall receive and circulate to all State the text of reservations made by State at the time of ratification or accession.

(2) A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

(3) Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all State. Such notification shall take effect on the date on which it is received by the Secretary-General.

THE 144th INTERNATIONAL SENIOR SEMINAR
VISITING EXPERTS' PAPERS

Article 23

A State Party may denounce the present Convention by written notification to the Secretary General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 24

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 25

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.