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# THE VICTIMOLOGIST

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*Newsletter of the World Society of Victimology*



## **Editor's Comment**

Welcome to the second edition of *The Victimologist* in 2012. It is pleasing, as Managing Editor, to be able to publish this edition that focuses on the World Society of Victimology's activities at the United Nations in New York, USA and in Geneva, Austria. As Secretary-General, I am now the registered designated officer for the WSV in New York. John Dussich, as Chair of the UN Liaison Committee will continue to lead the WSV's activities with the UN as well as the delegation to the UN in Geneva. The activities are consistent with the priorities approved by the Executive Committee in May 2012.

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## **Request to be heard at the 2012 ECOSOC High-Level Segment**

*Michael O'Connell*  
*Secretary-General*

On behalf of the World Society of Victimology in April 2012, the then Vice President, Michael O'Connell, requested by questionnaire to be heard at the 2012 Economic and Social Council's High-level Segment.

At its 19<sup>th</sup> meeting, on 21 May 2012, the Committee on Non-Governmental Organisations had before it requests from non-governmental organisations (including the World Society of Victimology) in consultative status with the Economic and Social Council to be heard by the Council at its substantive session on 2012. The Committee decided to recommend that 66 non-governmental organisations be heard at the Council's High-level Segment. The World Society of Victimology was among those non-governmental organisations.

In preparation for making an oral statement at the High-level Segment, Michael O'Connell, lodged a draft statement with the UN-NGO office (see below). On his attendance at the High-level Segment that ran 2 – 9 July 2012, Mr O'Connell also registered as the designated officer for the United Nations New York. Despite Mr O'Connell being presented at both general debates, the President did not select him to make an oral statement; indeed, the President only selected 13 of the 66 non-governmental organisations to make their oral statements. Mr O'Connell persisted and for that purpose asked the ECOSOC Secretary if he could make a statement during the interactive sessions on corruption and sustainable development on 9 July. The Secretary reported that request to the session Moderator who, during the first session, invited

Mr O'Connell to make a statement on behalf of the World Society of Victimology.

Mr O'Connell, as Secretary-General (former Vice-President) said,

Mr Moderator, distinguished panellists and delegates, and others – Thank you for the opportunity to make this statement on behalf of the World Society of Victimology.

As we have heard this morning, corruption harms individuals and destabilises communities. Regrettably for far too many people – young, old, poor, disenfranchised and others – their personal and collective circumstances leaves them vulnerable to victimisation.

Corruption, which is serious crime, discourages legitimate livelihoods; fosters mistrust among ordinary citizens, businesses and governments; and, impedes economic growth, amongst other negative effects.

The World Society of Victimology urges all governments to improve their efforts to address corruption's adverse impact on development including, for example, in monitoring economic aid to prevent corruption.

Preventing corruption is necessary to advance justice, equity and the possibility of achieving sustainable development.

One cannot speak of corruption without acknowledging its victims, their needs and their rights. Particularly in the context of sustainable development, the World Society of Victimology calls on all states to adopt and implement appropriate law, procedures and programmes to give voice to victims of corruption in particular and victims of crime in general, as well as to protect and to assist them. Unfortunately, in economically turbulent times victims' rights and needs have the potential to be over-looked.

Mr Moderator, corruption, whether perpetrated by the state or by non-state actors, impedes the social and economic development of

communities and nations as well as the achievement of the Millennium Development Goals.

Members of the World Society of Victimology and others see direct the connection between development and the effects of corruption. On behalf of the many millions of people affected by corruption, the World Society observes that expectations of a better and just world forged on sustainable and equitable development have been raised by the credible and concrete steps taken thus far to eradicate corruption.

The challenges highlighted today are shared by governments, businesses, the media, civil society and others. The World Society of Victimology therefore pleads to all – do not let the expectations raised, be dashed.

Thank you, Mr Moderator.

