
THE VICTIMOLOGIST

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Editor's Welcome

Michael O'Connell

Dr Shanker Kumar Shrestha opens this edition of The Victimologist with an interesting report on victims' rights in Nepal, which is followed by the contact information for the Nepalese Society of Victimology. Despite the recent turmoil in Nepal, victimology has progressed vibrantly. Adrienne Irvin next reports on an innovation programme in Queensland that is an element of a completely revised victim assistance and care package as well as a declaration of principles governing treatment of crime victims. Alas, John Dussich writes a commemorative tribute on the death of Esther Chavez Cano; then a celebratory tribute on the Benjamin Mendelsohn award, plus a report on the WSV's recent symposium; and, an invitation to check-out a new anti-violence campaign and human rights video. In closing, there are notes on publications and conferences.

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Rights to Crime victims - Nepalese Perspectives

Shanker Kumar Shrestha, Ph.D.

It is a new fundamental issue for the political and legal scientist. Crime-victims were never central in thoughts about constitutional reform. We have always forgotten them in the main stream of the system of the constitutional provisions. We are functioning or have made others to function in the name of human rights and rights-based criminal justice. In fact, this is how criminal justice systems have tended to operate all over the world. But we have never tried to define the human rights of crime-victims, so their cries and pain have never been heard and vindicated.

Despite reform to our criminal justice system, there has been no space crime-victims. Instead, they are too often left helpless.

The State has dreamt of crimeless society. If that notion is to materialized, the State must help and support victims. Victims who are confident in the system are more likely to lodge a report on crime and co-operate with State authorities. Gradually, there is recognition that victims are made a means of making the society crimeless.

Investigating and prosecuting criminal offending should be to help the victims, however, the State desire to keep the peace and the public interest in prosecuting offenders has overshadowed victims' needs.

So-called democratic constitutions across our world guarantee fundamental rights but rarely are those rights, victims' rights. Most of modern constitutions have been

influenced by the Universal Declaration of Human Rights of 1948, which was promulgated in the name of 'right to justice'. The 'right to criminal justice' is highly formalized and applied with respect to the plight of accused people and convicted offenders. The declaration and other instruments see to avoid the State and its institutions becoming victimisers. For example, physical or mental tortured is prohibited, so, torture victimization process is supposed to be minimized. Notwithstanding this, mostly in the third world, torture victimization has become common-place.

We in Nepal have never tried to guarantee any fundamental rights in the constitution for crime-victims. These rights are human rights, yet their identity has never been dignified in legally or constitutionally.

A small space has been allocated to victims' rights in a very few constitution, but this has been largely a 'charitable' acknowledgment of those who suffer bodily injured or death due to criminal acts, particularly at the hands of the State. Victims are not charity seekers. Some might fail to stand for their rights; others fight the State for recognition. and their fundamental rights. No State should ever deny victims their rights. They deserve to have their rights guaranteed constitutionally and within the criminal justice system.

Nepal has faced a transitional period with a political change. In the aftermath, Nepalese people have made a new constitution. Those who are empathetic to victims' needs and their rights saw an opportunity to act. With a greater hope, they stepped forward to convince the Constituent Assembly Members with the genuine issues of crime-victims. These members were initially confronted by a new and pioneering jurisprudence, so it was difficult to convince them. The victim-advocates had numbers but worked with others including constitutional experts. They drew on facts that in Nepal, victimology, victims' rights and victim justice system are officially and academically accepted in most of the syllabus of Public Service Commission, Law

Universities and various training centres like Judicial Training centre, National Judicial Academy and Nepal Police Academy. Furthermore, the Supreme Court of Nepal has made several decisions with reference to doctrine of victimology and issues pertaining to crime-victims. The overwhelming evidence, inspired advocates and, importantly, convinced the Constituent Assembly Members that the rights of crime-victims should be incorporated in a new constitution. The Fundamental Rights Committee of Constituent Assembly has unanimously passed fundamental rights for crime victims and recommended these to the Constituent Assembly.

In particular, the Fundamental Rights Committee of Constituent Assembly has passed with two Sub-Articles: the victim shall have the right to be informed of the investigation and prosecution of the case and the victim shall have right to re-socialization and be compensated. These rights do not address all needs for all victims. For example, they have not been guaranteed with the right to medical treatment, right to be a party to discussion on the case being withdrawn, right to free legal aid, right to access to justice and so on. It is a weakness that suggests the Assembly was not convinced properly. It is however an significant development. Those involved in advocacy for victims' rights will continue struggling until the constitution is finalized. They hope international pressure might play a vital role to make this issue more prominent. The challenge and the lessons are not unique to the Nepalese people. In Nepal the time was right for action, and so the people struck a concrete step for crime-victim.

