

EUROPEAN INSTITUTE FOR

CRIME PREVENTION AND CONTROL,

AFFILIATED WITH THE UNITED NATIONS

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Irvin Waller

**CRIME VICTIMS:  
DOING JUSTICE TO THEIR SUPPORT  
AND PROTECTION**



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Doing justice to their support and protection**

**Irvin Waller**

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## Foreword

The author produced this guidance handbook on victim care contracted by the Open Society Legal Institute in Budapest (OSI) which planned and funded the document, including the translation into Russian. With the consent of the author, the original text has been somewhat edited by HEUNI.

The handbook provides policy makers, advocates and voters with guidance as to what must be done to improve services and rights for victims. The book is targeted, among others, at governmental and non-governmental organisations, members of governments and legislatures as well as academics and policy makers.

In regards to the UN Handbook on Justice for Victims (1999), this handbook may be seen as a complementary instrument which is, however, useful also in its own right. In particular, it highlights selected good or promising practices that illustrate some services provided in the community by the police, courts and so on, and how national governments have been able to multiply the availability and quality of these services. The services include, for example, national responsibility centres, and services for victims in general and for specific groups of victims such as women and children. The handbook concerns police assistance and reparation as well as state compensation and rights. Finally, it introduces national strategies to prevent victimisation. It also puts forward recommendations on how to mobilise action to improve services and rights for victims of crime.

Helsinki 12 March 2003

Kauko Aromaa  
Director



## About the Author

The Handbook was prepared by Irvin Waller, Professor of Criminology, University of Ottawa, Canada.

He is chair, UN Liaison Committee, World Society of Victimology, Board Member, International Bureau for Children's Rights, and member of the Advisory Committee on Juvenile Justice, Defence for Children International.

He has been President of the World Society of Victimology. He was a member of the National Criminal Justice Commission in the USA (1996) and the South African government's task force to promote safety and security (1997). He was the first executive director of the International Centre for Prevention of Crime in Montreal in the 1990's, received awards internationally, from the USA and Belgium for his work on crime prevention and on the Declaration on Justice for Victims adopted by the UN General Assembly in 1985, and was the senior Canadian official responsible for research when the death penalty was abolished in 1976.

He advises governments across the world on responsible crime policies. He is a public speaker and is currently writing a book to help decision makers and the public forge policies that face the scientific facts, fiscal realities and international norms on interpersonal crime.



# I WHY THIS HANDBOOK

Policies to reduce crime - even based on what is effective - will never totally eliminate crime and so it will always be necessary to assist victims to recover from their losses, foster closure to their trauma, and ensure respect for their interests by law enforcement and criminal justice professionals.

Justice services must operate even for the victim. Support, reparation and information must be available to victims. Increasingly, specialised commissions and even legislators recognise what must be done, but much more is needed to go from this rhetoric to real action.

Most national constitutions guarantee basic human rights for suspects and convicted offenders. Citizens suspected of offending cannot be deprived of their liberty by the government without being advised and defended by a lawyer in front of an independent court.

Yet obvious rights for a person victimized by crime are not guaranteed such as the right to:

- reasonable protection from criminal acts;
- redress for pain, loss and injury inflicted by crime
- dignity, respect and a fair deal from police, courts and correctional authorities (CCSD, 1981)

## Origins of doing justice for victims of crime

In the 1960s Marjory Fry was one of several personalities who drew attention to the need to treat victims of crime better. As a magistrate in England and abroad, she lobbied for governments to establish ways to compensate victims of crime, arguing that they should at least get the same as victims of motor vehicle or work place accidents.

As a result, New Zealand started the first state compensation program for victims of violent crime in 1963. In 1964, England introduced its program and gradually States in the USA and Australia, Provinces in Canada and many other western countries introduced compensation programs.

These programs were modest which was reasonable at the time. Policy makers did not know how many victims would come forward or what funds would need to be paid. For instance, victims were only eligible if they experienced violence and were deserving, while the amounts payable were limited.

In the 1970s, social movements began to pay more attention to victims of crime.

- The feminist movement fought for the establishment of rape crisis centres and transition houses for battered women as part of their combat against coercive sexuality, violence against women and being ignored despite the pain that had been inflicted on them.
- Probation officers, criminologists, and other professions began looking for alternatives to incarceration, which seemed unnecessarily harmful for offenders and not beneficial for the public. They promoted restitution as a

way to hold the offender accountable and victim offender reconciliation as a process to consider the interests of both victims and offenders.

- Prosecutors wanted to increase the proportion of victims and witnesses who would testify in courts and so they wanted to assist victims with the court process.
- Victimisation surveys began to quantify the proportion of citizens who were victimised each year, the extent of their losses, and the reasons for reporting or not crimes to the police.

In France, a little used procedure called *partie civile* was brought to life through the provision of financial assistance from the state for lawyers who would represent indigent victims in seeking reparation or protection of their interests in the case. This means that victims are not only represented by lawyers in criminal courts in France, but receive reparation in many cases before any sentence is decided or imposed.

In the 1980s, the recently established National Organisation for Victim Assistance (NOVA) in the USA and the National Association of Victim Support Schemes (NAVSS) in England were gathering momentum in their efforts to multiply support services for victims. NOVA also fostered multiple changes in legislation to respect victims.

In 1982, the President of the USA appointed a commission on victims of crime to produce a blueprint for reform in the USA. (USA, 1982) It acted as a lightning rod to mobilise legislation, funding and programs that would change a system "appallingly out of balance". It called for changes in policing, prosecuting, courts and corrections as well as the mobilisation of broad sectors such as churches, schools and the community more generally to assist victims. It made 68 recommendations and included a draft constitutional amendment.

In 1982, the World Society of Victimology began discussions with UN officials about an international declaration to provide for victim rights. By 1985, the UN General Assembly resolved to adopt and implement the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. (UN, 1985)

This UN Declaration is a Magna Carta for victims. Governments across the world recognised the harm done to victims. They agreed the basic standards for providing victims with information, considering their views in criminal courts when their personal interests are at stake, providing restitution from the offender and if necessary compensation from the state. They also agreed that the police, courts, health care and communities should be respectful and provide assistance.

In the 1990s services and rights for victims spread further within the leading countries. In England, a charter of rights for victims was proclaimed to set standards, the system of state compensation for victims of violence was made more efficient, and British courts were required to consider restitution from the offender on a routine basis (through what they call compensation orders).

In the USA, the Victims of Crime Act put billions of non-tax dollars into services and awareness through the Office for Victims of Crime (OVC). The funds came from fines on corporate criminals rather than taxes. This extended state compensation programs across the nation as well as multiplying services for

victims in general and of gender related crime.

By 1998, the UN had adopted concrete steps to implement the UN Declaration by approving the Guide for Policy Makers and the Handbook on Justice for Victims. (UN, 1999a, 1999b) These were developed through the international leadership of the US Department of Justice's Office for Victims of Crime and the Ministry of Justice of the Netherlands with active collaboration from the World Society of Victimology.

In 2000, the OVC published an extensive review of progress made in the implementation of the recommendations of the Presidential Commission from 1982. (US OVC, 2000) This review included extensive lists of actions that were still needed, much of which focussed on mainstreaming the protection of victims into routine police, criminal court and correctional actions.

At first sight, these new programs seem to be expensive and a challenge for less advanced countries. However, much has been achieved with only small demands on scarce government resources.

With few exceptions, the progress so far has been achieved through the dedication of a few governments and many individuals to protecting the interests of victims in the community and the justice process.

## This Handbook

This handbook provides the policy maker, the advocate and the voter with guidance as to what must be done to improve services and rights for victims. It is addressed also to governmental and non-governmental organizations, members of governments and legislatures, academics and policy makers.

In this chapter we have already seen that victims can no longer be ignored and left in the shadows. Path finding programs and legislation are multiplying and improving in each decade. The challenge is how to do justice to support and protect victims universally.

Chapter 2 pulls out what is known empirically about the needs of victims and the extent to which they are respected from the publications on the International Crime Victims Survey based on 30,000 or more interviews undertaken every 3 or 4 years.

Chapter 3 overviews the main international instruments that set standards as to how victims should be assisted, respected and protected, including the decisions of the United Nations, the European Union and recently the Statute on the International Criminal Court.

Chapter 4 highlights selected good or promising practices that illustrate some services that have been provided in the community, by police, by courts and so on as well as how national governments have multiplied the availability and the quality of these services. This includes national responsibility centres, examples of services for victims in general as well as special categories such as women and children. It looks at police assistance and reparation as well as state compensation and rights. It introduces national strategies to prevent victimization.

Chapter 5 presents conclusions as well as recommendations on how to mobi-

lize action to improve the services and rights for victims of crime. It looks at the processes in three phases that develop and spread victim services and rights. The first phase starts slowly with pilot projects, victimization surveys and conferences. The second sees the establishment of a national policy centre and the multiplication of services for victims. The third sees consolidation and particularly the mainstreaming of victim support and protection into the every day work of police, prosecutors and judges.

The appendices include the UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power as well as the European Council Framework Decision on the Standing of Victims in Criminal Proceedings. They also include a bibliography of resources used for this handbook of which the UN Handbook on Justice and the UN Guide for Policymakers are particularly important. A list of Web sites is included which provide a rich array of examples of programs and projects that do justice to support and protect victims of crime.

## II WHAT IS THE IMPACT OF CRIME ON VICTIMS?

### One in four citizens are victims of common crime each year

In the last century, trends in crime were measured by the number of persons convicted in criminal courts. Then trends were measured using the number of crimes recorded by the police. Today, trends in crime are measured also by surveys of the general population to estimate the level of victimization.

The information provided by these surveys shows that victimization is a frequent occurrence, involving loss, injury and trauma. It shows that police and particularly court data underestimated the extent of crime.

Crime victimization surveys estimate the number of adult citizens in a country or city who are victimized by crime each year. They also provide data on whether victims report to police, whether they were helped by support agencies and what attitudes they have to government criminal justice policies.

The surveys provide a useful way to compare the risk of crime between countries and over time as they reduce definitional problems that confuse comparisons based on national criminal codes or assumptions about police recording methods. They are used increasingly by governments as well as the UN, the European Union and other bodies, often with more confidence than police records of crime.

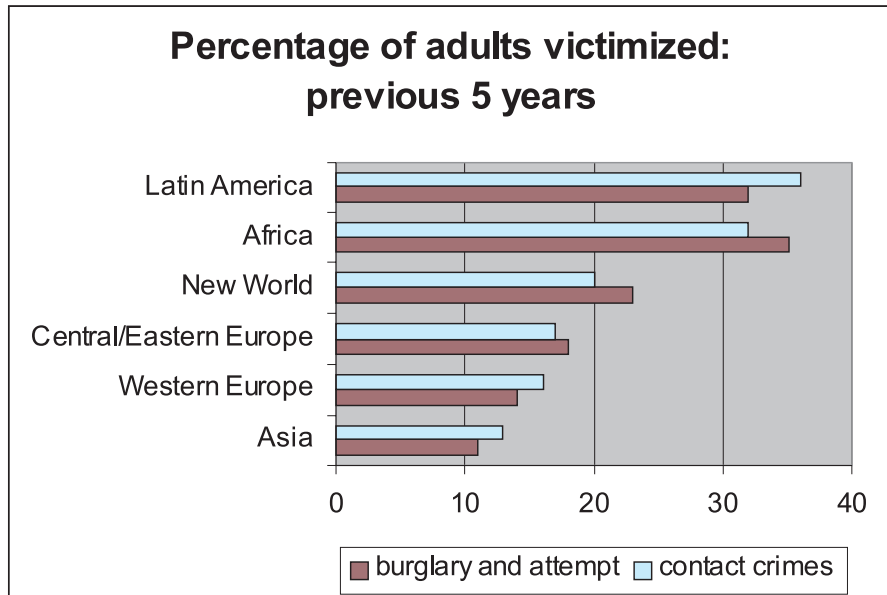
Nationally governments in Western Europe, North America and Australia have used crime victimization surveys for more than thirty years. Governments in the developing world realise that national victimisation surveys are a much more cost effective way to measure crime than to get overworked, underpaid and sometimes corrupt police officers to record crime statistics. Argentina for instance has invested in extensive victimisation surveys. (Argentina, web)

The international crime victims survey was launched in 1987. It uses a standard questionnaire. By 1996, more than 130,000 adults had been interviewed in 55 different countries in surveys that took place in 1989, 1992, 1996. A further survey was undertaken in 2000 of another 40,000 adults. In developing countries and those in transition, the interviews were only in urban areas and generally undertaken face to face.

The results have been presented in several different contexts, including the material used by the UN Commission on Crime Prevention and Criminal Justice. For the following figures, the data were taken from the United Nations Global Report on Crime and Justice. (Newman, 1999) The first chapter of this report presents the victims' experience of crime and justice.

The first figure shows the percentage of adults who reported being victims of burglaries or contact crimes. Contact crimes were primarily assaults, but also included sexual harassment and violence, threats and robberies. The data for countries that are developing or in transition are only for their major urban areas.

To simplify the presentation, the rates are grouped by geographic regions and presented only for two groups of offences. The category entitled New World brings together the USA, Canada, Australia and New Zealand. The data is pre-



sented for victimization occurring during five years previous to the interview. The data for individual countries for common offences is available in the UN report and in full in other sources. (Newman, 1999, 283-285; Alvazzi del Frate, 1998; Zvekic, 1998; International Crime Victims Survey, web)

Victims are worst hit in the large cities in Latin America and Africa, where 10-15% of adult population will be victims of violence each year - a rate nearly 50% higher than in more affluent countries. The high levels of property crime are particularly disturbing for developing countries as there are fewer goods available.

