

Tilburg University

Victimology

van Dijk, J.J.M.; Wemmers, J.

Published in:

Introduction to international crime and criminal justice

Publication date:

2011

Document Version

Publisher's PDF, also known as Version of record

[Link to publication in Tilburg University Research Portal](#)

Citation for published version (APA):

van Dijk, J. J. M., & Wemmers, J. (2011). Victimology: Services and rights for victims of domestic and international crimes. In M. Natarajan (Ed.), *Introduction to international crime and criminal justice* (pp. 33-40). McGraw-Hill.

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

5 **Victimology**

SERVICES AND RIGHTS FOR VICTIMS OF DOMESTIC AND INTERNATIONAL CRIMES

Jan van Dijk and Jo-Anne Wemmers

INTRODUCTION

In modern times there was in Western countries almost no place for the victims of crime in criminal justice. The victim had become the forgotten third party of the criminal trial. Likewise criminologists exclusively focused their studies on offenders and largely ignored the role and problems of victims. The first publications on victims dealt with the role of victims in the causation of crimes. The focus of these studies was on the degree of guilt of the victims for the crime committed against them (e.g., provocative behavior). This early interest in the culpability of victims has later been critiqued as manifestations of "victim blaming." The inclination to blame victims of serious crimes for their misfortune has itself been the subject of social psychological studies. Experiments by Lerner and others have revealed that victims of serious crimes often elicit negative responses from their environment because their situation poses an acute threat to the fundamental belief in a just world. By assuming that the victim bears some responsibility for his or her victimization through irresponsible behavior, others can reassure themselves that they have nothing to fear for themselves.

Around 1970 grassroots organizations discovered the needs of victims of domestic and sexual violence and began to provide services for them such as shelter homes and rape crisis centers. Around the same time some criminologists took up an interest in the situation of crime victims as a special research topic. Victimization surveys revealed not only that many victimizations were never reported to the police (the dark numbers of crime) but also that many reporting victims were dissatisfied with the way their cases were handled by the authorities. A sizeable minority of reporting victims

even complained that they had been retraumatized by their treatment by the police and the criminal justice system (secondary victimization). Soon an international movement came into being, lobbying for improved services for victims and for the introduction of victims' rights in criminal procedure (Walklate, 2007; Wemmers, 2003). An important international platform for this reform movement was the World Society of Victimology, founded in Münster, Germany in 1979. A landmark achievement of the victims' movement was the adoption by the General Assembly of the *United Nations of the Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power* in 1985 (Groenhuijsen & Letschert, 2008). In recent years victimologists have become more and more interested in the needs of victims of international crimes and violations of human rights, as well as the needs of indirect victims such as family members and witnesses (Wemmers et al., 2010).

Today victimology has developed into an academic discipline, with its own body of knowledge, journals, and professional organizations. It can be defined as the scientific study of:

- a. victims, direct and indirect, of domestic and international crime or violations of human rights;
- b. the material and immaterial consequences of such victimizations; and
- c. the various social and legal interventions to assist victims in coping with these consequences (Goodey, 2004; Walklate, 2007; Wemmers, 2003).

VICTIM VULNERABILITIES

One of the research topics of victimology is the vulnerability of persons to be criminally victimized. According to the results of victimization surveys, risk factors for victimization by violent crime are young age, an outgoing lifestyle, and residence in a large city. Especially at risk are people abusing alcohol or drugs. People suffering from Attention Deficit Hyperactivity Disorder have also been found to be more at risk than others (Boogaerts, 2010). Those who have been victimized once by personal crime run an enhanced risk to be revictimized within the same year (repeat victimization). This is especially true for victims of violence between intimates. But also victims of robberies or household burglaries are at risk to be revictimized soon after a previous victimization. This happens either because their lifestyle or personal characteristics expose them more than others to such risks (homogeneity) or because perpetrators decide to hit the same target

again where they have been successful before (event dependency) (Farrell & Pease, 2001). The phenomenon of repeat victimization underlines the importance of prevention advice for victims. More recently, the work by David Finkelhor on the victimization of children and youth has highlighted the importance of what he terms, polyvictimization, which refers to the multiple and diverse victimization of children and youth (Finkelhor et al, 2009).