All the crime-victims deserve to be dignified with their human rights. May all the crime-victims be heard in a 'victim justice system' in the coming days - not just in Nepal.

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NEPALESE SOCIETY OF VICTIMOLOGY

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QUEENSLAND HEALTH - VICTIM SUPPORT SERVICE

Adrienne Irvine
Manager, QHVSS

In 2006 the Queensland Government (Australia) committed to undertaking a review of the forensic mental health system following front page media coverage alleging the sighting of a high profile mental health patient. This event raised significant issues about public safety and identified a greater need to consider the views of victims when community treatment is to be approved for mentally ill offenders. The outcome resulted in a review of Queensland's Mental Health Act 2000 completed by Brendan Butler AM SC. In his report Butler called for a number of reforms to the forensic mental health system including the establishment of the Queensland Health Victim Support Service (QHVSS) to provide timely information and support to victims of serious offences committed by people with a mental illness. To inform victims, legislation was introduced to the Queensland Parliament in February 2008 creating the Victim Register through which information can be passed on to victims relevant to their safety and wellbeing through the QHVSS.

The QHVSS is a new and innovative service for victims of offences committed by people who are identified as having a mental illness and are diverted to the forensic mental health system from the criminal justice system. Butler 's report, *Promoting balance in the forensic mental health system – Final report – December 2006*, recommended the establishment of a state wide service with locations in Brisbane and North Queensland to provide a pro-active and coordinated approach to meeting victim support and information needs. In order to balance the rights of victims with those of mental health patients, the QHVSS has been established as a separate entity from mental health services and operates under the Division of the Chief Health Officer.

Legislative amendments were passed in the Queensland Parliament on 28 February, 2008, allowing victims to receive information relating to their safety and well being through the establishment of a Victim Register managed by the Director of Mental Health. Victims may apply for information through Classified Patient Information Orders and Forensic Patient Information Orders. Information from the Register is provided to victims through the QHVSS. Further information regarding these orders can be found at www.health.qld.gov.au/mha2000.

The QHVSS is a free confidential service provided by experienced professional staff with knowledge and understanding of the complexities of the forensic mental health system. The QHVSS provides assistance to the direct victims of an offence, the parents or guardians of a young victim or a victim with impaired capacity, family members of a victim, and others who have been harmed by the offence. Professionals and other interested people seeking advice and information relating to victim issues within the forensic mental health system may also receive assistance. Referrals can be made by the victim or anyone on their behalf. A resource guide '*Seeking Answers, Being Heard*' has been developed to assist victims navigate their way through the complexity of the forensic mental health system and is available on the QHVSS website.

Apart from its statutory obligations relating to the provision of information, the QHVSS provides a range of services including counselling, advocacy on the part of the victim, resource development, education and victim awareness training. It also aims to develop a central resource and research capacity to meet the significant gap in research and literature in this field.

For further information on the role and activities undertaken by the QHVSS contact the manager, Adrienne Irvine: email Victim_Support@health.qld.gov.au See also: www.health.qld.gov.au/qhvss

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To the friends of Esther Chavez Cano

*Prof. Dr. John Dussich
Chair, UN Liaison Committee, WSV*

A great victim advocate has passed away. A woman who dedicated the latter part of her last 25 years of her life to combating femicide in Juarez, Mexico. I had the honor of knowing Esther and calling her my sister and friend and working with her to help the victims of femicide. She was also known by many, as the "Angel of Juarez". Her work is the stuff of legends, her legacy is Casa Amiga which she created to help her beloved Juarez cope with the blight of femicide. She touched thousands of people, victims, family members, victim advocates, and victimologists from around the world. She fought tirelessly for the rights of women, to prevent victimization against women and to help the families of those women who were injured or killed. She will be remembered by all who knew her as one of those very special persons whose love and energy knew no limits, whose days were filled with dedication to the cause of women's rights and whose efforts produced a vast international army of persons who responded to her pleas for help with volunteering and funding. She will be remembered for a very long time to come. May she rest in peace.



Benjamin Mendelsohn Young Scholar Award

Dr. Rianne Letschert has been honored with the Benjamin Mendelsohn Young Scholar Award, which is given to persons under 35 who have contributed to the body of research in Victimology.



WSV President, Prof John Dussich & Dr Rianne Letschert

The impressive contributions by Rianne Letschert to the field is suitably denoted by this very deserved distinction.

