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## Commission on Crime Prevention and Criminal Justice

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### Use and application of United Nations standards and norms in crime prevention and criminal justice

## Results of the Meeting of the Intergovernmental Expert Group to Develop an Information-Gathering Instrument on United Nations Standards and Norms Related Primarily to Victim Issues

### Report of the Secretary-General

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction . . . . .	1-4	2
II. Review of the draft information-gathering instrument on United Nations standards and norms related primarily to victim issues . . . . .	5-6	2
III. Analysis of ways and means to promote the use and application of United Nations standards and norms related primarily to victim issues . . . . .	7	3
Annexes		
I. Questionnaire on United Nations Standards and Norms Related Primarily to Victim Issues . . . . .		5
II. List of participants . . . . .		28

\* E/CN.15/2007/1.



## **I. Introduction**

1. In its resolution 2003/30 of 22 July 2003, the Economic and Social Council decided to group United Nations standards and norms in crime prevention and criminal justice into the following four categories for the purpose of targeted collection of information, in order to better identify the specific needs of Member States and to provide an analytical framework with a view to improving technical cooperation: (a) standards and norms related primarily to persons in custody, non-custodial sanctions and juvenile and restorative justice; (b) standards and norms related primarily to legal, institutional and practical arrangements for international cooperation; (c) standards and norms related primarily to crime prevention and victim issues; and (d) standards and norms related primarily to good governance, the independence of the judiciary and the integrity of criminal justice personnel.

2. In its resolution 2006/20 of 27 July 2006, the Council requested the Secretary-General to convene, subject to the availability of extrabudgetary resources, an intergovernmental expert group meeting, based on equitable geographical representation and open to observers, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to design an information-gathering instrument in relation to United Nations standards and norms related primarily to victim issues and to study ways and means to promote their use and application, and to report on progress made in that connection to the Commission on Crime Prevention and Criminal Justice at its sixteenth session.

3. Pursuant to Economic and Social Council resolution 2006/20, the Meeting of the Intergovernmental Expert Group to Develop an Information-Gathering Instrument on United Nations Standards and Norms Related Primarily to Victim Issues was held in Vienna from 27 to 29 November 2006. The Meeting was made possible by extrabudgetary contributions from the Governments of Canada and Germany.

4. The Meeting was attended by 29 experts from 22 countries, experts from the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, an expert from the Council of Europe and four observers participating in their personal capacity. A list of participants is contained in annex II to the present report.

## **II. Review of the draft information-gathering instrument on United Nations standards and norms related primarily to victim issues**

5. The Intergovernmental Expert Group indicated that it was important to agree on terminology and definitions of the concepts. The Meeting reviewed the draft information-gathering instrument on United Nations standards and norms related primarily to victim issues and noted that the applicability of some of the questions to different judicial systems and State structures had to be taken into account. It reviewed each question in detail and amended the draft information-gathering instrument, which was endorsed by the Meeting for approval by the Commission on Crime Prevention and Criminal Justice at its sixteenth session.

6. The Meeting recognized the importance of information-gathering instruments in ensuring that appropriate technical assistance is provided to Member States, based on needs identified by means of surveys.

### **III. Analysis of ways and means to promote the use and application of United Nations standards and norms related primarily to victim issues**

7. The Intergovernmental Expert Group made a series of proposals on how to foster the use and application of United Nations standards and norms related primarily to victim issues for consideration by Member States. In particular, the Intergovernmental Expert Group discussed the following measures:

(a) The importance of gathering information on the use and application of the United Nations standards and norms related primarily to victim issues should be stressed and to that end Member States should be encouraged to respond to the questionnaire developed at the meeting of the Intergovernmental Expert Group;

(b) Governments should be encouraged to consider seeking assistance in responding to the questionnaire from the institutes of the United Nations Crime Prevention and Criminal Justice Programme network; from national, regional and international research institutes; from universities and non-governmental organizations; and from other experts in this field;

(c) The importance should be emphasized of the participation of Member States in the periodic victimization surveys prepared by the United Nations Office on Drugs and Crime (UNODC);

(d) Member States should be encouraged to use the opportunity of responding to the questionnaire to furnish UNODC with a copy of their legislation relevant to victims with a view to the creation of a database;

(e) Member States should be encouraged to consider participating in voluntary knowledge- and experience-sharing exercises such as mutual site visits and fact-finding missions by Government officials and experts in the area of victims;

