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NEWSLETTER OF THE WORLD SOCIETY OF VICTIMOLOGY

The Implementation of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in France

Carolyn Reese

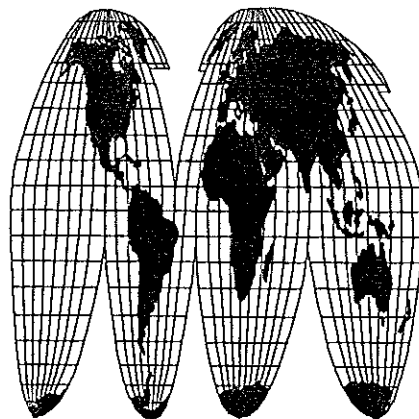
France is a country linked to tradition more than innovation. Academic dynamism, which is, according to the article published by Dr. Leslie Sebba in Vol. 3, No. 1 of the *Victimologist*, typical in Israel, is completely missing in France. Nevertheless, the overall situation of victims is acceptable, if not good. Human dignity, equality and access to justice, which have been constitutional values in France for two centuries, are the bases of the fair treatment of victims. French police officials, policy makers and judges seem to act instinctively in favour of victim's rights, without needing any support by research data. This leads to a paradoxical situation: political awareness of the necessity to ensure justice for victims in a country of absurd scientific lethargy.

Political awareness

France implemented a new Penal Code (adopted by four laws on 22nd July 1992), that replaced the old Code that dated back to 1810. The new legislation implements the Basic Principles of Justice for Victims of Crime and Abuse of Power laid down in the UN Declaration, which was passed on 29th of November 1985.

The New Penal Code (Nouveau Code Pénal) has considerably reformed French penal law, as it provides a very flexible system for sanctioning and new provisions in the field of terrorism, environmental crimes, and violations of human rights. However, France kept its classical - and bureaucratic - criminal justice system. There has, for example,

been little development with respect to informal proceedings (mentioned in section 5 of the Declaration) and victim-offender mediation is hardly ever arranged. However, in accordance with section 9 of the UN Declaration, if restitution has been



Victims can rely both on compensation and fair treatment.

made to the victim and the offender is not likely to cause any further harm to the society, the judge does not have to pronounce any sanction at all.

Restitution and compensation

The guarantee of fair restitution and compensation to the victim is an important aim of the Declaration, mentioned in sections 8, 9, 11, 12 and 13. The system of compensation of victims in France is very satisfying. Although "punitive damages" are

unknown in French law - "all the damage, but nothing but the damage" should be restored - the victim can obtain restitution for material loss as well as for mental harm and suffering. Also the victims' immediate family may request compensation for harm and suffering. Even if an offender is not culpable before the penal law due to his young age or a mental disease, reparation is nevertheless awarded to the victim before the civil courts. A highly developed insurance system covers, inter alia, those cases.

A large number of national funds for compensation to victims exist in France, in accordance with article 12 and 13 of the UN Declaration. Funds have been established for victims of severe crimes and acts of terrorism, and also for victims of traffic accidents. A special fund for holocaust victims will soon be created by French insurance companies, which were involved in the theft of Jewish capital during Second World War. So far, no agreement has been reached, as the insurance companies want to deal with French Jewish organisations only, whereas American organisations also desire to participate.

France has also seen a remarkable case of mass victimisation due to misjudged political decisions: in the absence of sufficient control by the Ministry of Health, blood products were not tested using the newest available methods. This led to a high number of infections with the HIV Virus that could have been avoided. Not only did the victims and their families get compensation from a special fund, but also a special ad hoc court was established to try the politicians in charge of health care.

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The court was composed of professional judges, senators and deputies. It could pronounce a judgement of guilt or innocence, but no sanction. In theory, all citizens could complain about a politician's behaviour and demand an examination by the Court. However, a commission in charge of the investigation selected the complaints. Its work has been criticised by victim's organisations. Nevertheless, simply the establishment of this Court and the full compensation of these victims seem to be an important step towards a new policy for victims of political decisions.

Access to justice

The French police have a reputation for being friendly and reliable on the whole. Nevertheless, there should be some improvement in informing victims of further assistance available from private organisations, and on the progress made in the investigation of their cases. Special training for police officials in victim assistance should be ensured, even if hotlines and private organisations are well developed, especially to assist victims of hate crimes and sexual assaults.