The figure illustrates the conclusions from the main data base that levels of criminal victimization are much higher in cities in Latin America and Africa, which are higher than cities in Europe and the New World, which are higher than Asia.

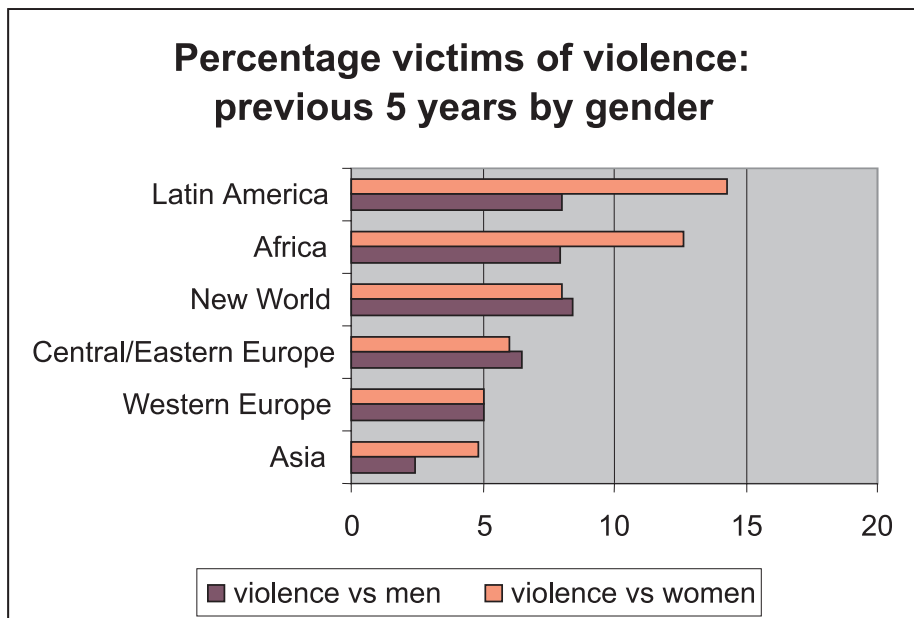
The rates also underline that criminal victimization is a relatively common occurrence with between ten and forty percent of adults being victimized every five years by one of these two groups of offences. Estimates from the most recent international crime victims survey show that one in five of all adults will be victimized by a common crime each year. Some of these will be victimized more than once. (van Kesteren et al., 2000)

Violence against women is not only more prevalent than violence against men, but also more traumatic. The next figure provides a comparison between the rates of violence by gender. (Newman, 1999, 27) Nearly twice as many women will be victims of violence in Africa and Latin America as in Europe and Asia. Many more women will be victims of violence than men in Africa, Latin America and Asia.

Other surveys show that as many as one woman in 33 reports being hit or

otherwise physically harmed within the last 12 months and one in 4 in their lifetime (Center for health ..., 1999). The average number of assaults against women by an intimate adult male partner in a year is estimated between 3 and 7 by various different studies.

National surveys are undertaken in some countries to estimate the amount of child abuse. In the USA, the National Clearinghouse on Child Abuse estimates the rate of victimisation at 11.8 per 1,000 children. (National Clearinghouse ..., 2000)



In Canada, the National Longitudinal Survey on Children and Youth is following a sample of over 22,000 Canadian children and so provides a rich source for information about the experiences that predispose children and youth to crime. Already, they have demonstrated that among Canadian boys between the ages of 4 and 11, about 1 in 7 will be a bully and about 1 in 20 will be victimized. For girls in the same age group, the figures are 1 in 11 and 1 in 14. (Craig, Peters and Konarski, 1998)

In the USA and the Netherlands, national victimization data are available for 30 years. Since 1972 in the USA, 80,000 persons aged 12 and over in 43,000 households have been interviewed twice a year about their victimizations from crime in the "National Crime (Victimization) Survey".

Since 1982 in England and Wales, more than 60,000 households have been interviewed every second year in the British Crime (Victimization) Survey. It became an annual survey in 2001. (Kershaw et al., 2001)

Since 1975, Canada has undertaken sporadic victimisation surveys. (Waller and Okihiro, 1978) In the last survey, interviews were conducted with 26,000 adults aged 15. (Statistics Canada, 1999)

These large national samples confirm the general conclusions from the most recent International Crime Victim Surveys, for which the samples are generally only 2000. However, the national surveys show the rates of reporting to the police to be lower and going down over time.

In 2000, the rates at which households become the victims of common crimes in affluent countries were in a similar range on both sides of the Atlantic. The most recent comparative survey, referring to events in 1999, showed one common crime for every 5 adults in the USA, Canada, France and the Netherlands, and one for every 4 in England and Australia. (van Kesteren et al. 2000) The common crimes were limited to eleven offences, including residential break-ins, car thefts, assaults as well as less frequent contact crimes such as robbery and sexual assault.

For example, there is:

- One completed residential burglary for every 56 adults in the USA, 36 in England, 100 in France and 53 in the Netherlands, 43 in Canada and 26 in Australia;
- One car theft for every 200 adults in the USA, 48 in England, 59 in France and 250 in the Netherlands, 71 in Canada and 53 in Australia;
- One assault for every 29 adults in the USA, 16 in England, 24 in France and 29 in the Netherlands, 19 in Canada, and 16 in Australia.

## Many victims suffer repeat victimisation

Crime is not distributed randomly. According to a recent estimate, based on data from the British Crime Survey, 44% of all crime is concentrated on 4% of victims. (Farrell and Pease, 2001) The following table shows the proportion of victims in this source who will be a victim of a similar offence within a year of the event.

Sexual incidents	40-50%
Violence towards women	41%
Assaults and robberies	30-40%
Burglary	24%
Car theft	13%

Some of the repeat victimisation is due to the victim living or being associated with the offender. Wife battering tends to happen more than once to the same victim who continues to live with the same man. This is also true of sexual incidents.

Some of the repeat victimization in property offences is due to the location of the victim or their residence. Those who live close to a concentration of potential offenders in residences that are unprotected are particularly at risk of repeat victimisation.



Victimization is a good predictor of later victimization, because situations continue such as:

- A residence being attractive to a burglar
- A location is near potential offenders
- Persons engage in routine activities that increase risk
- Violence and some other crimes occur within relationships

Repeat victimisation is disillusioning to victims who report their experience to the police and the criminal justice system because they were not protected. Being victimised a second time increases the psychological trauma of the event.

## Victims suffer loss, injury and trauma equivalent to billions of dollars

The UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power draws attention to the fact that crime is not just a violation of a criminal code but also causes harm to victims, including economic loss, emotional suffering and physical or mental injury.

The UN Handbook divides the impact of crime on victims into:

- The physical and financial impact of victimization
  - Psychological injury and social cost
  - "Secondary victimization" from the criminal justice system and society.
- (UN, 1999b, 4-10)

The financial loss from crime is a lot more than the loss of a television, bicycle or valuable personal property, even though these are important enough. The victim incurs many other losses. For instance, they may lose time from work. A World Bank study shows that one in five of the days lost from work by women in established market economies are due to gender based violence. (Heise et al., 1994)

The physical impact is also more than the immediate injury, because the crime produces a psychological trauma, now recognised as post-traumatic stress disorder. This disorder was first included in the diagnostic standards manual of the American Psychiatric Association in 1980.

In addition, victims may suffer hardship when assisting in the prosecution of offenders. This is known as "secondary victimization". For instance, police officers, prosecutors, defence lawyers and judges may not treat the victims with respect. They may require them to come to court at the convenience of the court and the accused without considering the victim's needs. They may ask them to talk about the victimisation without any concern for them reliving the original trauma. They may be aggressive in asking questions in court that unnecessarily traumatise the victim. They may put their lives at risk by requiring them to testify in dangerous cases without providing protection or support.

Cumulatively, the harm to victims and the costs to the public are immense. In the USA, their total costs were estimated at US \$425 billion or the equivalent of

nearly \$1,600 per American per year in 1993 in an article in a popular business magazine. (Business Week, 1993)

The most sophisticated national estimates of the costs are available for England and Wales, where the Home Office has published a well researched and analysed report showing the annual costs of crime to be US \$87 billion or the equivalent of \$1,700 per citizen in 2000. (Brand and Price, 2001, ix)

These included the costs of:

- “anticipatory measures” such as private security (about 9%)
- “consequences”, such as the impact on victims of loss and suffering and community decay (about 71%)
- “responses”, such as operating expenditures on policing, courts and corrections (about 20%)

For instance, for an average residential burglary in England and Wales, they have demonstrated the following costs: (Brand and Price, 2001, 9)

**Table 1 Costs for an average residential burglary in England and Wales**

<b>In anticipation</b>	<b>US\$</b>
Security measures such as alarms	\$481
insurance premiums	\$146
<b>As a consequence of crime</b>	
Property stolen and damaged	\$1,211
emotional and physical impact on victims	\$803
lost output	\$58
Victim services	\$6
Health services	\$0
<b>In response to crime</b>	
police and criminal justice	\$715
<b>Total</b>	<b>\$3,422</b>

These figures draw our attention to the costs of crime for us in most of its dimensions. If crime was reduced, the most direct savings would be to the victims. However, the public could reduce also its expenditures on anticipatory measures such as insurance and private security. The savings in response to crime would only come if governments chose to limit expenditures on the police and the number of persons sentenced to prison as crime came down.

In the next table, we use the Home Office work to illustrate the total costs of particular types of offences. The average cost in the table ranges from \$788 for a common assault to \$1,606,000 for murder, but cumulatively the total for sexual assault and robbery costs between \$3-25 and \$3-5 billion respectively. The range

is given because of the variations in the proportion of victims who report their offence to the police.

**Table 2 Examples of the cost of crime to victims, showing recent average and total costs for England and Wales**

	Average cost per event converted to US \$	Total events recorded by police in a year	Annual cost in millions of dollars of police recorded events	% events reported to police in victimisation survey **	Approximate cost in millions of dollars of recorded and unreported events
<b>Sexual assault</b>	\$27,740	130,000	\$3,606	14%	\$25,759
<b>Common assault</b>	\$788	3,200,000	\$2,522	39%	\$6,466
<b>Burglary in a dwelling</b>	\$3,422	1,400,000	\$4,791	84%	\$5,703
<b>Robbery/mugging</b>	\$6,862	420,000	\$2,882	54%	\$5,337
<b>Homicide</b>	\$1,606,000	1,100	\$1,767	100%	\$1,767
<b>Vehicle theft</b>	\$1,299	350,000	\$455	90%	\$505

(Brand and Price, 2001,viii-ix) \*\*(Home Office, 2001, 9) and for sexual assault (van Kesteren et al. 2001, 194)

Governments have agreed to do much more to prevent crime by applying the international knowledge base on what works to plan effective crime prevention. (UNODCP, 2002) The UN Commission on Crime Prevention and Criminal Justice and the World Health Organisation have both issued global reports illustrating what can be done to reduce victimization. (Newman, 1999; WHO, 2002)

The best way to support and protect victims is to implement the procedures proposed by these reports that would ensure fewer victims. Further, many of the social development measures also help the young persons to complete school, get jobs and become better parents. (ICPC, 1999a)

## Victims need more from police, criminal justice, social services

Victims of crime only report their victimisation some of the time to the police. Table 2 above showed the rates at which particular offences are reported to the police in England and Wales.

Many victims do not see the police and the criminal justice system as a useful agency to call after a crime. Those who do contact the police may want to see the offender caught in order to stop further offending or obtain reparation. The ICVS provides more detailed analysis of the reasons for reporting and not reporting.

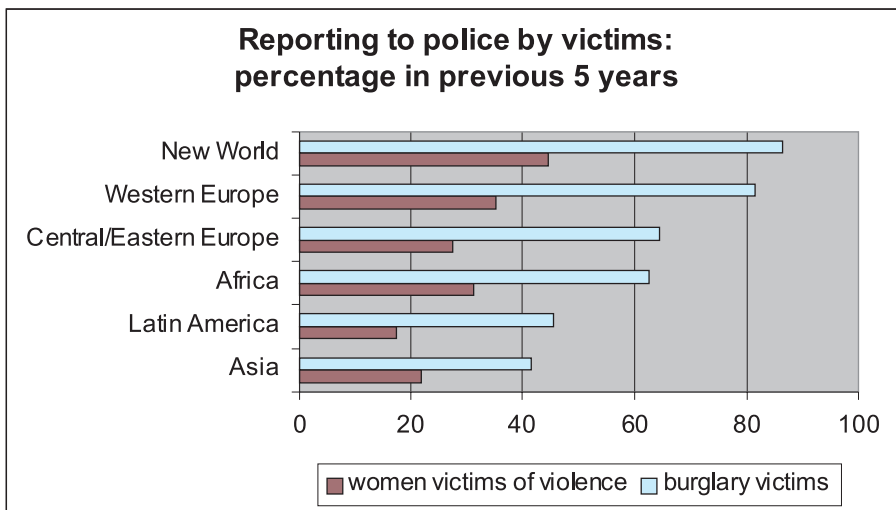
In North America and Western Europe about half of victims of common crime call the police and state their most frequent reasons as wanting their property back (55%), wanting the offender caught (45%) and out of civic duty (36%).

Those who do not report cite that the offence was not serious enough (31%), police could do nothing (21%) and will not do anything (16%). (Van Dijk in Newman, 1999, 35-38)

The next figure shows the estimated proportion of victimizations that are reported to the police for two very different offences in the International Crime Victims Survey (ICVS).