(f) The Commission on Crime Prevention and Criminal Justice could consider the advantages of establishing at this time an expert panel to assist in sharing, supporting and encouraging the use and application of United Nations standards and norms related primarily to victim issues;

(g) Member States should be invited to seek ways of harmonizing approaches and concepts in criminal justice issues as they relate to victims' rights and interests;

(h) Member States should be invited to incorporate in their responses to the questionnaire available statistics on, for example, applications for victim assistance and requests for mutual legal assistance;

(i) In responding to the questionnaire, Member States should be encouraged to consult documents such as the draft convention on justice and support for victims

of crime and abuse of power prepared by the International Victimology Institute of the University of Tilburg in the Netherlands and the World Society of Victimology;

(j) Member States should be invited to conduct national assessments on the use and application of United Nations standards and norms related primarily to victim issues;

(k) Member States should be encouraged to ensure that existing United Nations standards and norms related primarily to victim issues are made available to their populations in their national languages and to that end to consider seeking the assistance of non-governmental organizations;

(l) Member States should be encouraged to consider strengthening international mutual legal assistance mechanisms with respect to victim protection and victim assistance;

(m) Member States should be encouraged to consider the establishment or designation of a national body or focal point responsible for the use and application of the United Nations standards and norms related primarily to victim issues;

(n) In view of recent developments in the area of victim services and assistance, including the adoption of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex, of 22 July 2005), UNODC may wish to consider updating the *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*<sup>1</sup> as well as the *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*.<sup>2</sup>

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<sup>1</sup> United Nations, Office for Drug Control and Crime Prevention, *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, 1999).

<sup>2</sup> United Nations, Office for Drug Control and Crime Prevention, *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, 1999).

## Annex I

### Questionnaire on United Nations Standards and Norms Related Primarily to Victim Issues

#### A. Introduction

1. In its resolution of 29 November 1985, the General Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Assembly resolution 40/34, annex, of 29 November 1985), in which it recommended measures to be taken at the national, regional and international levels to improve access by victims to justice and fair treatment and facilitate restitution, compensation and assistance to victims of crime, their families or dependants. In its resolution 1989/57 of 24 May 1989, the Economic and Social Council recommended that Member States take the necessary steps to give effect to the provisions contained in the Declaration. In its resolution 1998/21 of 28 July 1998, the Council requested the Secretary-General to seek the views of Member States on a plan of action for the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

2. In its resolution 2005/20 of 22 July 2005, the Economic and Social Council adopted the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime and stated that the latter provided a practical framework to achieve the following objectives: (a) to assist in the review of national and domestic laws, procedures and practices so that these ensure full respect for the rights of child victims and witnesses of crime and contribute to the implementation of the Convention on the Rights of the Child<sup>a</sup> by the parties to that Convention; (b) to assist Governments, international organizations, public agencies, non-governmental and community-based organizations and other interested parties in designing and implementing legislation, policy, programmes and practices that address key issues related to child victims and witnesses of crime; (c) to guide professionals and, where appropriate, volunteers working with child victims and witnesses of crime in their day-to-day practice in the adult and juvenile justice process at the national, regional and international levels, consistent with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; and (d) to assist and support those caring for children in dealing sensitively with child victims and witnesses of crime.

3. In its resolution 2006/20 of 27 July 2006, the Economic and Social Council requested the Secretary-General to convene an intergovernmental expert group meeting, based on equitable geographical representation and open to observers, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, to design an information-gathering instrument in relation to United Nations standards and norms related primarily to victim issues and to study ways and means to promote their use and application.

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<sup>a</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

4. The Questionnaire on United Nations Standards and Norms Related Primarily to Victim Issues developed at the Meeting of the Intergovernmental Expert Group is divided into the following 10 sections:

- I. Legislative measures
- II. Assistance and support to victims
- III. Information
- IV. Victims in the framework of the justice process
- V. Informal mechanisms for the resolution of disputes
- VI. Protection
- VII. Restitution and compensation
- VIII. Research and education/prevention campaigns
- IX. International standards and cooperation
- X. Technical assistance.