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## **United Nations Office of Drugs and Crime – Commission on Crime and Criminal Justice – Vienna, Austria, April 2012**

*John Dussich  
Chair, UN Liaison Committee*

John Dussich as Chair of the UN Liaison Committee led the World Society of Victimology's delegation at the United Nations Commission on Crime and Criminal Justice in May 2012 in Vienna, Austria.

Mr Dussich advised the Commission that:

The primary and continuing concern of the WSV is to support the 1985 UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (UNODC) as well as the 2006 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UNHCHR), all proposals that

enhance the rights of victims; and, the Proposed Draft Convention on Justice and Support for Victims of Crime and Abuse of Power of February 8, 2010.

The WSV is also eager to collaborate with any and all States and NGOs who are interested in supporting the above instruments and the ideals embodied in them as they might exist in new proposals.

The WSV is also eager to serve as a resource to the United Nations on all issues addressing victims of crime, abuse of power and other stark misfortunes.

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## **The Doctrine of Discovery: Its enduring impact on indigenous peoples and the right to redress for past conquests (articles 28 and 37 of the United Nations Declaration on the Rights of Indigenous Peoples)**

*Michael O'Connell  
Secretary-General*

Chandra Roy-Henriksen, Chief, Secretariat of the Permanent Forum on Indigenous Issues invited the World Society of Victimology (as a non-governmental organisation in consultative status with the Economic and Social Council) to participate at the Eleventh Session of the United Nations Permanent Forum on Indigenous Issues from 7 – 18 May 2012.

On behalf of the WSV, Michael O'Connell as Secretary-General respectfully declined the invitation but instead the WSV made a written statement. Although that statement was unable to be tabled as an official document for the Session, it has instead been posted on the UN-NGO data-base.

The WSV acknowledges the generous help given by Prof Dr Felix Ndahinda of INTERVICT, Tilburg University. Prof Ndahinda is an expert on (amongst other international

law) the Declaration on the Rights of Indigenous Peoples.

On behalf of the World Society of Victimology (WSV) thank you for the invitation to attend the 11th session of the Permanent Forum on Indigenous Issues, 7 - 18 May 2012.

The WSV notes the special theme is "The Doctrine of Discovery: its enduring impact on indigenous peoples and the right to redress for past conquests (articles 28 and 37 of the United Nations Declaration on the Rights of Indigenous Peoples)". Consistent with such theme, the WSV makes this statement.

In 1985 the United Nations General Assembly endorsed by consensus the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. This international instrument was the first dedicated exclusively to victims of crime and victims of abuse of power. Since then, that Declaration has become a primary reference for international, national and local victim-oriented reforms over the globe. The WSV played a key role in forging the Declaration and its on-going implementation.

Although the statistics are imperfect, those available are sufficient to demonstrate the disproportionate occurrence of violence in many Indigenous communities and the traumatic impact of crime and abuse of power on Indigenous peoples. In too many places, Indigenous women and children are particularly vulnerable to violence. This is especially so in conflict and post-conflict situations.

Each experiences and reacts to victimisation in a unique manner but there are commonalities. Each intervention to assist an Indigenous person should respect that person's individuality. Furthermore, a person who is Indigenous (or identifies him- or her- self as being of Indigenous origin) should not be denied the right, in community with other members of his or her culture or ethnicity, to seek and receive assistance as a victim of crime or abuse of power.

Several clauses in the Declaration are particularly relevant to the plight of Indigenous peoples as victims of crime

and abuse of power, as well as the forthcoming session on the 'Doctrine of Discovery'. Notably, the Declaration defines victims as "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". In other words, the Declaration acknowledges victims as a natural person but also as a collective of persons, so it is consistent with many Indigenous rights narratives.

Clause 7 states, "Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims."

Clause 8 states, "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."

Clause 9 states, "Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions."

Clause 10 states, "In cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of a community."

Clause 11 states, "Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from

the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims."

Clause 12 states, "When compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to:

( a ) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;

( b ) The family, in particular dependants of persons who have died or become physically or mentally incapacitated as a result of such victimization.

Clause 13 states, "The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including in those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

Clause 14 states, "Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means."