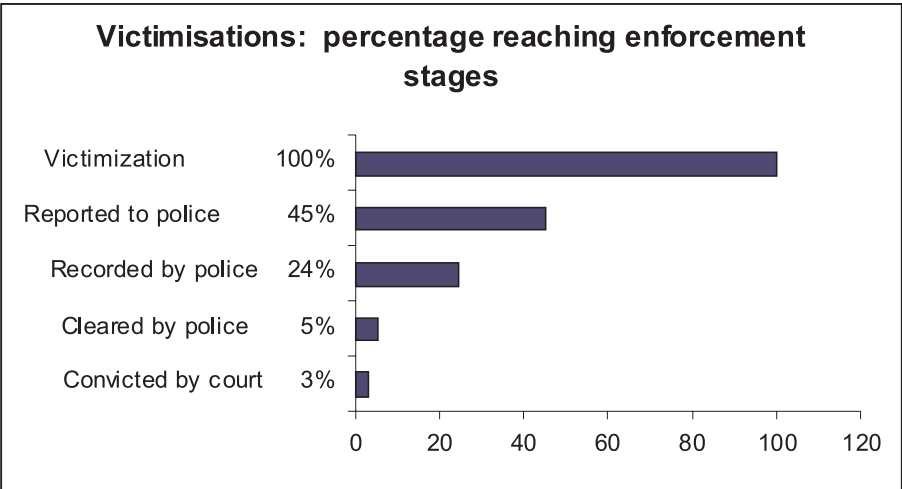
For a property offence such as burglary, as many as 80% of the public turn to the police after an offence in major part because this is required by their insurance policy.

In the case of violence against women, less than 50% of the public turns to the police after a crime. Many fewer female victims of violence report to the police than of other crimes. Less than one in three women report.

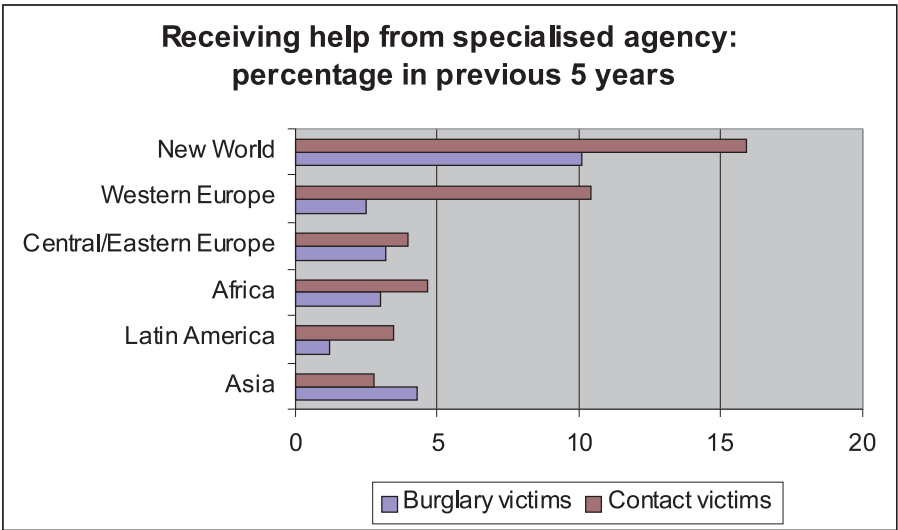


Less than half of victims who reported their victimisation to the police were satisfied with the response. In Western Europe and North America, more than 25% are dissatisfied. The reasons demonstrate the lack of interest in the victim with about half noting that the police did not do enough. However the lower rates of dissatisfaction in Western Europe and North America are put down to the lesser need for any service in these regions because so many victims are insured.

The next figure is taken from an official publication. (Home Office, 1996) It shows that the cumulative impact of victims' decisions and the ability of the police to solve crimes on the proportion of victimizations that reach the courts. In fact, only 3% of victimizations reach the point where a court makes a sentencing decision on an offender. For services to support and protect victims, they must be available in the community or they will only reach a minority of victims. However, the police and court experiences may require special care.



Few victims receive any support from a specialised agency in the aftermath of crime, though this is improving slowly. In North America and Western Europe about one in five women who have been victims of violence are receiving some support compared to about one in ten for other common crimes. In the developing world, such services are rudimentary, even though the ICVS shows that two out of three of the victims of the most serious crimes express a need for such help.



The **conclusions** from this chapter are that many citizens will be victims of crime each year - some more than once. The costs to victims and society of this victimization are immense. Few government policies are focussed on reducing victimization.

The impact of these crimes on the victims goes beyond the loss of property or the direct injury from the offence. It may include post-traumatic stress disorder and often hardship experienced when participating with police, prosecutors and judges and others who are sometimes thought to be there to ensure justice.

Many victims do not call the police and those who do may not get much assistance. Few agencies exist to help victims recover from the impact of the crime. Services to support and protect victims must be organised to meet the needs of victims in the community as well as at the police and court stages in the official justice process.

## III HOW SHOULD VICTIMS BE TREATED - INTERNATIONAL STANDARDS?

UN Declaration sets standards as services, reparation, information and standing

In 1985, the United Nations General Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. (See appendix) This "Magna Carta" for victims is the cornerstone of UN efforts to recognise the needs and interests of victims.

The Declaration defines who victims of crime are. It recognises that crime is not just against the state but also inflicts loss, injury and psychological trauma on its immediate victims and their families. It stresses that the police and the criminal justice process may cause further hardship to victims and witnesses.

To reduce the impact of crime and criminal justice on victims and their families, it proposes several reasonable but overlooked improvements, so that victims will be:

- Better informed,
- Provided with services to assist in their recovery,
- In receipt of reparation from the offender and in some cases the State,
- Present and heard whenever their personal interests are affected,
- Treated fairly in the civil and criminal justice process,
- Protected from retaliation and intimidation.

Some principles specify which agencies should improve their response. For instance, both police and social agencies are expected to respond better to victims in the crisis following the victimization as well as to provide support and respect in the phases that follow.

For victims of abuse of power, it proposes similar provisions with an emphasis on reparation.

UN called for implementation of standards and prevention and now provides tools

The resolution to adopt the declaration was agreed by all the governments of the world. This also identified specific actions needed to reduce victimisation and implement the principles, but little action followed either nationally or internationally.

Some governments in countries such as Canada and Australia adopted a list of principles and started some implementation. Initiatives by the Council of Europe and recently by the European Union have fostered some implementation of the principles within Europe. The statute for the International Criminal Court provides a model for ways to include the declaration in court procedures.

In 1999, the United Nations adopted a Guide for Policy Makers on the Implementation of the Declaration (UN, 1999). This was designed for policy makers from government agencies responsible for justice, policing, social welfare, health and local government. It sets out standards against which jurisdictions can assess their own practices and evaluate what changes are needed. It proposes innovative ways through which services and programs can be financed.

Among the proposals that it calls for are:

- A high level committee to make proposals for improvements based on an assessment of the shortfall between the needs of victims, the provision of services and the barriers created by the justice system. The committee should bring together top officials from ministries of the interior, justice, health as well as academic and other experts.
- Guidelines and training for officials in the police, justice and health sectors
- Action research to provide better information

Also in 1999, the UN adopted the Handbook on Justice for Victims on the use and application of the Declaration. (UN, 1999) This is designed for criminal justice and social agencies that come into contact with victims. It is a tool to implement victim service programs and develop victim sensitive strategies. It provides examples for jurisdictions to examine and test.

It not only reviews the impact of victimization on people but examines both the process of creation of victim services as well as a full range of such services from crisis response, advocacy, participation in the justice process, mediation and restorative justice, compensation and restitution and crime prevention.

It looks at the role and responsibility of front line professionals, such as police, prosecutors, judges, correctional workers, schools, health care workers and so on. It helps civil society know how it can engage in advocacy, policy-making and law reform.

It suggests ways for organisations to work internationally, stressing the importance of technical cooperation, education and training and research.

These important guides provide an overview of the problems that victims face across the world as well as the type of solutions that could be put in place to empower victims of crime. They are available in English, French, Spanish and in a growing number of other languages. (See [Victimology.nl](http://Victimology.nl))

These have been accompanied by the creation of the International Victimology Website under the auspices of the UN, the World Society of Victimology and the Ministry of Justice of the Netherlands. ([victimology.nl](http://victimology.nl), web) International

Victimology Website was launched in June 1999 and features:

- two databases: Victimology Research Database (victimology research in progress) and Victim Services and Victimization Prevention Database (promising practices)
- a document and publications hosting page (including the UN Handbook and the Guide for Policymakers)
- links to other victimology resources, a victimology news page and bulletin board



It has a complete section on the UN Declaration and documents produced about its implementation, as well as similar sections on the work of the Council of Europe and the European Union. Its section on individual countries includes examples of national laws from more than 50 countries - often with the complete text.

The International Victimology Website is dynamic so that interesting practices and publications are added regularly to the data bases. It also sends out a newsflash to a list of persons who have expressed interest to draw the attention of policymakers and researchers to new issues and events.

## International Criminal Court allows support, protection, reparation and participation

The statute that establishes the International Criminal Court creates a permanent potential to convict persons who commit such abuses of power as genocide, crimes against humanity and war crimes. (UN Statute of Rome, 2001)

The statute does not limit the role of victims to that of a witness. It enacts provisions to provide support, protection, reparation and participation to victims that go further than previous international courts and creates by example a standard for national jurisdictions. (Garkawe, 2001)

Victims are defined to include "natural persons who have suffered harm" as a result of a crime within the jurisdiction of the court. They also include organizations that suffer direct harm to property.

The way that the statute is interpreted in practice remains to be seen, particularly in the light of the rules of procedure and evidence, but considerable investment is being made in the selection of judges, prosecutors, and defence council. Special projects are examining how to establish both the victim witness unit and ensure the representation and participation of victims.

The statute creates a victims and witnesses unit to provide support before, during and after the trial. The staff is to include persons with expertise in trauma, including from sexual violence. They are to advise the prosecutor on counselling and assistance as well as security arrangements.

Victims may also have support from family members, psychologists or legal representatives when providing testimony, particularly if they are vulnerable because of age or the traumatic nature of the victimization.

Victims and witnesses must be protected. The ICC must take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses, particularly if they are vulnerable. The statute allows for identities not to be made public, testimony to be provided by electronic means and the hearing to be in camera.

The statute calls for the court to establish principles relating to "reparations to, or in respect of, victims, including restitution, compensation and rehabilitation". It allows for the use of trust funds, which can receive fines and forfeitures.

Victims may make representations to the pre-trial chamber of the court. They may protect their interests by presenting additional evidence even if the accused pleads guilty.

At the trial stage, victims are provided with the opportunity to protect their personal interests with wording borrowed from section 6 (b) of the UN Declaration

Where the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. Such views and concerns may be presented by the legal representatives of the victims where the Court considers it appropriate, in accordance with the Rules of Procedure and Evidence. (Article 68 3 cited in Garkawe)

A unit will be established in addition to the victim witness unit to ensure the representation and participation of victims in the process.

## Council of Europe and European Union call for

In the Council of Europe and the European Union various resolutions have been adopted.

### State compensation for victims of violent crimes

In 1983, the European Convention on the Compensation of Victims of Violent Crimes was opened for signature by European States and for accession by other States.

The Convention has entered into force in 15 States, including all members of the European Union except Belgium, Greece and Italy. As yet no non-European States have acceded to it.

For citizens of the States for whom the convention has entered into force:

When compensation is not fully available from other sources the State shall contribute to compensate:

- those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence;
- the dependants of persons who have died as a result of such crime.

Compensation will include at least:

- Loss of earnings, medical and hospitalisation expenses and funeral expenses, and, as regards dependants, loss of maintenance.
- Each Party shall take appropriate steps to ensure that information about the scheme is available to potential applicants.

The Council of Europe is presently preparing a new draft recommendation on compensation.

## Standing for victims in criminal proceedings

In March 2001, the Council of the European Union adopted a framework decision on the standing of victims in criminal proceedings. (See appendix) This important innovation requires each member state to bring into force laws, regulations and administrative provisions so that the basic rights and interests of victims will be protected, particularly in criminal proceedings. (European Council, 2001)

States were to comply with most provisions by March, 2002. They have until March 2004 to comply with the articles that require victims to be able to understand and be involved in criminal proceedings in a comparable way to defendants (article 5) and have access to legal advice, if necessary paid for by the State (Article 6). States have until March 2006 to promote mediation in appropriate cases (article 10).

There are 15 operative and four administrative articles. These provide considerable precision and detail.

A victim is defined as a person suffering physical or mental harm because of a violation of the criminal law of the State. Proceedings are defined to include all contacts with organisations before, during or after the criminal proceedings. (Article 1).

The dignity, rights and interests of victims in criminal proceedings must be recognised, so that they have a real and appropriate role in proceedings. They must be heard during proceedings and supply evidence. (Articles 2-3) Victims as witnesses and parties to proceedings have a right to receive information, including on services, legal advice, outcome of complaints, and release of dangerous defendants. (Article 4)

Victims have a right to protection for their safety and privacy. They must have separate waiting rooms. They must be able to testify by any appropriate means compatible with basic legal principles. (Article 8) They must not be subject to undue pressure or secondary victimisation. (Article 15)

Victims have a right to restitution (called compensation) from the offender in the course of criminal proceedings, unless provision is made for a different manner. Measures must be implemented to encourage offenders to pay restitution ordered. (Article 9)

Specialist services and victim support organisations must be available either through State agencies or the funding of non-government organisations. (Article 13) Police officers and lawyers must be trained to be in contact with victims, particularly those who are vulnerable (article 14).