5. The attention of the respondent is drawn to the fact that some of the principles expressed in the existing United Nations standards and norms related to victims have been incorporated in the provisions of legally binding instruments such as the Rome Statute of the International Criminal Court,<sup>b</sup> the United Nations Convention against Transnational Organized Crime,<sup>c</sup> the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,<sup>d</sup> and the United Nations Convention against Corruption.<sup>e</sup> However, given that these instruments already provide for appropriate mechanisms to monitor their implementation, it was decided to focus the present questionnaire on the use and application of the following non-legally binding standards and norms: General Assembly resolution 40/34 of 29 November 1985, by which the Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, annexed to the resolution, and Economic and Social Council resolutions 1989/57 of 24 May 1989 on implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1998/21 of 28 July 1998 on United Nations standards and norms in crime prevention and criminal justice and 2005/20 of 22 July 2005, by which the Council adopted the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

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<sup>b</sup> Articles 68 and 75 of the Rome Statute of the International Criminal Court, United Nations, *Treaty Series*, vol. 2187, No. 38544).

<sup>c</sup> Article 25 of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I, of 15 November 2000).

<sup>d</sup> Articles 6 to 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II, of 15 November 2000).

<sup>e</sup> Article 32 of the United Nations Convention against Corruption (General Assembly resolution 58/4, annex, of 31 October 2003).

6. For ease of reference, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime are attached.

**B. Questionnaire**

Report of the Government of:

\_\_\_\_\_

Date of receipt of questionnaire:

\_\_\_\_\_

Name of authority:

\_\_\_\_\_

Full postal address:

\_\_\_\_\_

Name of person or service to be contacted:

\_\_\_\_\_

Title or position:

\_\_\_\_\_

Telephone number:

\_\_\_\_\_

Fax number:

\_\_\_\_\_

E-mail address:

\_\_\_\_\_

Website (if available):

\_\_\_\_\_

## Part I

### Legislative measures

1. What levels of government in your country have responsibility for legislative measures relating to victims?

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2. What is the nature of the legislative measures your country has enacted to protect and assist victims,<sup>f</sup> including measures to address the needs of special groups of victims (for example, children and victims of terrorism, trafficking, domestic violence, sexual abuse, abuse of power or drug-related crime or other groups of victims)?

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Please provide below examples of legislation dealing with victims of crime enacted in your country.

General description	Title and reference
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

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<sup>f</sup> “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. A person may be considered a victim 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. It also 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 (see paras. 1, 2 and 18, of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex, of 29 November 1985)).

**Date of adoption**

None

If none, please explain why no such legislative measures have been enacted in your country, then go to question 6.

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3. Do any of the above legislative measures address the special situation of the following types of victim? (Please note that the list of victims provided below is not exhaustive.)

- |   |                          |
|---|--------------------------|
| (a) Children                                      | <input type="checkbox"/> |
| (b) Women   | <input type="checkbox"/> |
| (c) Victims of organized crime                    | <input type="checkbox"/> |
| (d) Victims of terrorist acts                     | <input type="checkbox"/> |
| (e) Victims of human trafficking                  | <input type="checkbox"/> |
| (f) Victims of violence in intimate relationships | <input type="checkbox"/> |
| (g) Victims of sexual offences                    | <input type="checkbox"/> |
| (h) Victims of abuse of power                     | <input type="checkbox"/> |
| (i) Victims of corruption                         | <input type="checkbox"/> |
| (j) Victims of crimes against humanity            | <input type="checkbox"/> |
| (k) Victims of drug-related crimes                | <input type="checkbox"/> |
| (l) Other forms of victimization (please specify) | <input type="checkbox"/> |

4. What, if any, difficulties have been encountered in the implementation of those legislative measures?

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5. Do you have any best practices to report that could help other countries?  
(Please specify)

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## Part II

### Assistance and support to victims

6. (a) To what extent do victims of crime receive the types of assistance described in the table below?

6. (b) In cases where such assistance is not provided free of charge, is it made available to those who are unable to pay?

<i>Type of assistance</i>	<i>Frequency of receipt of assistance by victims of crime</i>					<i>Assistance available to those unable to pay (tick box)</i>
	Never	Rarely	Sometimes	Usually	Always	
Immediate crisis assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Material support (including financial support)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medical care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Psychological assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Educational assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Protection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Long-term assistance (rehabilitation, reintegration, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. (a) Do victims of crime in your country have access to state-funded legal assistance throughout the criminal justice process?

Yes  No

7. (b) Is that assistance also available to non-nationals?

Yes  (Please specify) No

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8. To what extent do the following types of victim receive specific assistance measures?

