



CRIME VICTIMS, CRIMINAL JUSTICE AND VICTIM SUPPORT CENTERS

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Victims' Movement

- After the World War II – interest in the role of the victim in the criminal conflict
- 1960s - importance of providing protection to crime victims was highlighted
- Significant differences between crime rates registered by the police and victimization rates registered by Crime Victims Surveys
- “Apparent” criminality versus “Black cipher”

Victims' Movement

- 1st wave of the victims' movement
- 1970s – in the US, victim-witness assistance programs to support and encourage victims to report the crime and collaborate with investigation
- 2nd wave of the victims' movement
- Feminist movements - shelters for battered women and victims of sexual assault
- Civil society - law and order, civil rights and grass-root groups began to draw public attention to the severe psychological, physical and financial damages that crime could inflict on victims

Victims' Movement

- 3rd wave of the victims' movement - 1980s
- Institutionalization of victim support - counseling centers affiliated themselves to governmental institutions / funding from governments
- Call for justice - International and intergovernmental organizations encouraged Member States to introduce Victim Support Acts into their legislations
- First international document - the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Resolution n° 40/34, 1985)
- Recommends states to recognize victims' rights

What happens now?

- Several intergovernmental documents (Council of Europe, EU)
- Domestic law in developed countries lays down victim's rights
- Some developing countries, draft Acts
- Each criminal justice system adopted the changes according to its own particularities - degree of participation of the victim in the criminal justice system as well as the support offered by the State may vary in each country
- Compensation is not for every victim, not everywhere
- Most of the governments provide assistance to crime victims

Victim's rights

Concept of victim

- Victim - person whose physical, sexual or psychological integrity has been damaged by a criminal offense
- Victims of violent and/or sexual crimes - homicide, assault (including car accident), assault with minor injury, child assault, robbery, extortion, threat, kidnapping, sexual assault, rape, incentive to prostitution, human trafficking and sexual harassment
- Indirect victim - spouse, partner, children, parents as well as other persons related to the victim by analogous ties

Victim's rights

- The promotion and implementation of counseling support;
- The protection and strengthening of the role of the victim in the criminal justice system;
- Reparation by the state for the injury suffered by the victim, including the mental harm

Victim's rights - Police

- Inform the victim of the existence of counseling services
- Forward the victim's personal details to such services
- Intervention is performed by male and at least one female police officer
- Some offenses ex officio – partner violence

Victim's rights – Judges and Courts

Participation

- Control – the lawsuit depends on the will of the victim, right to appeal
- Consultation – victims' impact statements
- Information provision – role of witness (Public Prosecutor)
- Receiving information only - right to learn about the progress of the proceeding and the decisions
- Right to be accompanied to the hearings and trial by a person of her/his trust - family member, a friend or a counselor working for a victim support center

Victim's rights – Judges and Courts

Privacy protected

- Forbids the disclosure of the victim's identity
- Prohibits the disclosure of the trial proceeding in the interest of the victim
- Judges should avoid confrontation between the victim and the defendant
- Right to refuse to testify concerning private issues

Victim's rights - State

- Reparation from the State when she/he is unable to get compensation from third parties
- Financial losses as well as mental harm
- Right for counseling support

Victim Support Services

- Dependent on government funding or government-run services
- Private and run by volunteers or grass-roots groups
- Strong links with the police - direct referrals
- Self-referral method
- Links with office of the public prosecutor
- Services:
 - Counseling - crisis counseling or long-term support with the help of professional therapists
 - Help the victim to find medical care or shelter
 - Financial aid - depends on how much the government invests in these services
 - Legal advice - inform the victim of her/his rights, act as accompanying person during the criminal lawsuit, constitute a lawyer
 - Policies and programs such as awareness campaigns and crime prevention

Victim's rights – International courts

- Things get complicated
- The ICTY failed to provide for the participation of victims in proceedings and to include mechanisms for compensation
- Victims could not participate during lawsuits – number of victims, distance to court, lack of representatives...
- Bitterness – plea bargains, reduction of imprisonment terms
- No explanation to the public as to what was being pled
- Truth and Reconciliation Commissions
 - Public forum to express feeling and views
 - Public acknowledgment

Victim's rights – International courts

- ICC, Rules of Procedure, Victims' rights:
 - Complaint at the pre-trial (investigation), during the proceedings or at the appeal stage
 - Participate in all stages of the proceeding before the court
 - Send information to prosecutor
 - Be informed about the progress of the case, including Prosecutor's decision not to open an investigation or not to commence a prosecution
 - Apply for reparation, Trust Fund for Victims
 - Request financial aid - representative before the court

Victim's rights – International courts

- Victims' Participation and Reparation Unit
- Office of Public Council for Victims - assistance to victims, their legal representatives or act on behalf
- Victims are represented and do not participate themselves (passive participation)
- Complaints of not having being able to express their suffering
- Feeling of acknowledgment as a result of information received from the Victim's Unit and Media

In practice...

- Participation is important
- Assistance as well
- 30 years after such reforms...

What is the impact in practical terms that the criminal justice systems and victim support services have on the emotional well-being of crime victims?

Do victims benefit from the contact with the criminal justice system?