Victims resident in another member state must be able to make a complaint from their state of residence. States must cooperate to ensure the effective protection of victims' interests. (Articles 11 and 12)

The Council of the European Union decision (2001) goes further than the recommendations from the Council of Europe (1985), because it obligates member States to implement the provisions. However, the recommendations from 1985 specified who should implement the provisions, particularly in relation to the

police and prosecutorial level, where they called for:

- Police officers should be trained to deal with victims in a sympathetic, constructive and reassuring manner;
- The police should inform the victim about the possibilities of obtaining assistance, practical and legal advice, compensation from the offender and state compensation;
- A discretionary decision whether to prosecute the offender should not be taken without due consideration of the question of compensation of the victim, including any serious effort made to that end by the offender;
- The victim should have the right to ask for a review by a competent authority of a decision not to prosecute, or the right to institute private proceedings;

## Victim assistance and prevention

In 1987, Ministers of the Council of Europe made recommendations about victim assistance and the prevention of victimisation. These are not binding on States but do outline benchmarks that States could follow.

They recognised that there will always be victims of crime as neither criminal justice nor prevention will eliminate crime. However, they called for:

- use of national and local victimisation surveys to understand better the impact of crime on victims and the extent to which services meet the needs;
- campaigns to make citizens, the public service and families more aware of the problems faced by victims and how to remedy them;
- provision of services, including:
  - protection from the offender;
  - advice on how to prevent repeat victimisation;
  - consistent, medical, psychological, social and material help;
  - information on the victim's rights and assistance in the criminal proceedings;
  - assistance on obtaining reparation from the offender, insurance and the State.
- comprehensive measures to prevent crime by tackling its social development and situational causes

## UN Governments agree to priority for prevention of victimisation

An important change in criminal policy in the last fifty years is the realisation that criminal victimization can be reduced significantly if governments organise nationally and locally to use what works.

As we have seen, some victims will be victimised again or repeatedly even within the first year after a victimisation. Some in the movement to help victims believe that the most important right for victims is the right to government action to prevent crime in the most effective and responsible manner.

The governments of the world have agreed in several forums at the UN to invest in prevention in the community because it is more cost effective, sustainable and just than punishment and cure. (UN ODCCP, 2002; W.H.O., 2002)

The UN has a commission on crime prevention and criminal justice based in Vienna. This provides a forum for ministers of justice, interior and foreign affairs to meet once a year and adopt strategies to deal with crime. They have called for a balance between crime prevention and law enforcement and criminal justice.

They have realised that crime has multiple causes, which can be tackled. They point to (UN ODCCP, 2002; W.H.O., 2002):

- Difficulties in social development, such as the exclusion of youth from school, particularly in situations where the gap is widening between rich and poor
- Cultural problems, such as violence in the home and community or rapid urbanisation with atomization of families and communities
- Increased availability of products that encourages victimisation, such as
  - Cars and consumer goods without adequate security and surveillance or
  - Increased access to firearms, alcohol and other drugs
- The limits on traditional methods of enforcement and justice to provide protection,

The UN action plan to tackle these causes was adopted recently in Vienna in a resolution to promote effective crime prevention, which accepted guidelines for the prevention of crime. (UNODCCP, 2002) These assert that:

- Clear evidence exists that well planned crime prevention strategies reduce crime and victimization and are a more humane and cost effective response to crime than the formal criminal justice system (#1) ;
- All levels of government should play a leadership role in developing effective and humane crime prevention strategies and in creating and maintaining institutional frameworks for their implementation and review (# 7), particularly establishing (# 17)
  - Centres or focal points of responsibility with expertise and resources
  - A crime prevention plan with clear priorities and targets over time
- Cooperative partnerships between agencies responsible for policing, justice, schools, families, private sector and others should be an integral part of effective crime prevention, given the wide ranging nature of the causes of crime and the skills and responsibilities required to address them. To support this, governments must (# 19)
  - Advance knowledge of what makes partnerships successful
  - Foster the formation of partnerships at different levels
  - Tackle crime problems through diagnosis of causes, focussing on solutions and evaluating results
- Crime prevention should be based on knowledge about crime problems, their multiple causes and promising and proven practices (# 11) - governments must foster (# 18)

- Professional development for senior officials in relevant agencies
- Universities, colleges and other relevant educational agencies to offer basic and advanced courses, including in collaboration with practitioners
- The educational and professional sectors to develop certification and professional qualifications
- Crime prevention must take into account issues of gender, diversity and individual rights
- Successful improvements will require public engagement, planned change and raising the awareness of senior officials

Several other major agencies in the UN system have come to similar conclusions.

In June 2002, the World Summit on Children organized by UNICEF adopted a plan for the follow-up to the Convention on the Rights of the Child. This included many references to general prevention, but also the following specific paragraph for governments to:

- Promote the establishment of prevention, support and caring services as well as separate juvenile justice systems consistent with the principles of restorative justice that fully safeguard children's rights, and provide specially trained staff that promote children's reintegration in society.

Habitat (UNCHRS) continues its program on Safer Cities with projects in Johannesburg, Dar-Es-Salaam, and Abidjan. This is concerned with assisting developing countries. However, it emphasises the critical role that cities play in well planned crime prevention as demonstrated in Europe and North America in the 1990's when several achieved unprecedented reductions in crime.

In October 2002, the World Health Organization released its World Report on Interpersonal Violence and Health, which argues for much greater investment in prevention as the way to reduce the costs of interpersonal violence combined with improved services for victims. It focuses on the role that public health must play in partnerships to reduce interpersonal violence.

In the 1990s, the UN agenda for women advocated reducing violence against women by:

- Empowering women and girls, through reducing discriminatory practices, involving women in decision making, promoting education of women, fostering women's networking and improving women's self esteem
- Tackling men involved in violence, through programs to manage anger and others
- Protecting victims, through crisis centres, shelters, and all female police stations
- Focussing on youth and changing community norms (Center for Health ..., 1999)

## UN calls for development and use of restorative justice

The UN Commission on crime prevention and criminal justice considered in 2002 a document proposing the basic principles on the use of restorative justice programs in criminal matters, but it would only take note of the document at this stage, calling on governments to develop and operate restorative justice programs. The UN Commission wants governments to develop guidelines and principles, particularly to guarantee fairness to both offenders and victims.

Restorative justice is enjoying a new lease on life as governments such as Canada, Australia, New Zealand and South Africa promote it, often mentioning the similarity between some of the pilot projects and the traditional forms of justice that existed among their native peoples.

Restorative justice emphasizes the evolving response to crime that respects the dignity of victims, offenders and communities. Typically it involves the victim and the offender coming together to share feelings and facilitate some healing. In some cases, the offender will apologise and demonstrate the shame that he or she feels. A reparation payment may follow from the offender to the victim.

Victim-offender reconciliation programs became common in some jurisdictions, such as Canada, England and other countries in the 1970's. Recent publicity around some of the projects in Australia and New Zealand has launched a new wave.

Police agencies in Australia, Canada and England have identified with restorative justice, particularly in cases where the police can give first offenders a warning and expect them to repair the damage they created. The Netherlands has spread a program called HALT across the country based on the scientific evaluations that demonstrated a large reduction in rates of recidivism when the offenders made reparation and were assisted with their personal lives. (ICPC, 1999)

Victims are understood to want some form of restorative justice, in part because the normal form of criminal justice often excludes them from any reasonable way of protecting their interests.

France provides an important exception to this, because victims have rights in the criminal court. As a result, victims and offenders resolve issues of reparation on a routine basis. A few other countries such as Finland have equivalent systems. When this occurs the criminal courts often decide to suspend any action by the state.

As long as the criminal justice system ignores victims, restorative justice will remain an ideal that is realized in a minority of minor cases - more often than not in favour of the offender who is the only one who will ultimately face a formal court decision which the state can enforce.

However, legislators may make the changes that are necessary in criminal procedure to guarantee the rights of victims as required for instance in the International Criminal Court and the European Council Framework decision. Then, restorative justice may become a central part of the process so that the interests of victims, offenders and society are protected in many cases.

In those future circumstances, offenders and victims can resolve issues infor-

mally, because they know the formal process will force a similar resolution without the opportunities for victims and offenders to control the interaction and resolve feelings.

In the meantime, much work needs to be done to structure restorative justice so that the needs of victims, offenders and society are respected.

The **conclusions** from this chapter are that there are UN and European principles that set out how victims should be treated to support the recovery from the loss and injury as well as the trauma and secondary victimization.

Some, such as the Statute for the International Criminal Court and the European Council Framework decision are binding on the governments concerned, but also provide models for other countries.

Some momentum is growing internationally to invest significantly in measures that will prevent victimization.



## IV EXAMPLES OF GOOD PRACTICE

Governments and non-governmental organizations have pioneered impressive programs in Europe, North America and elsewhere that provide models to inspire action to meet the needs of victims and provide a more just and caring response.

A recent summit in the USA on policing and victims concluded that victims require a continuum of timely support and service to heal from the trauma they suffer. These components encompass the needs of victims, their families and their communities. (International Association of Chiefs of Police, 2000) They identified:

- **Support:** Services and assistance to enable participation in justice processes, recovery from trauma, and repair of harm caused by crime
- **Continuity:** Consistency in approaches and methods across agencies; continuity of support through all stages of the justice process and trauma recovery
- **Information:** Verbal and written information about justice system processes and victim services that is clear, concise, and user-friendly
- **Access:** Ability to participate in the justice system process and obtain information and services, regardless of individual or family circumstances
- **Voice:** Empowerment to speak out about processing of individual cases; opportunities to influence agency and system-wide policies and practices
- **Safety:** Protection from perpetrators and re-victimization; crime prevention through collaborative problem solving; a restored sense of individual and community safety

### Government policy centres for victims of crime

The **Office for Victims of Crime** (United States Department of Justice) provides a unique and inspiring example of a national responsibility centre, particularly as its funding comes from fines rather than general revenue.

It was launched in 1986 as part of federal legislation called the Victims of Crime Act. Its main role is to multiply the number of services and laws that provide support, compensation and rights to victims of crime.

Its funding comes from fines imposed on companies and other rich offenders violating inter-state criminal law. The fines are sometimes 100 million dollars or more, for instance where a bank or a successful stock broker has been convicted of defrauding their customers. By 2002, it is able to spend close to \$500 million each year.

Its creation was preceded by more than a decade of innovation, experimentation, advocacy and research, which culminated in a presidential commission.

In the USA in the 1970's, the availability of federal funds to assist law enforcement in the USA enabled some experimentation and research on ways to recognise and meet the needs of victims.

- The victim services agency of New York was launched with its broad mandate to support victims, care for them if they were called to be witnesses in courts and experiment with mediation.
- Glendale, Arizona launched a victim support program operating out of its municipal offices
- Milwaukee, Wisconsin launched an innovative victim-witness program with a detailed monitoring process that provided management data from time of arrest to time of sentence and beyond

Sexual assault crisis centres and refuges for battered wives were established through the commitment of women, particularly those who had themselves been victims but wanted to provide some type of recognition, service and protection for the future.

There are 27,000 crime victim related statutes in US States which have multiplied access to information, participation in criminal justice, restitution, compensation and assistance. But even in 2000, only a fraction of the estimated 38 million crime victims annually receive much needed services such as emergency financial assistance, crisis and mental health counselling, shelter, information and advocacy within the criminal and juvenile justice systems. (Office for Victims of Crime, 2000, vii) Even when there is a State constitutional right, the implementation is so weak and arbitrary that many victims do not receive what is promised.

The conclusion from the Office for Victims Crime after consultation with a broad spectrum of victims and victim advocates across the USA is that the priority must be for the enactment and vigorous enforcement of consistent fundamental rights that include:

- Notice of public court proceedings and how to attend
- Standing to make a statement to the court about bail, sentencing and accepting a plea
- Notice of parole hearings and to speak at them
- Notice of a defendant or convict's escape or release
- Restitution orders from the defendant
- Final disposition of proceedings without unreasonable delay
- Consideration of the safety of the victim in determining a defendant's release from custody
- Notice of, and standing to enforce, these rights

They identified five global challenges for responding to victims of crime in the 21st century.

- Enact and enforce consistent, fundamental rights for crime victims in federal, state, juvenile, military, and tribal justice systems and administrative proceedings

- Provide crime victims with access to comprehensive, quality services, regardless of the nature of their victimization, age, race, religion, gender, ethnicity, sexual orientation, capability, or geographic location
- Integrate crime victims' issues into all levels of the nation's educational system to ensure that justice and allied professionals and other service providers receive comprehensive training on victims' issues as part of their academic education and continuing training in the field
- Support, improve and replicate promising practices in victims' rights and services built upon sound research, advanced technology, and multi-disciplinary partnerships.
- Ensure that the voices of crime victims play a central role in the nation's response to violence and those victimised by crime. (OVC, Web)

**The Victim Empowerment Program** (South Africa) is a key part of the national crime prevention strategy.

The national strategy recalls that recognition of the role and rights of victims are vital in addressing the effects of crime and creating crime-resistant communities.

If the police and justice officials do not respond to victims with sensitivity and respect, then crime will not be reported and witnesses will not come to court. Further the harm inflicted by crime is such that every effort must be made to assist victims in their recovery.

Victim empowerment is aimed at making the criminal justice process more victim-friendly and minimising the negative effects of crime on its victims. This empowerment of victims is aimed at creating a greater role for victims in the criminal justice process, as well as providing protection against repeat victimisation.