	<i>Never</i>	<i>Rarely</i>	<i>Sometimes</i>	<i>Usually</i>	<i>Always</i>
Children	<input type="checkbox"/>				
Women	<input type="checkbox"/>				
Victims of organized crime	<input type="checkbox"/>				
Victims of terrorist acts	<input type="checkbox"/>				
Victims of human trafficking	<input type="checkbox"/>				
Victims of violence in intimate relationships	<input type="checkbox"/>				
Victims of sexual offences	<input type="checkbox"/>				
Victims of abuse of power	<input type="checkbox"/>				
Victims of corruption	<input type="checkbox"/>				
Victims of crimes against humanity	<input type="checkbox"/>				
Victims of drug-related crimes	<input type="checkbox"/>				
Other forms of victimization (please specify)	<input type="checkbox"/>				

9. What assistance and information does your country give its nationals (for example, through its embassies and consulates) when they are victims of crime abroad?

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10. Are there specialized agencies providing victim assistance services in your country?

Yes

No

If the answer is "Yes", what role is the Government playing in this regard (for example, State-run agencies, funding of non-government specialized agencies)? (Please specify)

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11. Who are the main providers of these services? (Please tick appropriate box(es).)

Government institutions/agencies

Non-governmental organizations

Other (please specify)

12. What mechanisms, if any, are in place at the local or national levels to coordinate the provision of victim assistance services? (Please specify)

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13. Are measures in place in your country to facilitate the exchange of information and expertise between governmental and non-governmental agencies dealing with victims?

Yes

No

If the answer is "Yes", please specify.

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14. Has your country adopted national policies and/or standards for the delivery of victim assistance?

Yes

No

If the answer is "Yes", please specify and include the year in which the policies and/or standards were introduced.

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15. In your country, are rules and guidelines in place for the selection and training of staff providing victim support services?

Yes

No

If the answer is "Yes", please specify.

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### **Part III**

#### **Information**

##### **A. General information provided to the public**

16. In your country, have any education or information initiatives been undertaken to raise public awareness on the detrimental effects of crime and the needs of victims?

Yes

No

If the answer is "Yes", please provide some examples of successful initiatives.

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##### **B. Specific information provided to victims**

17. Does your country provide victims with the following data or information? (If this service is not available in your country, please tick "not applicable".)

	<i>Never</i>	<i>Rarely</i>	<i>Sometimes</i>	<i>Always</i>	<i>Not applicable</i>
Availability of health, psychological, social and other services, as well as means of accessing such services	<input type="checkbox"/>				
Availability of legal advice	<input type="checkbox"/>				
Cost of legal advice, where relevant	<input type="checkbox"/>				
Availability of legal aid	<input type="checkbox"/>				
Cost of legal aid, where relevant	<input type="checkbox"/>				
How and in which circumstances to obtain protection	<input type="checkbox"/>				
Possibility of obtaining restitution from the offender	<input type="checkbox"/>				
Possibility of obtaining compensation from the State, where applicable	<input type="checkbox"/>				
Possibility of obtaining emergency financial support, where applicable	<input type="checkbox"/>				
Existing opportunities to obtain restitution from the offender and compensation from the State through civil proceedings or other processes	<input type="checkbox"/>				
Custodial status of the offender	<input type="checkbox"/>				
Existing support mechanisms for the victim when making a complaint and participating in the investigation and court proceedings	<input type="checkbox"/>				
Other, please specify	<input type="checkbox"/>				

18. Please indicate whether victims/witnesses are provided with the types of information listed below.

	<i>Victims in general</i>		<i>Child victims*</i>		<i>Child witnesses*</i>	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
The justice process and the victim's role (status) within it	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Availability of protective measures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The timing and manner of testimony	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The timing and manner of remedies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The way the questioning will be conducted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Victims in general</i>		<i>Child victims*</i>		<i>Child witnesses*</i>	
	Yes	No	Yes	No	Yes	No
The specific locations and times of hearings and other relevant events	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing mechanisms for review of decisions affecting victims	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Progress of proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disposition of the specific case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Apprehension and arrest of the suspect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Custodial status of the accused and any pending changes to that status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prosecutorial decision and post-trial developments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Outcome of the case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other information (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*This may include, as appropriate, their parents, guardians or legal representatives.

19. Are measures in place to ensure that victims in your country receive the information they need in a language and a manner they understand?