World Society of Victimology's 13th Annual Symposium on Victimology

Suzan van der Aa
INTERVICT

On the 22nd of August a delegation from Intervict travelled over 15 hours to Japan to attend the 13th International Symposium on Victimology only to find that Mito is not very dissimilar to Tilburg: it is a modern city with lots of traffic and somewhat plain buildings.

On the first day Rianne Letschert gave an overwhelming plenary entitled 'Protecting and empowering victims by applying the Human Security concept: A new challenge for victimology?' Her paper was warmly received by the audience. Antony Pemberton had to perform on the next day and, his presentation 'The controversial

nature of victim participation: Therapeutic benefits in Victim Impact Statements' went smoothly as did his second presentation on Wednesday ('Just-world victimology: Revisiting Lerner in the study of victims'). Marc Groenhuijsen was applauded for his presentation on the UN draft Convention ('The draft Convention for victims of crime and abuse of power in the light of the use and application of United Nations standards and norm'). Frans-Willem Winkel shed some light on risk assessment instruments ('Victimologically-informed Domestic Assault Danger Assessment: Maladaptive emotional processing of current or prior incidents'). Suzan van der Aa's presentation on the implementation of the EU Framework Decision on the standing of victims in criminal proceedings was also a success.

Overall, the conference was a great success: the plenary sessions were very interesting, the volunteers extremely dedicated, the Japanese people heart-warmingly kind and everything was perfectly organised. The appointment of Marc as the new President of the WSV and the election of Rianne as the first academic to win the prestigious Benjamin Mendelsohn Young Scholar Award really was the icing on the cake. It will be a true challenge to surpass this achievement when Victim Support Europe, Linc and Intervict have to organise the next conference in The Hague in 2012.

International Victimology Website

INTERVICT

As of 1 November, the International Victimology Website will go offline due to funding issues. This closes the door on a project that originated in 1998 with the Netherlands Ministry of Justice and in 2006 was entrusted to INTERVICT

Readers can access Information such as Key Instruments and recent publications by INTERVICT scholars on INTERVICT's Website. We'd like to point readers towards

Victim Assistance Online, which offers a plethora of information on victim support, victimology research and links to hundreds of organizations around the globe.

INTERVICT would like to thank the United Nations Centre for International Crime Prevention, and the World Society of Victimology for their role in helping launch the site, the Research and Documentation Centre (WODC) of the Netherlands Ministry of Justice for their hard work developing the site and most importantly Fonds Slachtofferhulp (Netherlands Victim Support Foundation) for their generous financial support over the years.

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Don't Cross the Line

Don't Cross the Line - A campaign by the Government of South Australia to prevent violence in relationships but also foster more respectful relationships. See: www.dontcrosstheline.com.au

NEW JOURNAL

***Journal of Social Criminology* Vol. 1 No. 1 2009**

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The inaugural edition of the Journal of Social Criminology (JSC), a peer reviewed international criminology journal, has been published. The international dimension of the JSC journal is reflected in the Journal's Review Board, which incorporates academics from the United States, the United Kingdom, Colombia, Norway and both Northern Ireland and the Republic of

Ireland. The JSC Review Board also has a positive gender balance, and our contributors to this edition continue both of these trends. The key theme linking all of the contributions to this first edition of JSC is one of *care* - professional care for prisoners, ex-prisoners, prison officers, social care workers and for migrant care workers. Free access to the JSC is available, see: <http://socialcriminology.webs.com/JSC%201%2009.pdf> or www.socialcriminology.webs.com

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HUMAN RIGHTS VIDEO ON-LINE – AMNESTY INTERNATIONAL USA

Dear Michael,

"It all begins with a story..." That's how actor, Morgan Freeman described the powerful effect of a leader who puts everything on the line to stand up for human rights. He joined us in spotlighting December as Human Rights Month on YouTube.

Today, we're premiering our video homage to you – the supporters who help spread human rights stories far and wide. You use your words to make real change happen and in our new video, you can see the incredible effect that your actions have.

Watch our new video "The Power of Words" and tell a friend (or five) about it (see <http://www.kintera.org/TR.asp?a=ljJXL9PRlgIUKIJ&s=clKVKgMSKeKXJ9MULxL2G>). We're aiming to get the whole YouTube community talking about justice, fairness and human rights. But we need your help to kick off the conversation.

Please join us in celebrating the words that make our fight to protect human rights stronger.