The program is organised through an inter-ministerial committee. The Social Development Department chairs that committee, which is responsible for implementing the program with representatives from Health, Safety and Security, Justice and various local and non-governmental service groups.

Priority is given to developing services for victims of violence within the home, sexual assault against women, violence on the street and so on.

When the national strategy was launched in 1996, the key actions were to:

- Extend training to police and justice officials which introduces greater victim sensitivity, as well as referral to other service providers to address the effects of crime;
- Implement a victim support programme, based on surveys of victims' experiences of the criminal justice system;
- Provide basic information to complainants and victims regarding the progress of all cases, as well as key information which enables victims to lay complaints more easily.

**In England**, the Home Office has released two charters for victims. It is currently working on a revised charter and a bill of rights that could be underpinned by legislation.

The proposed new charter focuses on specific ways to:

- Treat victims with dignity and respect
- Provide protection
- Provide help and support
- Provide accurate and timely information
- Provide compensation or reparation
- Give victims the opportunity to say how they have been affected by the crime
- Provide a transparent system of justice

It also identifies responsibilities for the criminal justice agencies including what is expected of the police, prosecution service, victim support, witness service, courts, probation service, criminal injuries compensation authority, prison service, parole board, criminal cases review commission and the Home Office. (Web) The expectations often include performance guidelines.

## Services for victims and witnesses

**Victim Support** is a national charity to help people cope with crime in England, Wales and Northern Ireland. It was launched in 1979 and today provides support for victims and witnesses country-wide. It has influenced the creation of similar programs in several other countries.

Victim Support is committed to providing people affected by crime with appropriate and sufficient recognition, support and information to help them deal with their experience, and to ensuring that their rights are acknowledged and advanced in all aspects of criminal justice and social policy.

Victim Support's services are free and follow a nationally agreed Code of Practice, which includes a commitment to confidentiality and victim choice. These include:

- A network of 375 local Schemes, where trained staff and volunteers provide emotional support, practical help and information to people affected by crimes ranging from burglary to the murder of a relative.
- A Witness Service, which offers emotional support and practical information about court proceedings to witnesses, victims and their families. There are now Witness Services in every Crown Court centre, and in a growing number of magistrates' courts.
- A Support line, which provides a point of contact for anyone who has suffered the effects of crime, regardless of whether or not the crime has been reported. The Support line's trained staff and volunteers offer emotional support, information, and a safe and confidential means of exploring what help might be available locally. Calls are charged at local rates from anywhere in the UK.

Victim Support receives both national and local funding from the Home Office and other sources. (Victim Support, Web)

**The National Organisation for Victim Assistance (NOVA)** provides networking, advocacy, training and crisis intervention in North America. It is the principal source of energy and expertise behind the progress that has been made in the USA for victims of crime. It has also played a critical role internationally in responding to disasters, fostering national crime victim programs and training police and others who respond to victims of crime.

Founded in 1974 by a small group of pioneers, it grew into a professional organisation with staff in the early 1980's. It is the focus for those who respond to victims in communities, in courts and in special sectors such as violence against women.

It provides an inspiring model for how to bring about reform. In the 1980's, they were quick to bring together examples of model legislation that had been enacted by different states as well as descriptions of pioneering programs. (NOVA, 1988)

More recently, they have become leaders in technical training by preparing curricula and organising folk with unique skills to provide training. They have shared this expertise with many other countries. (NOVA, Web)

The Victim Services Agency (New York, USA) provides a model of a local agency that provides a broad spectrum of services directly to victims. Their agency name has changed to Safe Horizon.

Initially the Victim Services Agency provided a reception service for witnesses who had to appear in certain criminal courts in New York City. It worked much like a receptionist in a dentist's office. Because adult witnesses had nowhere to place their small children while they attended court, gradually child care services were started. Then it provided advice on compensation for victims of crime and assistance to the children of witnesses.

From these beginnings it expanded both the range of services provided as well as the geographic coverage. It has nine community offices, several 24-hour telephone hotlines and court reception centres as well as extensive prevention and mediation programs in schools.

It works directly with victims, runs hotlines, and is in partnership with police, courts, and doctors. It offers crisis support counselling, help in coping with trauma, and referrals to resources ranging from housing assistance to mental health care. It has services, which cover every offence from domestic violence and homicide through sexual assault, burglary and car theft. It provides counselling, legal assistance, access to state compensation and shelter. (Safe Horizon, Web)

**The Supreme Court and Red Cross** of Venezuela are collaborating on a program to develop a hotline and network of primary services for victims of crime.

The Red Cross has local offices in many communities with staff and volunteers who are trained and equipped to provide first aid. Building on this network, leaflets and training is planned to assist the local offices to provide immediate assistance to victims who are suffering from loss, injury and trauma.

It is expected that the Red Cross Offices may also be able to provide some orientation and moral support to victims as they decide whether and how they will report their victimization to the police or the prosecutors' offices.

## Services for children and women

**The Crime Victim Assistance Centre** (Cordoba, Argentina) was founded in 1986. It has become a model for victim assistance centres in Latin America and elsewhere because its services are based on the most recent research about victim trauma and recovery.

Its typical clientele includes victims of rape, family violence as well as families who have lost a member to murder. They receive assistance from an interdisciplinary team, which includes doctors, social workers, psychologists, psychoanalysts, educators, and criminologists.

Typically both a legal and health specialist will meet with the victim for the initial assessment. They will diagnose the degree of damage done by the crime to the personality of the victim and work out a program to remedy it. They will work with the victim in the context of the victim's family as well as the work, education, and social aspects.

The Centre exists both for the initial crisis and follow-up. They emphasise the importance of active listening so that the victim feels that somebody cares. They cooperate with other agencies that may have to deal with the victim, including the police and the courts. They act as an advocate for the victim in obtaining any financial or other assistance from the government. (Centro de difusión de victimología, Web)

The **Child Witness Project** (London, Ontario, Canada) helps children and adolescents who must testify in criminal court, usually in cases of physical or sexual abuse. Referrals are accepted for witness preparation, capacity assessments, expert testimony, Crown consultation, clinical victim impact statements, and criminal injuries reports.

The protocol includes education, stress reduction, coping strategies, emotional support and advocacy. Since its inception, the Project has provided services to almost 1,000 children and adolescents and several developmentally challenged adults.

There are two overarching goals of court preparation to:

- facilitate the conditions necessary for a victim or witness to provide a full and candid account of the evidence without compromising a defendant's right to a fair trial, through
  - individual court preparation,
  - assessment and expert evidence for the courts,
  - advocacy on behalf of youth with special challenges to testifying,
  - training for justice officials
- ensure that young and vulnerable witnesses are not traumatized by the legal process

Consistent with the Centre's goal of integrating research and practice, they conduct research that helps us understand better the needs of our clients and that aids policy makers and legislators. (Centre for Children and Families, Web)

**International Bureau for Children's Rights** proposes guidelines and a training manual to improve the situation of children as witnesses.

The International Bureau for Children's Rights has developed a set of guidelines to protect children as victims and witnesses in the criminal process. Based in part on the UN Convention on the Rights of the Child and the UN Declaration, their guidelines provide a basis for governments to implement justice for child victims and witnesses of crime.

The principles include the right to:

- Be informed,
- Express views and concerns,
- Effective assistance,
- Privacy,
- Be protected from harm
- Safety
- Reparation

For each principle, an international group of experts proposed specific ways for the principle to be applied. In turn these recommendations have been tested with major international organisations representing governments, prosecutors, judges and so on. A further test will be made of a training manual in Mexico and South Africa. (International Bureau for Children's Rights, Web)

**Child Advocacy Clinics** are lauded for their one stop system of working with children who have been victims of violence.

In the USA, child victims might have been interviewed by several different police offices, social workers and other officials about one set of circumstances.

More than 350 child advocacy clinics exist today in the USA where police, child protection workers, prosecutors and victim advocates interview child victims in one "child friendly" environment. They facilitate both treatments by the various child welfare agencies and intervention which is sensitive to victims from criminal justice personnel.

Often they have one way mirrors so that other authorized personnel can follow an interview with a lead professional. They may videotape interviews so that authorized personnel can review what happened in the interview. Some have facilities for medical examinations. (National Children's Alliance, Web)

## Police respect for victims

The "**Crime Victims' Bill of Rights**" (International Association of Chiefs of Police) urges police to "establish procedures and train personnel" to implement the "incontrovertible rights of all crime victims,"

On our television screens, cops are heroes, fighting vicious bank robbers and uncaring international traffickers of drugs and humans. Yet for the victim of a crime, they are called to help.

The police department is the agency most often and first contacted by victims after a crime. The police are available 24 hours a day, 7 days a week. They call ambulances and fire departments. They can separate the parties in a dispute. They may recover property, protect the victims from an aggressor, and arrest the suspect.

The victim is essential to the police because some research shows that it is the victim who alerts the police in more than 60% of offences. It is the victim who describes the details of the crime and the suspect. It is very often the victim's cooperation that facilitates an arrest and a conviction.

The police are well situated to initiate crisis support to victims. Because they are often the first officials to talk to the crime victim, they are able to reassure and refer the victim to appropriate services in the community. Therefore, the training of all police officers should include how to reassure and refer victims so that victims receive not only emergency medical care, but information and social support.

The Crime Victims Bill of Rights was approved in 1983 and calls on police to treat victims as "privileged clients" by ensuring that victims are to be:

1. Free from intimidation;
2. Told of financial assistance and social services available and how to apply for them;
3. Provided a secure area during interviews and court proceedings, and to be notified if presence in court is needed;
4. Provided a quick return of stolen or other personal property when no longer needed as evidence;
5. (Given) a speedy disposition of the case, and to be periodically informed of case status and final disposition; and, wherever personnel and resource capabilities allow, to be notified in felony cases whenever the perpetrator is released from custody;
6. Interviewed by a female official in the case of rape and other sexual offences, wherever personnel and resource capabilities allow.

For the police to meet this challenge, there is a need to include these elements in internal directives and ensure that officers have adequate training.

Many countries and cities have instituted emergency numbers, such as "911" so that victims and the public can dial the police more easily. The police not only want to get information, but they want this information to be useful when it gets to court. Many arrests do not result in conviction because the victim does not come to court as a witness.

When the victims call the police, it is often the first time that they have had contact with the criminal justice system. They are also often in need of medical assistance, protection, and crisis services. If they have had property stolen, they



want to have it returned. The emotional trauma is often the most brutal effect of crime, which can be mitigated by a well trained police officer.

The police, available around the clock, have sophisticated communications equipment linked to a central dispatcher. This could enable them to get information very quickly on the availability and location of services, such as emergency welfare, rape crisis, transition homes for battered wives, victim support units, or criminal injuries compensation.

Victims want information as to the progress of the police investigation. At the time an offender is identified by the police, victims may be concerned as to whether the offender is going to retaliate because they called the police.

They want to know about the procedure and sometimes present their views. They often express considerable surprise when they find out that an offender who has just been caught has also just been released. Victims can be unfamiliar with the courts and therefore want information as to where to go and what will happen in the court proceedings.

Victims often need information on how to prevent crime in the future (for instance, how to make their homes more secure). Consequently, an important service for victims is the presentation of reliable and valid information on measures they could take for crime prevention. (International Association of Chiefs of Police, Web)

The **Victim Assistance Strategy and Unit** (Police Services, Edmonton, Alberta, Canada) is an inspiring model for police agencies.

More than any other country, Canada has established police programs for victims of crime. For several years, the large police forces, such as the Royal Canadian Mounted Police and the Metropolitan Police forces in Montreal and Toronto, have been concerned about how police officers respond to cases of wife assault and sexual assault.

Much greater use could be made of modern technology to ensure that the individual patrol officer can inform the victim of available services by being able to check with the dispatcher while the patrol officer is with the victim. In crisis situations, the dispatcher could also patch the victim directly through to the patrol car as it responds to the victim.

The Edmonton program was an initial effort to improve their support for crime victims by requiring the responding officer to provide the victim with a card that identifies the key telephone numbers of such services as the local distress centre, locksmiths, criminal injuries compensation, the crime prevention unit, and a service that could help or refer the victim to other community services. Ideally, this card would identify both the file number of the case as well as the name of the police officer.

The Edmonton program involves each patrol officer and uses a central victim assistance unit to outreach to particular victims who are identified on the police computerized information system. By 1990, this approach was assisting 3,000 victims a month in a city of 600,000 that has approximately 1,200 police personnel. The contacts vary from correspondence and telephone calls to "outreach" visits by volunteers. One indicator of the program's effectiveness is that it doubled the number of claims to the Alberta Victims Compensation Board in the first year of operation.

A major reason for its success was the personal commitment of the chief of police to create a program for victims in the late 1970s. Two other reasons are that the patrol officer must (not may) give the victim a special victim services card, and the victim assistance unit has full access to all police incident reports. More recently, this unit has been modernized so that it is present in all the four district stations.

Special efforts are made to train and provide guidelines for the individual patrol officers so that they respond to the victim in a more sensitive manner and link the victim to the central unit.

The central unit has more than 100 victim advocates who may be called in on a 24-hour basis to assist with victims suffering "Severe trauma," such as deaths, sexual assaults, armed robberies, break-ins, and disasters, particularly where there are no family or friends to provide support. Ten thousand hours are volunteered each year.

**The National Police Agency** (Japan) has established various programs to support victims of crime.

The Police Support Programs for Crime Victims has the primary responsibility for getting closely involved with crime victims and protecting them in many ways, including the arrest of suspects, providing assistance to help them recover from the damage, and preventing the reoccurrence of crime. It makes the general public more conscious about the problems of victims.