Yes

No

If the answer is "Yes", please specify.

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20. Has your country taken measures to ensure that information to victims is transmitted in a timely manner?

Yes

No

If the answer is "Yes", please specify.

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## Part IV

### Victims in the framework of the justice process<sup>g</sup>

21. In your country, do the following categories of criminal justice and other officials generally receive specific training on how to deal with victims in general and/or child victims and witnesses<sup>h</sup> (including interviewing, questioning and cross-examination) so as to avoid secondary victimization?<sup>i</sup>

	<i>Victims in general</i>		<i>Child victims and witnesses</i>	
	Yes	No	Yes	No
Police	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lawyers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Corrections officials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Immigration officials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social workers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medical staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

22. In your country, are support mechanisms widely available to victims in general and/or child victims and witnesses at the stages of the justice process listed below?

	<i>Victims in general</i>		<i>Child victims and witnesses</i>	
	Yes	No	Yes	No
Making of a complaint (reporting a crime)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Investigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Post-trial procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Correctional proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>g</sup> “Justice process” encompasses detection of the crime, making of the complaint, investigation, prosecution and trial and post-trial procedures, regardless of whether the case is handled in a national, international or regional criminal justice system for adults or juveniles, or in a customary or informal system of justice (see para. 9 (c) of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex, of 22 July 2005)).

<sup>h</sup> “Child victims and witnesses” denotes children and adolescents, under the age of 18, who are victims of crime or witnesses to crime regardless of their role in the offence or in the prosecution of the alleged offender or group of offenders (see para. 9 (a) of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime).

<sup>i</sup> “Secondary victimization” refers to the victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim (see United Nations, Office for Drug Control and Crime Prevention, *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, 1999), p. 9).

	<i>Victims in general</i>		<i>Child victims and witnesses</i>	
	Yes	No	Yes	No
Other proceedings (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23. Does your country have in place specific measures to facilitate the testimony of child victims and witnesses (for example, support person, videotape testimony, video-link testimony, use of screens, etc.)?

Yes  No

If the answer is "Yes", please specify.

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24. Does your country have in place measures to facilitate the testimony of other vulnerable<sup>j</sup> victims (for example, support person, videotape testimony, video-link testimony, use of screens, etc.)?

Yes  No

If the answer is "Yes", please specify.

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25. Does your country allow the views and concerns of victims to be presented and considered at appropriate stages of the justice process where their personal interests are affected?

Yes  No

If the answer is "Yes", please provide details.

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<sup>j</sup> For example, victims of organized crime, victims of human trafficking, victims of terrorism, victims of violence in intimate relationships, victims of violence against women and victims of sexual violence.

26. Does your country allow victims to provide information through a victim impact statement?<sup>k</sup>

Yes

No

If the answer is “Yes”, please provide details.

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## Part V

### Informal mechanisms for the resolution of disputes

27. Does your country allow, when appropriate, the use of informal mechanisms for the resolution of disputes, such as mediation, arbitration, customary justice and indigenous practices, in order to facilitate conciliation and redress for victims?

Yes

No

If the answer is “No”, please go to question 30. If the answer is “Yes”, please provide details.

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28. Is the recourse to informal mechanisms for the resolution of disputes regulated by appropriate guidelines or standards, such as the basic principles on the use of restorative justice programmes in criminal matters?<sup>l</sup>

Yes

No

If the answer is “Yes”, please specify.

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<sup>k</sup> A “victim impact statement” is usually a form which the victim fills out (often with the assistance of the prosecutor or another authority) in which he or she indicates what impact the offence has had, what property was lost or damaged, what other financial losses resulted and how the event has disrupted his or her life. In other jurisdictions, victims are given the right to deliver in person a statement on the impact that the offence has had on them. It thus provides the victim with an opportunity to inform the court of how the offence has affected him or her physically, mentally or otherwise. See *Handbook on Justice for Victims...*, p.39.

<sup>l</sup> Economic and Social Council resolution 2002/12, annex, of 24 July 2002.

29. Is support provided to victims who participate in the above informal mechanisms?

Yes

No

If the answer is "Yes", please specify the type of support provided and by whom.

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## Part VI

### Protection

30. Does your country have in place measures to protect victims and witnesses against retaliation and intimidation and ensure their safety, as well as that of their families on their behalf (for example, avoiding direct contact between victims and the alleged perpetrators, using restraining orders where appropriate, pre-trial detention of the accused, etc.)?