TRAUMA AND TREATMENT

Victims of serious crime often suffer from the same clinical symptoms as victims of extreme war experiences such as flashbacks of the traumatic incident, nightmares, extreme feelings of fear, and anger attacks. Secondary symptoms are loss of concentration, feelings of guilt, and avoidance of cues that trigger memories of the incident. Estimates of the prevalence of Post-Traumatic Stress Disorder (PTSD) among crime victims vary. National victimization surveys in the United States and in Europe suggest that 20 percent to 30 percent of victims of violence, including sexual violence, develop PTSD (Kilpatrick et al., 1987). Treatment interventions aim to assist victims with their coping strategies. Vitaly important for successful coping is the support from family and friends. Professional treatment interventions typically consist of exposure to the painful memories in a secured environment with a view to the extinction of accompanying emotions (NICE, 2005). Encouraging results have been obtained with the special technique of Eye Movement Desensitization and Reprocessing (EMDR) (Winkel, 2007).

According to the 1985 UN Declaration victims of crimes of violence are entitled to receive appropriate social services and treatment as well as compensation for their losses from the perpetrator or from state funds. These principles of justice for victims have been incorporated in the national laws and policies of many individual countries. Moreover, they have been incorporated in several UN conventions such as the Convention against Transnational Organized Crime and the protocol against human trafficking, both ratified by the large majority of UN member states including the United States and all member states of the European Union. For the twenty-seven member states of the European Union, adequate provisions for victim support and state compensation for victims of all types of crime are mandatory according to the EU Framework Decision on the Standing of Victims in Criminal Proceedings of 2001 (Groenhuijsen & Letschert, 2008).

The full incorporation of these international legal norms in the domestic legislation and practices of individual countries remains for the moment a

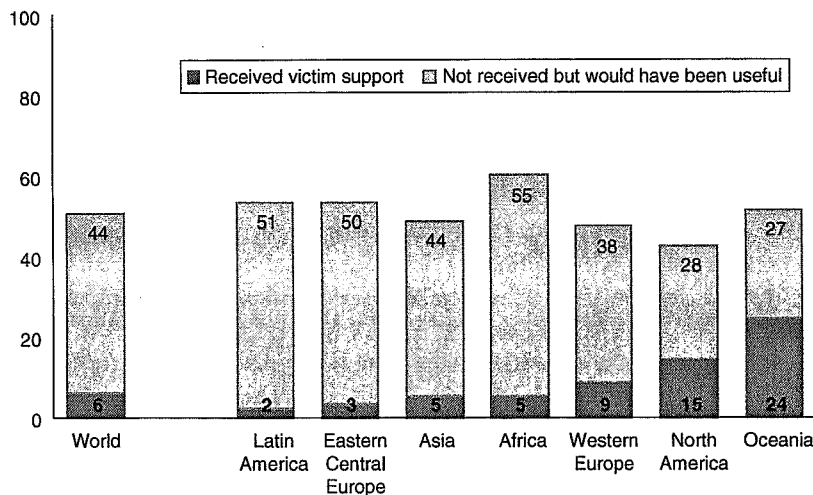


Figure 5.1. Percentage of victims of serious crimes who have received or would have considered useful specialized victim support by world regions.

Source: ICVS, 2005

distant dream. Some European countries including Greece and Italy have introduced neither support organizations nor compensation funds for victims of violent crime. In other countries existing services for victims, however well established, reach just a small part of their potential clients. In Canada, for example, victim compensation is not available across the country (Wemmers, 2003). In the International Crime Victims Survey, 2005, victims of four types of serious crime (burglaries, robberies, sexual offences, threats, and assaults) are asked whether they have received support from a specialized victim support agency. Those who had not received any help were asked whether they would have appreciated help in getting information, or practical or emotional support. Figure 5.1 shows the rates of victims receiving specialized assistance in world regions and the rates of those in need of such services.

The results indicate that the need for help among victims of serious crime is widespread. In developed nations, three or four in ten victims express such needs. In developing countries even more victims would have wanted such help. The comparison between the regional percentages of victims of serious crimes who had received assistance and of those who would have appreciated receiving such assistance indicates a worldwide gap between supply and demand of such services. Even in countries where victim support has become more common, the need for such help is still largely unmet. Victim support was received most often by victims in

Australia/New Zealand (Oceania) and North America (Canada and USA). In Western Europe, 9 percent of victims received help. In other regions including Eastern/Central Europe, a provision of specialized help is still a rare occurrence.