Concrete programs provide information, counselling and consultation, and compensation through a benefit program. Also during the investigation, police officers must take into consideration victims' psychological damage and safety. Victim support brochures are provided in languages such as English for use by local police departments.

The **Family Consultant Service** (Police Services, London, Ontario, Canada) was established in 1973 within the police department to provide mental health worker crisis intervention teams to respond to domestic violence cases.

Mental health crisis units in police departments provide a cost-effective way to reduce police time and frustration in dealing with repeat calls, while providing a lasting service to the victims, especially in hours when social service providers are not available.

Domestic disputes which require police intervention occur at any time of the day or night, but most social work agencies are only available during office hours. The mental health crisis units can deal not only with family disputes and the care and management of children, but also with depressed and suicidal individuals, as well as the elderly. Their uniqueness comes from their ability to cope with people in crisis and link them with agencies that can provide longer term care.

In London, Ontario, when the police officer responds to a call for assistance in a domestic violence case, he or she is there to control the crisis and make law enforcement powers available. In order to resolve the problems that lead to the violence and often to repeat calls for assistance, the family consultants or mental health workers follow up the case to make sure that long-term solutions were found.

The consultants are mobile and are in constant radio contact with the police Communications Centre, allowing for immediate assistance. The Consultant provides sufficient counselling to begin the crisis-resolution process, and then makes arrangements for ongoing support from community agencies, extended family, and other resources as appropriate.

The Consultants provide officers with feedback and interventions. The process of building support, or further counselling for the family usually continues during office hours the following day, with team members following up with agencies, clients and officers.

An independent scientific study confirms the conclusion that "families were found to be better adjusted and functioning at a higher level three months and three years after the family consultant intervention had begun." (London Police Service, Web)

**All female police stations** (Brazil) provide a safer and more sympathetic reception for female victims of gender related crime by the police.

In 1983, the State Council on the Status of Women - with the support of the Brazilian Bar Association and various non-governmental women's organisations - advocated for action, because so many Brazilian women had been the victims of violence. One solution was to increase the proportion of offenders who came to the attention of the police.

They proposed the creation of police stations in the poorer areas that would only have female staff. In 1985 in Sao Paulo, the first all female police station was created with the power to receive complaints, investigate and counter crimes against women and children. Brazil had a system of appointing police chiefs from outside the police ranks and so lawyers, police officers and others were appointed as the chiefs. They provided victimized women with social/psychological support services, emergency shelter in appropriate cases, and an all female patrol car that would talk to the men and in some cases make an arrest.

Reporting of violence against women at the first women's police station in Sao Paulo increased from 2,000 complaints in 1985 to over 7,000 in 1989. In Brazil, there are now 70 such police stations and several other countries including India, Philippines and Pakistan have adopted similar measures. They are proposed for Afghanistan.

The first women's police station, staffed with multi-disciplinary female teams equipped to respond to the different needs of victims, was set up in Sao Paolo, Brazil in 1985 in response to women's' complaints that they could not report violations because they were treated with disrespect and disbelief. Brazil's success encouraged Argentina, Colombia, Costa Rica, Peru, Uruguay and Venezuela to set up their own versions.

## Reparation and restorative justice

**France** provides for reparation through their system of *partie civile*. This enables the victim to have standing in the criminal court so that the judges will decide what payments the offender will make to the victim for the damages that were incurred in the criminal act.

The legislation for the *partie civile* process is similar to that in many other jurisdictions. However, it is not a dead letter as in most of those jurisdictions because France provides "legal aid" or funding to lawyers who assist victims without the resources to pay for lawyers themselves. Finland has a similar system.

In France, there are often as many lawyers for victims in a court room as there are lawyers for defendants. These lawyers protect many different interests of victims in the proceedings, including reparation.

But this is only part of the story, the existence of this active role for the victim has led to a large number of out of court settlements, where the victim and the defendant agree on the reparation that will be paid by the defendant to the victim. Officially, the court can sanction these agreements by binding over the criminal case indefinitely. France has increased the number of reparation orders for young offenders from 6,000 in 1997 to 15,000 in 2000.

Even in 1986 when other countries were focussing only on assisting victims, France emphasised both this assistance and mediation. Its national organisation - L'Institut National d'Aide aux Victimes et de Médiation (INAVEM) - was established as a national voluntary organization to coordinate and support victim assistance and mediation throughout France.

Today it leads and coordinates a network of 150 local INAVEM organizations. Their aims are to provide support and information to victims, their relatives and close friends. They focus on victims' rights, practical assistance, and psychological support at all stages of penal procedure. This includes assistance at courthouses, lawyers groups, hospitals, police and specialized organizations. Funding for victim assistance in 2001 will be increased from 15 million francs to 20 million (about US \$3 million) - still a modest sum compared to England or the USA.

In 1998, France launched an extensive innovation which set a new benchmark for other countries. They created 20,000 positions for community social mediators. Essentially, young persons who were unemployed would be hired to work with municipal, transportation and other sectors to help resolve conflicts between individuals and between individuals and various state agencies.

The nature of their roles, expertise and future has been the subject of various reports prepared by the DIV, the European Forum for Urban Safety and other agencies in France. Further France made social mediation - new ways of conflict resolution in everyday life - the subject of a conference of the European Union. (DIV, 2001)

Experts define mediation as "a form of settlement of disputes involving an impartial third party and seeking to encourage the parties to reach an agreement by mutual consent" (DIV, 2001, 73). They draw attention to its role in preventing conflict and creating or restoring the social bond. They call for clarity in the roles of the participants, confidentiality, free consent, promoting mediation, training and a research institute.

**England** provides for restitution through a system of compensation orders that can be imposed by the criminal courts. If an offender is convicted, the court must make a compensation order unless it can justify not doing so.

The compensation order is a penal sentence of the court rather than a civil claim by the victim. The police are supposed to provide information to the court with information on the losses to the victim. The court then decides the compensation order taking into account the ability of the offender to pay.

The court is responsible for collecting the payments ordered in the compensation order. The payment of the order takes precedence over fines and other costs that the offender may have to pay. If the offender fails to make the payments, then the court can order other sanctions including imprisonment. (Brienen and Hoegen, 2000, 243-294)

In **the Netherlands** the police can refer first or second time juvenile offenders to HALT offices in 65 communities. The HALT office organizes both reparation from the offender to the victim and assistance with everyday problems such as jobs, school, peers and family.

The HALT program has become particularly famous internationally because the scientific evaluations have shown that the program reduces recidivism.

## State Compensation

The British experience with state compensation for persons injured in violent crime is important because it has existed for nearly forty years, using criteria similar to the civil courts. It has been the subject of evaluation. (Shapland, 1985) It is also easily accessible on the Internet.

In 1964 the Government established a non departmental public body - the Criminal Injuries Compensation Board (CICB) - to award compensation from the government to victims of a crime of violence based on the damages that they would have been awarded in a civil claim.

The program was introduced to provide an acknowledgement of society's sympathy for blameless victims of violence who cooperated with the police and the courts. The awards are made to people who have been victims of a violent crime or those injured trying to catch offenders or prevent crime.

In 1996 the scheme was reorganised into the Criminal Injuries Compensation Authority (CICA). The change was designed to make the system more efficient by using a tariff based scheme that approximates civil awards. The current tariff system uses 400 descriptions divided between 25 levels based on the type of injury suffered; the awards run between £1,000 and £250,000 - approximately \$1,500 and \$400,000.

When applicants have also suffered financial loss, through loss of earnings or earning capacity, cost of medical or other care, or because they were dependent on someone who was murdered, they may apply for additional compensation.

In 2000-01 there were over 76,000 applications, which led to almost 37,000 applicants receiving payments amounting to over £113 million. This is an average annual payment of 3000 pounds or \$4,700. Since the first scheme was set up in 1964, the Authority, together with the Criminal Injuries Compensation Board which it replaced, has paid over £2.2 billion in compensation to some 800,000 people or \$4,242 per person.

It is not known what proportion of victims who are eligible for compensation actually receive it. Unless the police are required to inform victims and provide some assistance in contacting the authority, it is unlikely that the majority of eligible victims apply.

Nevertheless the British scheme provides for larger maxima than many similar programs in other countries, particularly when most medical expenses are paid for through a state funded health system.

More detailed information on the provisions of the scheme can be found in 'A guide to the criminal injuries compensation scheme' available from the Authority. (Criminal Injuries Compensation Authority, Web)

## Rights for victims

France provides rights for victims in courts. The civil party system provides the victim with standing in criminal courts. The victim can be represented by a lawyer who may be paid by the government, if the victim does not have the means to pay.

The standing in court enables the victim to protect their personal interests in the charge, the timing of the case, and reparation. It may indirectly protect their interests in their safety, because the lawyer can introduce these arguments indirectly under one or other of the legally specified reasons for intervening.

The civil party system is not perfect. Many victims do not become aware of their rights or do not choose to go through the process. There are also debates on the fairness of the different provisions. However, in 2002 in comparative terms the rights of victims are better protected in France in criminal courts than in other countries.

It is said that criminal justice systems deprive victims of remedies for their losses. France is transforming justice from a sterile retributive process to a living form of justice between victims and offenders.

The next **US amendment to their Constitution** may guarantee rights for victims

In the USA, 33 States have adopted victim right constitutional amendments, which may continue the momentum for the next amendment to the US Constitution to be to provide a right to victims to information, being heard, being present, and receiving restitution. At this stage, these amendments do not provide any rights as there is no remedy for the victim.

In 1983, the President's Task Force on Victims of Crime recommended the adoption of an amendment to the US Constitution. Today, the Congress is negotiating the wording for an amendment to the US Constitution.

Entitled the Crime Victims' Rights Amendment, it seeks to provide certain permanent and fundamental rights for crime victims. It asserts that the protections of these rights will not "abridge the rights of those accused or convicted of victimizing them". The operative paragraph states:

Victims of violent crimes shall have the rights:

- to timely notice of any release, escape, and public proceeding involving the crime;
- not to be excluded from such proceedings;
- to be heard at release, plea, sentencing, commutation, and pardon proceedings; and
- not to be subjected to undue delay, or to decisions that disregard their safety or their just claims to restitution;

This amendment includes protections for restitution to be paid by the offender to the victim, for the victims to be present and heard, and to be treated with respect.

It is weak on protecting the safety of victims though it requires the victims not be subjected to decisions that disregard their safety. (NOVA, Web)

## Prevention of victimization

Several governments in Europe, Australia, Canada and New Zealand have launched national crime prevention strategies in an effort to reduce the risk of victimization.

One of the most comprehensive is contained in the Crime and Disorder Act adopted in 1998 in England. This Act establishes a Youth Justice Board to manage the efforts to prevent and rehabilitate young offenders, but also requires every local government and police service to establish a local crime prevention plan.

In essence the new strategy recognizes that crime has multiple causes and so can only be reduced by mobilizing school, police, family and other agencies to tackle those causes in a systematic manner.

The local government plan includes a diagnosis or audit of the crime problems in local government area associated with an inventory of the school, housing, social services and policing actions that might impact on those causes. The plan then identifies initiatives that will be taken to reduce crime further together with an evaluation of the cost-effectiveness of the programs.

Some of the strategies focus on repeat victimization. For instance, it has been demonstrated that burglary reduction programs that focus systematically on repeat victimization can achieve as much as a 75% reduction in the burglaries within a five year period. (ICPC, 1999)

The reductions achieved by US cities - not just New York - and several British and French cities in the 1990's illustrate that crime can be reduced by more than 50% better than national trends when cities focus on crime reduction. It is clear that these successes were not due to zero-tolerance or increased numbers of police officers, as the media portray.

Nevertheless with the right leadership, the right data and the right partnerships between police, youth agencies and others, it should be possible to achieve such reductions across a much broader spectrum of regions and countries. (International Centre for the Prevention of Crime, Web)

The **conclusions** from this chapter are that there are many governments who have already pioneered inspiring examples of national responsibility centres and services for victims. In some cases they have been financed creatively.

For police, guidelines exist as well as several innovative projects, but much more work must be done before police mainstream support and protection for victims.

State compensation can provide funds to support victims within reasonable delays.

The next decade may bring examples of constitutional amendments for victims that will have remedies so that they are real rights for victims.



## V CRITICAL STEPS TO IMPROVE PROTECTION IN A COUNTRY

The majority of governments have been slow to act on the principles to which they have agreed at the UN, at the European level or at their constitutional level. Change requires leadership and confidence that it can be realised successfully.

Some hesitation will come from the legal profession whose training and practice has overlooked victims for so long. Some will come from police officers who will emphasise their other responsibilities. Some will come from politicians who already have too many demands on their funds and time.

A growing number of tools offer policy makers assistance with making the changes. The UN has developed the Guide to Policymakers on the Implementation of the UN Declaration. (UN, 1999a) For practitioners and trainers, it has developed the Handbook on Justice for Victims on the use and application of the UN Declaration. (UN, 1999b)

The UN Commission of Crime Prevention and Criminal Justice is still studying a proposal to establish a special fund for initiatives to help victims. The UN, the World Society of Victimology and the Ministry of Justice of the Netherlands have come together to provide a unique source of legislation, programs and current events on the international victimology. ([victimology.nl](http://victimology.nl))

A few countries and communities have made significant progress in supporting and protecting the rights of victims. This chapter is primarily for those who have not. It builds on reflections about jurisdictions that have made progress.

What might be the first step in your jurisdiction? What are the phases that seem to provide the best chance for long term and robust reform? There is no perfect answer. The proposal here is to build in three phases.