Best wishes,

All of us at Amnesty International USA

PUBLICATIONS

~ Australia ~

'An Aboriginal family and community healing program in metropolitan Adelaide: description and evaluation', I. Kowanko, T. Stewart, C. Power, R. Fraser, I. Love and T. Bromley, *Australian Indigenous Health Bulletin*, 2009. This article presents the results of an evaluation of the processes and outcomes at an Aboriginal Family and Community Healing (AFCH) program. See: <http://healthbulletin.org.au/articles/aboriginal-family-and-community-healing-program-in-metropolitan-adelaide-description-and-evaluation/>

Family Violence, Help-Seeking & the Close-Knit Aboriginal Community: Lessons for Mainstream Service Provision, B Lumby & T Farrelly, Australian Domestic and Family Violence Clearinghouse, 2009. A report on the results of a small qualitative research project in New South Wales. See: http://www.adfvc.unsw.edu.au/PDF%20files/Issues%20Paper_19.pdf

We don't shoot our wounded, Victims of Crime Coordinator, ACT Government, 2009. A report on domestic violence amongst Aboriginal people in the Australian Capital Territory, Australia. It also covers the services available to assist them. See: <http://www.victimsupport.act.gov.au/res/File/We%20don%27t%20shoot%20our%20wounded.pdf>

Taskforce on the Prevention of Male Sexual Violence Against Women, *Australian Institute of Family Studies*. "Sophie Gale, Council Health Planner, speaks with Australia Centre for Studies on Sexual Assault's Haley Clark about the City of Yarra's Sexual Violence Taskforce Report and Action Plan. See: <http://www.aifs.gov.au/acssa/pubs/newsletter/n22pdf/n22f.pdf>

Homelessness and sexual assault, *Australian Centre for the Study of Sexual Assault*. "Existing research has found that sexual assault is also of significance to the

homelessness problem, particularly for the most disadvantaged, for whom the situation of homelessness has become entrenched.”

See:

<http://www.aifs.gov.au/acssa/pubs/wrap/w7.html>

Consumer fraud in Australia: costs, rates and awareness of risks in 2008

Russell Smith and Carolyn Budd, *Trends & issues in crime and criminal justice* no. 382, Canberra: Australian Institute of Criminology, October 2009

<http://www.aic.gov.au/en/publications/current%20series/tandi/381-400/tandi382.aspx>

The survey collected data on a wide variety of scams, including lotteries, phishing, financial advice and other attempts to gather personal information, enabling consumer protection and regulatory agencies to tailor fraud prevention activities for maximum impact.

Domestic-related homicide: keynote papers from the 2008 international conference on homicide

Research and public policy series no. 104, Canberra: Australian Institute of Criminology, November 2009

<http://www.aic.gov.au/publications/current%20series/rpp/100-120/rpp104.aspx>

The AIC International Homicide Conference had the major theme of domestic-related homicides to capture homicides that involve partners, former partners and family members, including children. The conference provided a unique opportunity to identify key concerns among policy and practice stakeholders, and to undertake a stocktake of what is known about domestic-related homicide, based on research undertaken here and overseas. This volume contains six of the papers presented and a comprehensive overview of the subject. Other presentations, with audio, from the conference are available at:

<http://www.aic.gov.au/events/aic%20upcoming%20events/2008/homicide.aspx>

For more information on White Ribbon Day, see: <http://www.whiteribbonday.org.au/>

~ **United States of America** ~

Sexual Violence Against Women: Impact on High-Risk Health Behaviors and Reproductive Health, *National Online Resource Center on Violence Against Women*.

This paper presents a brief overview of research findings concerning the impact of sexual violence on females' high-risk health behaviours and reproductive health, focusing on studies of sexual assault or rape experienced primarily during adulthood. See:

http://new.vawnet.org/category/Main_Doc.php?docid=2034

CONFERENCES

~ **Australia** ~

8th ISPCAN Asia-Pacific Regional Conference on Child Abuse and Neglect,

15-18 November, Perth, Australia - *National Association for the Prevention of Child Abuse and Neglect Australia (NAPCAN)*.

“The Conference theme is 'Child Abuse and Neglect: Looking Through the Lens of business and governments in preventing child abuse and advancing the wellbeing of Prevention' in recognition of the need to focus attention on the creation of holistic approaches that engage children and families, communities, professionals, children, young people and their families.” For more information, see:

<http://www.apccan2009.org.au/index.html>

2009 ANZSOC Conference - 22-25

November, Perth, Australia, *Australian and New Zealand Society of Criminology Inc.*

“The conference title – Crime and justice challenges in the 21st century: Victims, offenders and communities – encapsulates several enduring issues facing criminal justice researchers and practitioners in the early 21st Century.” See:

<http://www.anzsoc2009.org/>



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