Several of the principles of justice for victims have been incorporated in the legal statute for the International Criminal Court (Wemmers & de Brouwer, 2010). Attached to the ICC is a trust fund that can be accessed at any stage in the trial, including the investigation stage. The Trust Fund for Victims will therefore not only implement reparation awards from the Court, it may also – upon notification to and approval from the Court – implement programs that will assist victims of mass crimes in terms of physical and psychological rehabilitation as well as material support. Indeed, the Trust Fund for Victims has started to implement several activities in Uganda (eighteen projects) and the Democratic Republic of Congo (DRC) (sixteen projects), benefiting an expected total of 380,000 direct and indirect victims. (See ICC Web site, under Structure of the Court/Victims/Trust Fund for Victims/current projects).

VICTIMS' RIGHTS IN CRIMINAL PROCEDURE

The 1985 UN Declaration on principles of justice for victims includes provisions on the procedural role of victims in criminal procedures. Victims are entitled to be treated with compassion and respect for their dignity, to be fully informed about proceedings and outcomes, and to receive legal aid. In addition, the responsiveness to the needs of victims should be facilitated by “Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected.” The right to present views has been incorporated into the UN Conventions against Transnational Organized Crime (2000) and Corruption (2002). It is also embodied in the 2001 Framework Decision of the Council of Ministers of the European Union. Article 3 of the said Decision reads as follows: “Each member State shall safeguard the possibility for victims to be heard during proceedings and to supply evidence.” In the Rome Statute victims are given, in contrast to their marginal roles in previous war tribunals, the right to participate in criminal justice proceedings through their legal representative as well as the right to request reparation through the court.

Criminal law experts in many countries have expressed concerns that victim participation in trials will result in the imposition of more severe sentences on defendants. Empirical research in the USA and Australia

suggests that victim participation does in practice have little impact on sentencing and that its impact does not necessarily result in more severe sentencing (but in a choice for reparation over imprisonment) (Erez, 2000). Research also shows that in many countries existing provisions for victim participation are still not seen as satisfactory by many victims (Hall, 2009; van Dijk, 2009). As is the case with victim services, newly introduced victims' rights seem in most countries to be still in their infancy (Wemmers, 2009).

CONCLUSIONS

Since the adoption in 1985 of the UN Declaration on Victims' Rights, the victims' movement has come a long way. Special services for crime victims have in many countries become more common and the position of victims in criminal proceedings has been enhanced almost universally. In many respects the implementation of international legal norms is still far from satisfactory. The take up rates of victim services remains very low. Even in countries with well-established victim support organizations only a minority of victims in need of assistance is actually reached. Newly introduced procedural rights for crime victims are often only partially implemented and are found wanting by many of the victims. One of the most encouraging developments is the adoption of the Rome Statute and the ensuing jurisprudence by the International Criminal Court. Mass media audiences across the world will soon become acquainted with legal representatives of victims making statements in highly publicized trials in the International Criminal Court in The Hague. The evolving practices of the International Criminal Court will present a useful example to national legislators and courts across the world of how victims ought to be treated in modern systems of criminal justice. Legislators will hopefully start to understand that victims should receive recognition and validation from the criminal justice system, as well as protection from the offender without burdening them with responsibilities.

To promote the implementation of the United Nations Victims' Declaration, the United Nations Office on Drugs and Crime has put together a Handbook on Justice for Victims, available in several world languages (www.worldsocietyofvictimology.org). In addition, the World Society of Victimology has, in collaboration with Tilburg University in the Netherlands, elaborated a draft for a United Nations Convention on Justice and Support for Victims of Crime and Abuse of Power, including a

preamble and a section on ways to encourage adoption and implementation (www.universitytilburg.nl/intervict).