In the first, there is a need to launch a pilot victim assistance project and raise public awareness. The pilot project can be focused on a particular location or type of victim. Public awareness can flow from an international course or symposium combined with the organization of national crime victimization surveys. These should be supplemented by a special survey on violence against women and other special victim groups.

In the second stage, it is critical to establish a national office to provide leadership as well as to multiply services in the community, from police, in the courts and with respect to corrections. This requires some allocation of funding by government as well as provision of training and technical assistance. The creation of a national network of service organizations will help set standards, increase the momentum and advocate for improvements in legislation and funding.

In the third stage, the progress made must be institutionalized and consolidated through legislation and amendments to the constitution.

Let us examine each of these phases in more detail.

## Phase 1 - Starting the process with pathfinder projects, conferences and surveys

**Pathfinder projects** are an important way to start. These are local or modest national projects to assist some of the victims who are most in need.

In some cases, the initial pathfinder projects focus on the needs of a particular category of victim, such as rape or violence against women. Their success will depend on a champion who is able to spark the interest in establishing the program.

Modest national projects include the establishment of national hot or free lines (such as the 800 numbers in the USA or other countries) which victims could use to get information and some emotional support.

**National or local conferences** are an effective way to mobilise people around victim protection issues. These can be organised with some participation of experts from other countries who can talk about the problems and solutions as well as ways to get the ball rolling.

Often the conference will appeal to the press and so the general public is sensitised to the needs of victims and actions that may be taken. Many examples of these events exist. The World Society of Victimology has organised courses for two weeks in different countries.

Beyond what is available in this handbook, it may be useful to access the growing network of courses and people committed to doing justice to the support and protection of victim rights.

The World Society of Victimology organises:

- international courses in Asia, Latin America (in Spanish) and Europe
- triennial International Symposium on Victimology
- world-wide network of policy makers, practitioners and researchers. (Web)

The International Symposium on Victimology provides a smorgasbord of the practical and research activities going on across the world. This is a major event involving more than 1,000 participants and provides an opportunity to debate with many of the leading policy makers, researchers and practitioners from across the world. The proceedings from the ten symposia provide an overview of the knowledge and the most recent developments. (See Gaudreault and Waller, 2001)

National organisations such as INAVEM, NOVA and NAVSS have annual conferences and frequent training programs. There are international organisations for the compensation boards and restorative justice which organise conferences. Some journals focus on victimology and related issues. Useful sources of information include [Victimology.nl](http://Victimology.nl) as well as the organisations individual web sites.

**Victimization surveys** provide a factual basis for knowing about the numbers and experiences of victims. These surveys can be undertaken on a modest or comprehensive scale. Either way they will provide some basic data on the extent of, and responses to, victimisation in the country. (van Kesteren, 2000; Alvazzi del Frate, 1998; Zvekic, 1998)

These data are critical for making the media and so policy makers aware of the problems faced by victims. The results need to be made the object of a press conference each year with trends and highlights available over the Internet.

The methodology is well established. The International Crime Victims Survey uses a questionnaire that has been tested and applied extensively across the world. (van Kesteren, 2001) Versions have been translated into many of the world's languages. This is a good starting point, as it will be possible to compare the results in your country with those of other countries and possibly your country in an earlier period.

A new methodology is being developed to measure violence against women through an international survey. As this progresses, it will be an important instrument to draw attention to the extent and impact of violence against women.

More sophisticated methodologies and questionnaires exist at the national level for both general surveys on crime and violence against women. The British Crime Survey is the most developed and sophisticated. (Home Office, 2002) If the national statistical agency is to get involved, it will be useful for them to look at the British experience.

## Phase 2 - Multiplying victim support with national services and a policy centre

**Establish a responsibility centre** is the most important step to improve the status of victims of crime.

This centre would report to a central agency such as the president or the prime minister or possibly the minister of justice or the interior. Its role would be to act as a focus for policy, planning, training, research and experimentation. In South Africa, a committee of the National Crime Prevention Strategy is the locus for coordination and leadership to empower victims of crime. This committee is chaired by the Department of Social Development.

The needed improvements must be made in a broad range of agencies to respect the interests of victims. Some of these such as the role of police, prosecutors, judges and corrections are controlled directly by Ministries such as Justice or Interior. Others, such as emergency room nurses and doctors or social workers are in the mandate of departments of health and welfare.

The improvements are not necessarily major for the system. Some can be achieved through the preparation of guidelines, training and evaluation of the quality of work. The responsibility centre can facilitate the preparation of guidelines, often adapted from experience elsewhere. It can also foster the creation of training programs based in special centres or not. The evaluation of the work produced by the officials can be structured through guides prepared centrally.

**National services** build on the pilot projects launched in the first phase. They multiply the number and type of these services. In many countries an association of the victim support or assistance projects has been formed to act as an umbrella for establishing standards, organising an annual conference and in some cases acting as a funnel for the distribution of funds for services.

Both the British and American networks for victim support and assistance have been extraordinarily successful, because of the professional and dynamic leadership of their executive directors.

An important phase in multiplying the services that are available is to invest in research that evaluates the advantages and disadvantages of the current services. They can also provide a basis from which to expand the services in the best way.

In the UK, the initial victim support schemes were evaluated to assess the extent to which they met the needs of victims. (Maguire and Corbett, 1987) The state compensation program for victims of violent crime was also the subject of research. (Shapland et al., 1985)

### Phase 3 - Consolidating and mainstreaming within police, courts and corrections

Engaging the Police, Courts and Corrections systems in protecting victims is essential.

Victims of crime suffer loss, injury and trauma at the hands of the offender. They also suffer too often additional hardship, trauma and loss, when they cooperate with the police and the criminal justice system.

In most countries, the police, courts and corrections do not respect the rights of victims to safety, privacy, convenience and reparation. Community services for victims provide assistance, but are not enough to protect the personal interests of victims in the investigation, prosecution, sentencing and corrections.

Police have much to gain by treating the victim with respect, providing basic information and referring the victim to any services that might help. This will encourage victims to report crimes to the police and cooperate with them during the investigation. This will overcome the reticence of victims to report crime in some countries and improve public confidence in the police.

It is essential for the legislation and leadership that governs the police to include respect for victims as a specific objective. Further, the technical systems used by the police such as emergency numbers and the computerised data bases need to include ways to provide emergency numbers and locations of victim services.

Prosecutors also can gain by treating the victim with respect and providing information and referral, because victims will cooperate as witnesses more easily.

The legislation must be changed to require prosecutors to consult with victims if they plan to modify the charges that will be prosecuted and foster ways to get fair reparation paid.

Judges can do much to respect victims by actively listening to them when they are present in court. However, legislation that provides victims with a role as the civil or aggrieved party in the process is the only way to ensure that the personal interests of victims in a criminal case are taken into account and protected. A program to encourage lawyers to assist the victims is the best way to make the

role real. The legislation should clarify that the personal interests of the victim include their safety, reparation, privacy and convenience.

Most countries have some type of system of fines. If it is possible for the offender to pay a fine, then it is possible for the offender to pay reparation to the victim. However, the priority must become that reparation is paid before fines. Some offenders have resources to pay significant amounts of money and so should be required to pay these sums to a fund that can be used to provide services and compensation to victims whose offenders were less well off.

**Consolidation** of the support and protection requires an occasional review of what has been achieved and what further work needs to be done.

If the country has established a policy centre to spearhead the reforms that are needed for victims, this centre needs to examine regularly the extent to which programs, legislation and changes in attitudes are providing victims with greater respect.

In England, the Home Office has produced a Victim's Charter that sets out what victims can expect. This is a basis for consultation with victims, police, prosecutors, judges and so on.

Annually national or regional conferences can be organized that provide those working with victims in community services or in the criminal justice system an opportunity to learn from the latest development and experiences.

Regular national and local victimization surveys provide a measure of the extent to which victimization is increasing or decreasing as well as the experience of victims with the police, courts and corrections systems. In addition, surveys need to be carried out on specific innovations that have been tested.

The parliament and legislative assembly must review from time to time progress and see what further steps are needed.

**In conclusion**, one way to get momentum for the long overdue reforms to do justice to support and protection for victims is to start with some modest pilot projects, a conference to raise awareness and victimization surveys to identify the needs.

In the second stage, it should be possible to establish a victim policy centre and multiply basic support services for victims. In the third stage, it is essential to get police, prosecutors and judges to integrate support and protection for victims in their legislation, programs and daily routines.

## References

- Alvazzi del Frate, Anna (1998). *Victims of crime in the developing world*, Rome, Italy  
United Nations Interregional Crime and Justice Research Institute (UNICRI)
- Brand, Sam, Richard Price (2001). *The Economic and Social Costs of Crime*, London:  
Home Office, Research, Development and Statistics: Home Office Research  
Study 217,
- Brienen, Marion, Ernestine Hoegen (2000). *Victims of Crime in 22 European Crimi-  
nal Justice Systems: the Implementation of Recommendation (85) 11 of the  
Council of Europe on the Position of the Victim ...*, Amsterdam: Wolf Legal,  
Canada - Standing Committee on Justice and Human Rights (2000). *Victims Rights -  
A Voice Not a Veto*, Ottawa: Parliament of Canada,
- Canadian Council on Social Development (CCSD) (1981). *Rights and Services for  
Crime Victims*, Ottawa
- Center for Health and Gender Equity (1999). *Ending Violence against Women*, Balti-  
more: Population Reports
- Council of Europe (1983). *European Convention on the Compensation of Victims of  
Violent Crimes*, ETS no. : 116, ratified 1988, Strasbourg
- European Committee on Crime Problems (1985). *The position of the victim in the  
framework of criminal law and procedure*, Strasbourg: Council of Europe
- European Committee on Crime Problems, Recommendation No. R (87) 21 on assist-  
ance to victim and the prevention of victimisation, Strasbourg: Council of Eu-  
rope
- European Committee on Crime Problems, Recommendation No. R (87) 19 on the  
organisation of crime prevention, Strasbourg: Council of Europe
- European Council (2001). *Framework Decision of 15 March 2001 on the standing of  
victims in criminal proceedings (2001/220/JHA)*, Brussels
- Farrell, Graham, Ken Pease (2001). *Repeat Victimization*, New York: Criminal Justice  
Press,
- Garkawe, Sam, (2001) *The Victim-Related Provisions of the Statute of the Interna-  
tional Criminal Court: A Victimological Analysis*, *International Review of Vic-  
timology* 8, 3, 269-289
- Gaudreault, Arlène, Irvin Waller (2001). *10th International Symposium: Selected  
Symposium Proceedings*, Montreal: Association Québécoise Plaidoyer-Victimes,
- Heise, Lori, Jacqueline Pitanguy, Adrienne Germain (1994). *Violence against wom-  
en: The hidden health Burden*, Washington, United States.: The International  
Bank for Reconstruction and Development / The World Bank
- Home Office (2001). *A Review of the Victim's Charter*, London
- Home Office (1999). *Digest 4: Information on the Criminal Justice System in Eng-  
land and Wales*. London: Home Office, Edited by Gordon C. Barclay with Cyn-  
thia Tavares and Andrew Prout, International Association of Chiefs of Police  
(2000): *What do victims want? Effective strategies to achieve justice for victims  
of crime*, Washington, DC
- International Centre for Prevention of Crime (1999). *Crime Prevention Digest II:  
Comparative Analysis of Successful Community Safety*, Montreal
- International Centre for Prevention of Crime (1999). *100 Crime Prevention Programs  
to Inspire Action across the World*, Montreal

- Kershaw, Chris, Natalia Chivite\_Matthews, Carys Thomas, Rebecca Aust (2001). The 2001 British Crime Survey: First Results, England and Wales, London: Home Office, Research, Development and Statistics: Home Office Statistical Bulletin
- Maguire, Mike, Claire Corbett (1987). The effects of crime and the work of victims support schemes, Aldershot: Gower
- National Clearinghouse on Child Abuse and Neglect Information (2000). Child Maltreatment 1999, Washington, DC
- National Organization for Victim Assistance (1988) Victim Rights and Services: A Legislative Directory, Washington, DC: National Organization for Victim Assistance
- Newman, Graeme (ed.) (1999). Global report on crime and justice, New York: Oxford University Press:
- Rock, Paul (1990) Helping victims of crime, Oxford: Clarendon
- Rock, Paul (1986) A View from the Shadows: The Ministry of the Solicitor General of Canada and the Making of the Justice for Victims of Crime Initiative, Oxford: Clarendon
- Shapland, Joanna, J. Willmore, P. Duff (1985). Victims in the Criminal Justice System, Aldershot: Gower
- Statistics Canada (1999) Criminal Victimization in Canada, 1999, Ottawa: Juristat, 20.10,
- United Nations (2001) Rome Statute of the International Criminal Court, New York
- United Nations General Assembly (1985). Declaration of basic principles of justice for victims of crime and abuse of power, New York
- United Nations Office for Drug Control and Crime Prevention (2002) Guidelines for the Prevention of Crime in Action to promote effective crime prevention in Commission on Crime Prevention and Criminal Justice, Eleventh session, 16-25 April 2002, New York: ECOSOC
- United Nations Office for Drug Control and Crime Prevention (2002) Basic Principles for the Implementation of Restorative Justice in the context of Criminal Law, Commission on Crime Prevention and Criminal Justice, Eleventh session, 16-25 April 2002, New York: ECOSOC
- United Nations Office for Drug Control and Crime Prevention (1999) Handbook on justice for victims on the use and application of the Declaration of basic principles of justice for victims of crime and abuse of power, New York: Centre for International Crime Prevention
- United Nations Office for Drug Control and Crime Prevention (1999) Guide for policy makers on the implementation of the United Nations Declaration of basic principles of justice for victims of crime and abuse of power, New York: Centre for International Crime Prevention
- United Nations Office for Drug Control and Crime Prevention (1996) Handbook for Peace Keepers on UN Standards and Norms, New York
- United States (1982) President's Task Force on Victims of Crime: Final Report, Washington
- US Department of Justice, Office for Victims of Crime (2000). New Directions from the Field: Victims' Rights and Services for the 21st Century, Washington, DC