The WSV looks upon these clauses as embodying rights on access to justice, provision of assistance and on restitution and or compensation for victims of crime and abuse of power that are human rights. The WSV has replicated these clauses in a draft 'model convention' on justice for victims of crime and abuse of power that it has promulgated for debate.

In 2005 the United Nations General Assembly adopted the Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. Those principles and guidelines advance the rights of

victims of crime against humanity. Like the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, those principles and guidelines include the right to justice and the right to reparations.

Indigenous justice can be variously defined but most often refers to approaches to justice in general and to crime in particular in which Indigenous people have a central role. Indigenous justice has gained more visibility and acceptability both international and domestically out-of-concern, amongst other things, to restore Indigenous communities and to put right the destruction of Indigenous peoples' culture and social structures brought about by colonisation, disposition and state violence.

The WSV believes that meaningful and culturally respectful responses to crime and abuse of power are needed now rather than later. The WSV recognises that issues relating to justice and support for Indigenous victims should address individual's needs but also, where appropriate, incorporate principles of community involvement in dispute resolution, victim empowerment, offender accountability and restoration of harmony in relationships and community that do not jeopardise victims' safety and well-being.

The WSV urges all nations to honour their commitments to provide mechanisms for victims to attain restitution and/or compensation for the harm they have suffered. Reparation is a key ingredient to righting the wrong but also helping to build a better future for Indigenous peoples as victims of crime and abuse of power. Reparation can be both a process and an act of repairing the harm caused by, for instance, past conquests of Indigenous peoples. Thus, reparation need not be exclusively financial compensation; rather it might entail restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, amongst other things.

The aforementioned international law and other law are not intended as just noble statements; but rather they are

mandatory statements for action. It is time to honour the worthy intents of such instruments. It is time to strengthen the resolve to ensure justice for Indigenous peoples across the globe.

Thank you,

Michael O'Connell  
Vice-President  
World Society of Victimology

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**Thematic Debate of the 66<sup>th</sup> Session  
of the United Nations General  
Assembly on  
Drugs and Crime as a Threat to  
Development  
On the Occasion of UN International  
Day against Drug Abuse and Illicit  
Trafficking  
26 June 2012 – New York**

**JOINT STATEMENT ON BEHALF OF NON-  
GOVERNMENTAL ORGANIZATIONS<sup>1</sup>**

Alliance of NGOs on Crime Prevention and  
Criminal Justice

**Challenges in mainstreaming crime  
prevention into development initiatives,  
and ways of improving the international  
community's coordinated efforts to  
address crime's adverse impact on  
development**

Mr. President, distinguished delegates and  
colleagues,

We are honoured to contribute to the 66<sup>th</sup>  
Session of the General Assembly on Drugs  
and Crime as a Threat to Development.

Civil society plays a key role in contributing to  
the development and implementation of  
national and international instruments and  
structures both to combat crime and  
victimization and to generate development  
initiatives. We challenge abuses, defend  
human rights, and identify systemic  
weaknesses. We advocate for, and propose,  
new initiatives and approaches for just and

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<sup>1</sup> The WSV acknowledges Dr Yael Danieli's tremendous  
work in the drafting of the Joint Statement. She generously  
consulted with members of the WSV's UN Liaison  
Committee

humane responses to both the victims and the perpetrators of crime.

As noted by the President of the GA in his call for the thematic debate, "Transnational organized crime and drug trafficking is of growing concern and particularly illicit trade's broad impact on development. Few if any, countries are exempt." This underscores the reality that criminal behavior, with its many vectors, whether perpetrated by the State, by non-state actors or by private persons, and whether it occur in prosperous or developing countries, impedes the social and economic development of communities and states, as well as the achievement of the Millennium Development Goals.