REFERENCES

- Bogaerts, S. (2010), Spiegelingen tussen Daders en Slachtoffers, inaugural lecture, INTERVICT, 23 January.
- Erez, E. (2000). *Integrating a Victim Perspective in Criminal Justice through Victim Impact Statements*. In A. Crawford & J. Goodey (Eds.), *Integrating a Victim Perspective within Criminal Justice*. Aldershot, UK: Ashgate, pp. 165–85.
- Farrell, G. & K. Pease (2001). *Repeat Victimization*. *Crime Prevention Studies*, Vol. 12. NY: Monsey: Criminal Justice Press.
- Finkelhor, D., R. K. Ormrod, & H. A. Turner (2009). Lifetime Assessment of Poly-Victimization in a National Sample of Children & Youth. *Child Abuse & Neglect*, 33, 403–11.
- Goodey, J. (2004). *Victims and Victimology; Research, Policy and Practice*, Harlow: Pearson.
- Groenhuijsen, M. & R. Letschert (2008). *Compilation of International Victims' Rights Instruments*. Intervict/Wolf legal Publishers (www.universitytilburg.nl/intervict).
- Hall, M. (2009). *Victims of Crime: Policy and Practice in Criminal Justice*. Devon, UK: Willan Publishers.
- International Criminal Court Web site: (www.icc-cpi.int)
- Kilpatrick, D. G. et al. (1987). Criminal Victimization: Lifetime Prevalence, Reporting to Police, and Psychological Impact. *Crime & Delinquency*, 33, 479–89.
- Kirchhoff, G. F. (1994). *Victimology – History and Basic Concepts*. In G. F. Kirchhoff, E. Kosovski & H. J. Schneider (Eds.). *International Debates of Victimology*. Mönchengladbach: WSV Publishing, pp. 1–81.
- Lamet, W. & K. Wittebrood. (2009). *Nooit meer Dezelfde, Gevolgen van Misdrijven voor Slachtoffers*. Den Haag Sociaal Cultureel Planbureau.
- NICE (2005). Post Traumatic Stress Disorder. The Management of PTSD in Adults and Children in Primary and Secondary Care, by Gaskell and the BPS, online: www.nice.org.uk
- Tobolowski, P. (2001). *Crime Victim Rights and Remedies*. Durham: Carolina Academic Press.
- van Dijk, J. J. M. (2009). Free the Victim: A Critique of the Western Conception of Victimhood. *International Review of Victimology*, 16, 1–33.
- Walklate, S. (2007). *Handbook of Victims and Victimology*. Deon, UK: Willan Publishers.
- Wemmers, J. (2003). *Introduction à la victimologie*. Montréal : Les Presses de l'Université de Montréal.
- (2010). Where Do They Belong? Giving Victims a Place in the Criminal Justice Process. *Criminal Law Forum*.

- Wemmers, J. & A. M. de Brouwer (2010). *Globalisation and Victims' Rights at the International Criminal Court*. In J. J. M. van Dijk & R. Letschert (Eds.), *Globalisation, Human Security and Victims*. Springer.
- Winkel, F. W. (2007). *Post Traumatic Anger: Missing Link in the Wheel of Misfortune, Inaugural Lecture*. University of Tilburg/Intervict (www.universiteitilburg.nl/intervict).

ABOUT THE AUTHORS

Jan van Dijk was born in Amsterdam, the Netherlands in 1947. He was director of the Research and Documentation Centre of the Dutch Ministry of Justice and part-time professor of criminology at Leiden University. Between 1998 and 2005 he worked for the United Nations in Vienna and Turin. He acted as president of the World Society of Victimology between 1997 and 2000. In 2008 he received the Sellin-Glueck Award of the American Society of Criminology for his lifelong contribution to international criminology and victimology. He currently holds the Pieter van Vollenhoven chair in victimology and human security at the University of Tilburg (the Netherlands).

Jo-Anne Wemmers obtained her Ph.D. from the University of Leiden (The Netherlands). Presently, she is a professor at the School of Criminology of the Université de Montréal (Canada) as well as head of the Research Group Victimology and Restorative Justice at the International Centre for Comparative Criminology. Professor Wemmers has published many articles and books in the area of victimology, including *Introduction à la victimologie* (Les Presses de l'Université de Montréal) and *Victims in the Criminal Justice System* (Kugler Publications). Former Secretary General of the World Society of Victimology, she is currently Editor of the *International Review of Victimology* as well of the *Journal international de victimologie*.