- van Kesteren, John, Pat Mayhew, Paul Nieuwbeerta (2000) *Criminal Victimization in Seventeen Industrialised Countries: Key findings from the 2000 International Crime Victims Survey*, The Hague: Ministry of Justice
- Waller, Irvin (1990). *The Police: First in Aid in Lurigio, Arthur, W.G. Skogan, & R.C. Davis, (eds.): Victims of Crime: problems, policies, and programs*, Newbury Park: Sage, 139-156
- Waller, Irvin, Norm Okihiro (1978). *Burglary, the Victim and the Public*, Toronto: University of Toronto Press
- Wemmers, Jo-Anne (2002). *Restorative Justice for Victims of Crime: A Victim Oriented Approach to Restorative Justice*, *International Review of Victimology*, 9, 1, 43-60
- World Health Organization (2002) *World Report on Violence and Health*, Geneva: Violence and Injuries Prevention
- Zvekic, Ugljesa (1998). *Criminal victimization in countries in transition*, Rome: United Nations Interregional Crime and Justice Research Institute (UNICRI)



## Web Sites

Argentina, Ministry of Justice, Security and Human Rights, Buenos Aires: <http://www.jus.gov.ar/polcrim/polcrim.htm>

California Office for Victim Services and Restitution, Sacramento: <http://www.cdc.state.ca.us/ovsr/>

Canada/Justice Policy Centre for Victim Issues, Ottawa: <http://canada.justice.gc.ca/en/ps/voc/index.html>

Centre for Children and Families in the Justice System, London, Ontario, Canada: <http://www.lfcc.on.ca/>

Centro de difusión de la victimología, Buenos Aires, Argentina: <http://fmuraro.tsx.org>

England, Criminal Injuries Compensation Authority, London: <http://www.cica.gov.uk/>

England, Home Office, Justice and Victims Unit, London: [http://www.homeoffice.gov.uk/new\\_indexes/index\\_victimsofcrime.htm](http://www.homeoffice.gov.uk/new_indexes/index_victimsofcrime.htm)

Institut national d'aide aux victimes et médiation, Paris: <http://membres.lycos.fr/tussier/inavem.htm>

International Association of Chiefs of Police, Washington, DC: <http://www.theiacp.org>

International Bureau for Children's Rights, Montreal: <http://www.ibcr.org>

International Crime Victims Survey, Leiden: <http://ruljis.leidenuniv.nl/group/jfcr/www/icvs/>

London Police Services, London, Ontario, Canada: <http://police.city.london.on.ca/>

National Association of Victim Support Schemes, London: <http://natiasso03.uuhost.uk.uu.net/>

National Children's Alliance, Washington, DC: <http://www.nncac.org>

National Organisation for Victim Assistance, Washington, DC: <http://www.trynova.org/>

New York State Crime Victim Board, Albany: <http://www.cvb.state.ny.us/>

Ontario Attorney General, Toronto: <http://www.attorneygeneral.jus.gov.on.ca/html/VW/vhome.htm>

Québec, Ministry of Justice - aide aux victimes d'actes criminels, Québec: [http://www.gouv.qc.ca/Vision/Mesures Sociales/AideVictimesActesCriminels\\_fr.html](http://www.gouv.qc.ca/Vision/Mesures Sociales/AideVictimesActesCriminels_fr.html)

Safe Horizons, New York City: [www.safehorizon.org/](http://www.safehorizon.org/)

US Department of Justice, Office for Victims of Crime, Washington, DC: <http://www.ojp.usdoj.gov/ovc/>

Victim Assistance on Line, Windsor: <http://www.vaonline.org/>

Victimology.nl - International Victimology Website - a joint project of the UN, WSV, and the Ministry of Justice of the Netherlands, The Hague, Ministry of Justice, The Netherlands: <http://www.victimology.nl/>

World Society of Victimology, Monchengladbach, World Society of Victimology: [www.world-society-victimology.de](http://www.world-society-victimology.de)

# UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power

## Part 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, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability.
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.

8. Offenders or third parties responsible for their behaviour 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 victim 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.
  12. When compensation is not fully available from the offender or other sources, States should endeavour 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.
  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.
  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.
- Part 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.

European Council Framework Decision on the Standing of Victims

# THE COUNCIL OF THE EUROPEAN UNION...HAS ADOPTED THIS FRAMEWORK DECISION:

## Article 1 Definitions

For the purposes of this Framework Decision:

- (a) 'Victim' shall mean a natural person who has suffered harm, including physical or mental injury, emotional suffering or economic loss, directly caused by acts or omissions that are in violation of the criminal law of a Member State;
- (b) 'Victim support organisation' shall mean a non-governmental organisation, legally established in a Member State, whose support to victims of crime is provided free of charge and, conducted under appropriate conditions, complements the action of the State in this area;
- (c) 'Criminal proceedings' shall be understood in accordance with the national law applicable;
- (d) 'Proceedings' shall be broadly construed to include, in addition to criminal proceedings, all contacts of victims as such with any authority, public service or victim support organization in connection with their case, before, during, or after criminal process;
- (e) 'Mediation in criminal cases' shall be understood as the search, prior to or during criminal proceedings, for a negotiated solution between the victim and the author of the Offence, mediated by a competent person.

## Article 2 Respect and recognition

1. Each Member State shall ensure that victims have a real and appropriate role in its criminal legal system. It shall continue to make every effort to ensure that victims are treated with due respect for the dignity of the individual during proceedings and shall recognise the rights and legitimate interests of victims with particular reference to criminal proceedings.

2. Each Member State shall ensure that victims who are particularly vulnerable can benefit from specific treatment best suited to their circumstances.

### Article 3 Hearings, and provision of evidence

Each Member State shall safeguard the possibility for victims to be heard during proceedings and to supply evidence. Each Member State shall take appropriate measures to ensure that its authorities question victims only insofar as necessary for the purpose of criminal proceedings.

## Article 4 Right to receive information

1. Each Member State shall ensure that victims in particular have access, as from their first contact with law enforcement agencies, by any means it deems appropriate and as far as possible in languages commonly understood, to information of relevance for the protection of their interests. Such information shall be at least as follows:

- (a) the type of services or organisations to which they can turn for support;
- (b) the type of support which they can obtain;
- (c) where and how they can report an offence;
- (d) procedures following such a report and their role in connection with such procedures;
- (e) how and under what conditions they can obtain protection;
- (f) to what extent and on what terms they have access to: (i) legal advice or (ii) legal aid, or (iii) any other sort of advice, if, in the cases envisaged in point (i) and (ii), they are entitled to receive it;
- (g) requirements for them to be entitled to compensation;
- (h) if they are resident in another State, any special arrangements available to them in order to protect their interests.

2. Each Member State 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 criminal 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. Member States shall take the necessary measures to ensure that, at least in cases where there might be danger to the victims, when the person prosecuted or sentenced for an offence is released, a decision may be taken to notify the victim if necessary.

4. In so far as a Member State forwards on its own initiative the information referred to in paragraphs 2 and 3, it must ensure that victims have the right not to receive it, unless communication thereof is compulsory under the terms of the relevant criminal proceedings.

## Article 5 Communication safeguards

Each Member State shall, in respect of victims having the status of witnesses or parties to the proceedings, take the necessary measures to minimise as far as possible communication difficulties as regards their understanding of, or involvement in, the relevant steps of the criminal proceedings in question, to an extent comparable with the measures of this type which it takes in respect of defendants.

## Article 6 Specific assistance to the victim

Each Member State shall ensure that victims have access to advice as referred to in Article 4(1)(f)(iii), provided free of charge where warranted, concerning their role in the proceedings and, where appropriate, legal aid as referred to in Article 4 (1) (f) (ii), when it is possible for them to have the status of parties to criminal proceedings.

## Article 7 Victims' expenses with respect to criminal proceedings

Each Member State shall, according to the applicable national provisions, afford victims who have the status of parties or witnesses the possibility of reimbursement of expenses incurred as a result of their legitimate participation in criminal proceedings.

## Article 8 Right to protection

1. Each Member State shall ensure a suitable level of protection for victims and, where appropriate, their families or persons in a similar position, particularly as regards their safety and protection of their privacy, where the competent authorities consider that there is a serious risk of reprisals or firm evidence of serious intent to intrude upon their privacy.
2. To that end, and without prejudice to paragraph 4, each Member State shall guarantee that it is possible to adopt, if necessary, as part of the court proceedings, appropriate measures to protect the privacy and photographic image of victims and their families or persons in a similar position.
3. Each Member State shall further ensure that contact between victims and offenders within court premises may be avoided, unless criminal proceedings require such contact. Where appropriate for that purpose, each Member State shall progressively provide that court premises have special waiting areas for victims.
4. Each Member State shall ensure that, where there is a need to protect victims - particularly those most vulnerable - from the effects of giving evidence in open court, victims may, by decision taken by the court, be entitled to testify in a manner which will enable this objective to be achieved, by any appropriate means compatible with its basic legal principles.

## Article 9 Right to compensation in the course of criminal proceedings

1. Each Member State shall ensure that victims of criminal acts are entitled to obtain a decision within reasonable time limits on compensation by the offender in the course of criminal proceedings, except where, in certain cases, national law provides for compensation to be awarded in another manner.
2. Each Member State shall take appropriate measures to encourage the offender to provide adequate compensation to victims.
3. Unless urgently required for the purpose of criminal proceedings, recoverable property belonging to victims which is seized in the course of criminal proceedings shall be returned to them without delay.

## Article 10 Penal mediation in the course of criminal proceedings

1. Each Member State shall seek to promote mediation in criminal cases for offences which it considers appropriate for this sort of measure.
2. Each Member State shall ensure that any agreement between the victim and the offender reached in the course of such mediation in criminal cases can be taken into account.

## Article 11 Victims resident in another Member State

1. Each Member State shall ensure that its competent authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a State other than the one where the offence has occurred, particularly with regard to the organisation of the proceedings. For this purpose, its authorities should, in particular, be in a position:

- to be able to decide whether the victim may make a statement immediately after the commission of an offence,

- to have recourse as far as possible to the provisions on video conferencing and telephone conference calls laid down in Articles 10 and 11 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 (1) for the purpose of hearing victims resident abroad.

2. Each Member State shall ensure that the victim of an offence in a Member State other than the one where he resides may make a complaint before the competent authorities of his State of residence if he was unable to do so in the Member State where the offence was committed or, in the event of a serious offence, if he did not wish to do so. The competent authority to which the complaint is made, insofar as it does not itself have competence in this respect, shall transmit it without delay to the competent authority in the territory in which the offence was committed. The complaint shall be dealt with in accordance with the national law of the State in which the offence was committed.

## Article 12 Cooperation between Member States

Each Member State shall foster, develop and improve cooperation between Member States in order to facilitate 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 victim support organisations.

## Article 13 Specialist services and victim support organisations

1. Each Member State shall, in the context of proceedings, promote the involvement of victim support systems responsible for organising the initial reception of victims and for victim support and assistance thereafter, whether through the provision of specially trained personnel within its public services or through recognition and funding of victim support organisations.

2. Each Member State shall encourage action taken in proceedings by such personnel or by victim support organisations, particularly as regards:

(a) providing victims with information;

(b) assisting victims according to their immediate needs;

(c) accompanying victims, if necessary and possible during criminal proceedings;

(d) assisting victims, at their request, after criminal proceedings have ended.



## Article 14 Training for personnel involved in proceedings or otherwise in contact with victims

1. Through its public services or by funding victim support organisations, each Member State shall encourage initiatives enabling personnel involved in proceedings or otherwise in contact with victims to receive suitable training with particular reference to the needs of the most vulnerable groups.
2. Paragraph 1 shall apply in particular to police officers and legal practitioners.

## Article 15 Practical conditions regarding the position of victims in proceedings

1. Each Member State shall support the progressive creation, in respect of proceedings in general, and particularly in venues where criminal proceedings may be initiated, of the necessary conditions for attempting to prevent secondary victimization and avoiding placing victims under unnecessary pressure. This shall apply particularly as regards proper initial reception of victims, and the establishment of conditions appropriate to their situation in the venues in question.
2. For the purposes of paragraph 1, each Member State shall in particular have regard to facilities within courts, police stations, public services and victim support organisations.

## Article 16 Territorial scope

This Framework Decision shall apply to Gibraltar.

## Article 17 Implementation

Each Member State shall bring into force the laws, regulations and administrative provisions necessary to comply with this Framework Decision:

- regarding Article 10, 22 March 2006,
- regarding Articles 5 and 6, 22 March 2004,
- regarding the other provisions, 22 March 2002.

## Article 18 Assessment

As from the dates referred to in Article 17, each Member State shall forward to the General Secretariat of the Council and to the Commission the text of the provisions enacting into national law the requirements laid down by this Framework Decision. The Council shall assess, within one year following each of these dates, the measures taken by Member States to comply with the provisions of this Framework Decision, by means of a report drawn up by the General Secretariat on the basis of the information received from Member States and a report in writing submitted by the Commission.

## Article 19 Entry into force

This Framework Decision shall enter into force on the date of its publication in the Official Journal of the European Communities.

Done at Brussels, 15 March 2001.

