

## **Ancillary Meeting: Implementing Victim Rights and Victim Services: Human Rights, Best Practices, Performance Standards and Training**

Tuesday, April 14, 13:00 to 14:30

Participants 25

**Irvin Waller**, President, International Organization for Victim Assistance, moderated the meeting. He recalled the 1985 resolution of the UN General Assembly 40/34 that resolved to prevent victimization and implement the Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power. He stressed that the Congress should give urgent priority to contributing to sustainable development by using compelling scientific knowledge and UN norms to reduce

- Epidemic rates of street violence in many countries in Latin America and some countries in Africa and elsewhere – more than 400,000 homicides – yes a statistic but 400,000 tragedies (UNODC);
- 1 in 3 women will be victims of intimate partner violence in their lifetime and equally unacceptable numbers will be raped – yes another statistic that represents tragedies (WHO);
- The woeful number of developing countries who do not have programs to meet the loss, injury and trauma suffered by victims and the secondary victimization when cooperating with authorities in criminal justice;
- The lack of serious investment to shift from only reacting to crime to reducing crime victimization by using scientific methods of violence prevention (WHO/UNODC/UNDP) or agreed UN standards and norms and so are unnecessarily wasteful of human lives and scarce resources – Pay now or more later.

**Marc Groenhuijsen**, President, World Society of Victimology, overviewed the progress since the UNGA resolved to implement the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

He stressed the legal reforms that have reinforced restitution, state compensation and victim impact statements. He pointed to the spread and professionalization of victim support programs and the advances in evidence based policy. He highlighted the rights for victims in the International Criminal Court.

But he was concerned by the gaps in implementation, include such basic issues as the high proportions of victims who are not informed (50%) and the continued lack of respect in too many cases. Victim surveys show that victims are often most dissatisfied in situations where promises have been made to do more.

He pointed to situations where politicians have hi-jacked the agenda to help victims to pursue punitive policies that not only do not meet the needs of victims but trample on advances in rights for accused and convicted offenders, such as minimum penalties. It is important to avoid the trap of the alleged victim instead of the victim of the alleged crime.

He wanted much greater emphasis on 1. Funding of victim services and rights, 2. Training of officials, including judges, 3. Victim rights being treated as human rights, 4. Enforcement of rights through victim commissioners, ombudspersons, and 5. Use of alternative procedures to the traditional criminal justice system such as mediation and restorative justice.

**Michael O'Connell**, Commissioner for Crime Victims, South Australia, talked about the psychological and emotional impact of crime on victims. In his jurisdiction, there is no mandatory, legal obligation to tell victims their rights, although the Police Commissioner has issued a directive that police distribute a

booklet on victims' rights, victim assistance and the criminal justice process (among other items) when victims report offences. In the best performing Police Service District only 70% receive it and in some districts the percentage of as low as 40%. Most victims' rights are written in the passive – obliging public officials to act only if the victim asks.

Australia's Attorneys-General established a National Victims of Crime Working Group that has devised a National Framework on Victims' Rights and Victim Assistance. All States and mainland territories have a victims' rights declaration, a victim assistance programme and a state-funded compensation / financial assistance scheme. There are differences across jurisdictions and no desire to introduce uniform victim-centric law, assistance or compensation scheme. The National Working Group has therefore focused on procedures to facilitate cross-jurisdictional co-operation and to guide such an implementation plan has been devised and a series of projects are being undertaken.

The National Working Group has acknowledged that cultural change (resulting in attitudinal and behavioral adjustments) is essential if the promise of victims' rights is to be achieved. Thus, it has recommended training for police, prosecutors and judges.

Commissioner O'Connell outlined ways he helps victims dealing with the criminal justice system or other justice system. He mentioned for example that victims can be represented in a coroner's inquiry; and such inquiry can play an important role in systemic 'cultural' / organizational change. He also stressed the difference between services being available and being accessible; and warned that it is easier to proclaim services are available than to make such services readily accessible, in a timely manner that matches victims' needs, which might change over time.

Regarding his functions, he elaborated on the importance of advocacy at various stages of the criminal justice process – and mentioned, by example, advocacy for a victim during pre-trial process, such as charge-bargaining and at trial. He has engaged legal counsel to assist victims prepare to meet the prosecutor; to consult before giving evidence; and to advise on the content of a victim impact statement. He performed this function in addition to that of victim ombudsman. He pointed out that he could require officials to make an official apology to aggrieved victims.

**Sherri-Lyn Young**, Director of the Africa Program, International Organization for Victim Assistance, stressed the importance of technical assistance and training that brings experts from other countries to East Africa to be culturally centred. She called for training that is trauma focused and victim centred. She discussed the importance of victim and public participation in relations between police and the community.

**Questions** from participants focused on the importance of police officers providing information and referrals to victims and the importance of measuring whether programmes were meeting the needs of victims as many are not.