Mr. President, this statement is made on behalf of the many NGOs and individual experts who belong to the Alliance of NGOs on Crime Prevention and Criminal Justice. We represent a broad spectrum of NGOs with expertise on and deep concern for issues such as prisoners' as well as victims' rights and optimal care, penal reform, long detention without trials, legal aid, torture, the death penalty, firearms, trafficking of persons, femicide, violence against women and women in the justice system, violence against children (societies' future) and youth in conflict with the law, other vulnerable groups who suffer social exclusion such as including minorities and migrants and the elderly, codes of conduct for the police, judiciary, and attorneys, corruption on all levels and by all actors, money laundering, cyber crime, environmental crime, illegal trade in artefacts and wildlife.

We also range in our views of the role of UNODC regarding development. Some, while acknowledging the evident connection between economic development and crime, and that poverty, underdevelopment, and lack of opportunities have much to do with drug cultivation, trafficking, and other criminal activities, still feel that the growing social and economic inequities in societies have much more to do with ordinary crimes and that therefore -- rather than becoming merely another development agency -- UNODC's mission should focus on "the individual's unfortunate fate rather than the larger economic environment." These NGOs are therefore very hesitant about "mainstreaming drug control and crime prevention in development initiatives" and "the role of the criminal justice sector in promoting the Millennium Development Goals".

Those NGOs who see direct, albeit complex, connection between development and the effects of crime, and/or between the substantive and technical work of UNODC and sustainable development, definitely believe that UNODC has a key role in improving the international community's coordinated efforts to address crime's adverse impact on development and has and ought to participate in mainstreaming crime prevention into development initiatives without losing its unique ongoing mission.

We also believe that no member of the international community can speak of any crime without acknowledging its victims and their rights. Particularly in the context of promoting at sustainable development, we call on all States to adopt and implement appropriate legislation, policies, and practices for giving them a voice, protecting and assisting them. Not only would Justice be realised then both for them and for their societies, but healed and integrated victims/survivors can then be fully engaged as equal partners in sustainable development and become part of the solution rather than the chronic, though often silent, problem. Specifically, we call for the establishment of an expert group combined of governments, expert NGOs and victims, to study specific implementation strategies to combat crime and ensure sustainable development and to make recommendations for relevant mechanisms in the implementation of, for example, the UN Convention against Transnational Organized Crime (UNTOC) and its protocols without further delay.

We also call on Member States to develop and implement crime prevention measures according to A/RES/65/228 and to integrate crime prevention and anti-corruption strategies to advance justice, equity and the possibility of achieving sustainable development, and implement the United Nations Convention against Corruption (UNCAC).

We would encourage UNODC and other UN agencies present to take greater advantage of the expertise and implementing capabilities available among non-governmental organizations and their capacities to assist people in need. We would urge greater involvement of NGOs in the country review mechanisms of the UN Treaties against Transnational Organized Crime and Against Corruption. We appreciate the openness of recent Chairs of the Narcotics and Crime

Commissions towards NGOs but we believe that there could be even more creative interaction between Member States civil society in discussing ongoing critical issues and participating in drafting resolutions. There is a great deal of wisdom and practical experience residing among committed individuals and institutions - some much older than the United Nations itself. We believe that together we can promote the rule of law at the national and international levels and public participation.

As civil society organizations we look forward to maintaining our critical partnership in advancing the effectiveness of crime prevention and criminal justice. We believe that together we can more effectively promote a culture of integrity, accountability, transparency and sustainability.

Thank you for your attention.

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## **For the record – the WSV’s Draft Oral Statement as lodged with the UN-NGO in preparation for the ECOSOC High-level Segment**

Thank you, Mr President. Distinguished delegates and others –

Crime happens not only on the streets but in the upper echelons of government. Conventional criminals, such as thieves and assailants, impact the lives of millions of people every day. White collar criminals, such as those who gather in the cloistered corridors of commerce, have almost brought whole economies to their knees. Organised criminals, such as those engaged in human trafficking, profit hugely from their exploitation of humanity. Political crime is conspicuous among nations’ rulers and in public institutions.