Yes

No

If the answer is "Yes", please specify.

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31. Does your country have in place additional measures to protect particularly vulnerable victims/witnesses (for example, children, victims of organized crime, victims of human trafficking, victims of terrorism, victims of drug-related crime, victims of violence in intimate relationships, victims of violence against women, victims of sexual violence)?

Yes

No

If possible, please specify the nature of such measures.

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32. Does your country have in place measures to protect the privacy of victims (for example, publication bans, in camera trials)?

Yes

No

If the answer is “Yes”, please specify.

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33. Does your country have in place specific measures to protect the privacy of child victims and witnesses (for example, publication bans, in camera trials)?

Yes  No

If the answer is “Yes”, please specify.

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34. Are victims (and in the case of child victims, their parents or guardians and legal representatives) given the opportunity to indicate whether they wish their contact information to be passed on to providers of services to victims?

Yes  No

If the answer is “Yes”, please indicate whether the system in place is of an “opting-in” or “opting-out” (automatic referrals) nature. (Please tick appropriate box.)

Opting in  Opting out

35. Have guidelines been adopted in your country for/by the media in order to protect the interests of victims and to curtail victimization?

Yes  No

If the answer is “Yes”, please describe.

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36. Have specific guidelines been adopted in your country for/by the media in order to protect the interests of child victims and witnesses and to curtail victimization?

Yes  No

If the answer is “Yes”, please describe.

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## Part VII

### Restitution<sup>m</sup> and compensation<sup>n</sup>

37. Does the law of your country allow the victim (and where appropriate, the family and/or dependants of the victim) to obtain restitution from the offender in the context of criminal proceedings? (Please tick the appropriate box(es).)

Victim

Family of the victim

Dependants of the victim

38. Where it is available, can restitution include the following? (Please tick the appropriate box(es).)

Return of property

Reimbursement of expenses incurred

Provision of services

Restoration of rights

Payment for harm or loss suffered

Other (please specify)

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(If the answer is “Yes”, please specify the categories of harm and losses taken into account.)

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39. (a) Does the law of your country allow the victim to present a restitution claim during criminal proceedings?

Yes

No

<sup>m</sup> “Restitution” means that 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 (see para. 8 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power).

<sup>n</sup> “Compensation” means financial compensation provided by the State when compensation is not fully available from the offender or other sources (see para. 12 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power).

39. (b) Does the law of your country recognize restitution orders as an available sentencing option?

Yes  No

40. If the answer to any of questions 37, 38 and 39 (a) and (b) is “Yes”, does your country have in place appropriate mechanisms to execute restitution orders?

Yes  No

If the answer is “Yes”, please describe.

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41. In your country, is there in place a State compensation scheme for victims (and, where appropriate, the family and/or dependants of the victim)? (Please tick appropriate box(es).)

Victims

Family of the victim

Dependants of the victim

If the answer in all three cases is “No”, please go to question 45.

If the answer is “Yes”, please provide details regarding eligibility (for example, who is entitled to State compensation and for which types of crime).

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42. Is State compensation available to nationals of another country who are victimized in your country?

Yes  No

If the answer is “Yes”, is this subject to reciprocity? Please explain.

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43. What kinds of damage qualify for compensation by the State? (Please tick appropriate box(es).)

Treatment and rehabilitation for physical injuries

Treatment and rehabilitation for psychological injuries

Loss of income

Funeral expenses

Loss of maintenance for dependents

Pain and suffering

Material damages

Other (please specify)

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44. How is the State compensation scheme funded? (Please tick appropriate box(es).)

Government funding

Confiscation of offender's assets

Fines

Special tax

Surcharge

Seized proceeds of crime

Other source (please specify)

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45. Does your country offer other types of measure to mitigate the negative effects of crime on victims (for example, memorials, formal apologies)?

Yes

No

If the answer is "Yes", please describe.

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## Part VIII

### Research and education/prevention campaigns

46. Please indicate below if any victimization surveys<sup>o</sup> have been conducted in your country in the last 10 years. (Please tick appropriate box(es).)

Ad hoc victimization survey(s)

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<sup>o</sup> "Victimization surveys" are large-scale studies that ask randomly sampled members of the population about their experiences with crime.