Crime harms individuals and destabilises communities. Regrettably, for far too many people — young, old, disabled, poor, disenfranchised and others their personal and collective circumstances leaves them vulnerable to victimisation. In some places, for instance, unemployed people are more likely to become victims of violent crime and have a higher risk of repeat victimisation. Violence against women and exploitation of children

continue to undermine efforts to reach all the MDGs. Likewise, drug trafficking and organised crime, amongst other negative effects, discourage legitimate livelihoods; foster a culture of isolation and mistrust among citizens and businesses; impede economic growth; and, stimulates corruption.

How we, as individuals, as societies, as nations and as the international community respond to victims of crime is a reflection on us, on our principles and our priorities. In 1985 the General Assembly of the United Nations, proclaimed a declaration of basic principles of justice for victims of crime and abuse of power. Nations’ spokespersons expressed their commitment to respect victims’ rights, to give victims’ access to justice and to maximising the nature and quality of services both available to victims of crime.

Rather than retreat from the face of criticism or simply ‘play it safe’ in these turbulent times, the World Society of Victimology urges economic and social changes that will address the ecology of crime where it thrives. Deep seated poverty, destitution, illiteracy, ill-health and unemployment are economic and social problems that exacerbate existing vulnerabilities for victimisation. The World Society of Victimology also urges nations’ leaders to act on their words. Corruption remains a serious problem in developed, developing and under-developed nations, which cannot be eradicated unless there is the political will. Much violence is associated with religious zeal, so the faith communities should confront the conflicts of values, amongst other matters. Civil society also must step up to such challenges. Improvements are needed and standards must be set to protect human rights, including victims’ rights.

Integrating a human rights agenda would strengthen the MDG framework. Human rights should not be simply pious platitudes but rather mandatory guidelines for action. Human rights - especially victims’ rights - must be non-negotiable principles in the evolution of our economic and social fabrics. They must guide economic and social policies that govern, amongst other things, the distribution of resources especially among vulnerable groups.

In sum, Mr President, crime is a by-product of the prevailing economic, social, technological and political structures. Criminal behaviour, with its many vectors, whether perpetrated by the state, by non-state actors or by private

persons, and whether it takes place in prosperous or developing countries, impedes the social and economic development of individuals, communities and states, as well as the achievement of the Millennium Development Goals.

Millions and millions of disenfranchised persons around the globe have vested interests in the ongoing achievements of the MDGs. To-date the AMR reveals progress towards the MDG but also that some goals

remain unfulfilled. Expectations have been raised – the World Society of Victimology urges all to not let those expectations be dashed.

Thank you, Mr President

Michael O'Connell  
Secretary-General  
World Society of Victimology

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## Forthcoming Conferences

### **The 12th Asian Postgraduate Course on Victimology and Victim Assistance**

July 30 - August 10th, 2012

Tokiwa University, Mito, Ibaraki, Japan.

For more information see - <http://www.tokiwa.ac.jp/~tivi/english/index.html> or contact Tokiwa International Victimology Institute (TIVI), TEL: +81-29-232-2868 FREE +81-29-232-2868 or 2865 FAX: +81-29-232-2522; E-mail: [apgctivi@tokiwa.ac.jp](mailto:apgctivi@tokiwa.ac.jp) (Marked Attn: Ms. Sakaba / Ms. Otake )

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### **Victims Rights, A Step Forward**

Sept. 27 - 28, 2012

Lisbon, Portugal

[http://www.apav.pt/cabvis/index\\_en.html](http://www.apav.pt/cabvis/index_en.html)

This event is promoted by Victim Support Europe and managed by the Portuguese Association for Victim Support (APAV) and co-financed by the European Commission. It is also developed in partnership with the Victim Support Scotland, Slachtofferhulp Nederland, Weisser Ring Germany and Victim Support England & Wales.

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### **Third Annual Conference of the Victimology Society of Serbia**

*Victims and contemporary social context: theory, practice, and activism*

Nov 22 – 23 2012

Belgrade, Serbia

See WSV website for more information, including registration form:

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



*The Victimologist* -- Newsletter of the World Society of Victimology



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