- Periodic victimization survey(s)
- Continuous victimization survey
- Multipurpose surveys with the inclusion of a module on victimization
- Violence against women survey(s)
- Other (please specify)
- None

47. Please indicate below if there are plans to conduct new victimization surveys in the near future. (Please tick appropriate box(es).)

- Ad hoc victimization survey(s)
- Periodic victimization survey(s)
- Continuous victimization survey
- Multipurpose surveys with the inclusion of a module on victimization
- Violence against women survey(s)
- Other (please specify)
- None

48. Does your country support research on victim issues?

- Yes  No

If the answer is "Yes", please specify the type of support provided.

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49. Does your country have in place measures to prevent repeat/recurring victimization?<sup>p</sup>

- Yes  No

If the answer is "Yes", please specify.

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50. Does your country have in place measures to prevent the victimization of types of victim known to be at high risk (for example, education or prevention campaigns)?

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<sup>p</sup> "Repeat/recurring victimization" occurs when the same person suffers from more than one criminal incident over time.

Yes No 

If the answer is “Yes”, please specify.

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## Part IX

### International standards and cooperation

51. Is the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power available to the general public in the official language(s) of your country?

Yes No 

If the answer is “Yes”, please specify.

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52. Are the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime available to the general public in the official language(s) of your country?

Yes No 

If the answer is “Yes”, please specify.

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53. Have the professionals<sup>a</sup> who come into contact with victims been made aware of the provisions of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power?

Yes No 

If the answer is “Yes”, please explain how this was done.

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<sup>a</sup> “Professionals” is used in the broader sense to include volunteers (see Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, para. 9 (b)).

54. Have the professionals who come into contact with child victims and witnesses been made aware of the provisions of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime?

Yes  No

If the answer is "Yes", please explain how this was done.

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55. What measures has your country put in place to cooperate with other countries in providing assistance and protection to victims of crime?

Yes  No

If the answer is "Yes", please specify.

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## Part X

### Technical assistance

56. Have you encountered any difficulties in the use and application of United Nations standards and norms related to victims in your country?

Yes  No

If the answer is "Yes", please provide details.

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57. Are you aware of opportunities for technical assistance in this area that might be available through United Nations agencies?

Yes  No

58. Does your country need technical assistance in the use and application of United Nations standards and norms related primarily to victim issues?

Yes  No

If the answer is "Yes", please specify.

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59. Is your country in a position to provide technical assistance (for example, sharing of good practices) in the use and application of United Nations standards and norms related primarily to victim issues?

Yes

No

If the answer is “Yes”, please specify.

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## Annex II

### List of participants

#### States Members of the United Nations

Algeria	Lotfi Boufedji
Argentina	Juan Félix Marteau
Bolivia	Renato Pardo Angles
Canada	Jocelyn Sigouin Jean-Francois Noël
Germany	Axel Dessecker
Hungary	Krisztina Lénárd
Iran (Islamic Republic of)	Ali Hajigholam Saryazdi
Japan	Hideyuki Hirosawa Yasushi Toyoda
Lebanon	Ali Lakis Mohamed Nassouh El-Asaad
Morocco	Abdesalam Al Imani
Nicaragua	Javier López Lowery Ivan Lara Palacios
Peru	Pablo Wilfredo Sánchez Velarde
Poland	Katarzyna Wencel
Spain	Ignacio Baylina Ruíz
South Africa	T. Mary Magoro
Syrian Arab Republic	Awad Al-Hamoui Bashar Safiey
Tunisia	Riadh Essid
United Arab Emirates	Obeid Bin Trais Al Qazmi Saeed Al Zabahi Tareq Jassem Al Rasheed Rashec Saeed Al Shamsi Ayad Al Yasiri
United States of America	Cindy J. Smith
Venezuela (Bolivarian Republic of)	Lesbia Morales

**Institutes of the United Nations Crime Prevention and Criminal Justice Programme network**

United Nations Interregional Crime and Justice Research Institute

Latin American Institute for the Prevention of Crime and the Treatment of Offenders

European Institute for Crime Prevention and Control, affiliated with the United Nations

African Institute for the Prevention of Crime and the Treatment of Offenders

International Centre for Criminal Law Reform and Criminal Justice Policy

Australian Institute of Criminology

**Intergovernmental organizations represented by observers**

Council of Europe

**Observers participating in their personal capacity**

Marc Groenhuijsen

Cyril Laucci

Beaty Naudé

Vesna Nikolic-Ristanovic