The European Court of Human Rights has already condemned France for not

treating cases within a reasonable time. Compensation by the state for an offence committed by an official is especially difficult to obtain in practice. It is often not easy to determine which tribunal - administrative or civil - is competent, and just the decision on competence might take years. Moreover, administrative courts are very slow.

Scientific Lethargy

With a few exceptions, the UN Declaration is generally well implemented in France. Exceptions include the delays, which are also caused by the typical French problem of designating the competent court. In addition, alternative proceedings and training of the police should be further developed to ensure full implementation of the UN Declaration.

However, France's theoretical contribution in the field of victimology is extremely underdeveloped, as is the exchange of research data on an international level. This seems surprising, as France is a country with a historical scientific tradition and a worldwide reputation in social science. However, two basic problems lead to the underrepresentation of French scientists in victimology.

In the first place, there is a simple language barrier. English is still not

everyday use in French universities, even highly qualified scientists are sometimes not able (or not willing) to speak and to publish in English, which leads to a terrifying isolation of French science. Not only is French research hardly ever noticed in the English-speaking world - which is a problem - but also the research of the English-speaking world is hardly ever noticed in France - which is fatal. Hopefully, the Tenth International Symposium on Victimology in Montreal in the year 2000 will contribute to the interaction of English and the French speaking victimologists.

Even if the language barrier disappears with the next generation of young scientists - a second problem will remain, as it is linked to the French university system, which requires specialisation of students too early. Academic and training programs in France are narrow, there is no time for attending classes which are pas dans le programme (not in the program). Victimology is and will always be an interdisciplinary field of study, where criminologists, lawyers, psychologists, police officials and all kind of social scientists need to participate in intensive dialogue to obtain results. So special interdisciplinary victimology classes and workshops should be encouraged in French universities.

Conclusion

In general, France has implemented the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Victims can rely both on compensation and fair treatment. However, French victimology is underdeveloped. Is this better than the other way round? Certainly. Brilliant scientific performance in victimology will lose its sense if there is no outcome for the concrete victims. However, research is vital to ensure long-term progress of the criminal justice system and of victim assistance. Even if the treatment of victims in France is good - it could be even better. It could always be better. That is why France needs to develop victimology as an active scientific branch: legislation should never become static, but must be subject to constant improvement.

From The Editor's Desk ...

In this issue of *The Victimologist*, we continue our series on the implementation of the UN Declaration in countries around the world. This time the spotlight is on France. In her article Carolyn Reese examines the treatment of French victims. She concludes that while France has implemented the UN Declaration, within the French universities the science of victimology is underdeveloped. In an effort to promote victimology, various courses in victimology have emerged under the auspices of the World Society of Victimology. The Japanese course described by John Dussich in his article is one example. Another example is the Canadian course which will take place together with the Tenth International Symposium on Victimology in Montreal this August. An important topic in relation to victimology is restorative justice. In his article, Elmar Weitekamp presents the new European Forum for Victim-

Offender Mediation and Restorative Justice. Members who are interested in this area are encouraged to participate in the upcoming conference on Restorative Justice in Tuebingen.

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POSTGRADUATE COURSE
Victimology, Victim Assistance and Criminal Justice

August 1st - 12th 2000

in connection with the
Xth International Symposium on Victimology
Montreal, Canada

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The 17th Postgraduate Course, Victimology, Victim Assistance and Criminal Justice, in connection with the Xth International Symposium on Victimology will bring together 25 students from all over the world and about 25 internationally renowned experts in the field of victimology. The course covers areas like crisis intervention, crisis management, victim assistance, victim compensation, restorative justice, women as victims of violence, theoretical concepts of victimology, new developments in victim assistance, economic victimisation, international crime surveys, victim impact statements, etc. Experience in victim assistance work is welcome but not necessary. This course is geared towards victimological theory and research. Participants should not struggle too intensively with the English language since all the classes and discussions will be held in English. The course will start before the Xth International Symposium on Victimology and the students will have the unique opportunity to attend the Xth International Symposium on Victimology during the course. After the symposium the course will reconvene in order to discuss the happenings and new knowledge acquired during the symposium and to integrate the new details into a theoretical framework.

The last two days of the course are devoted to student presentations. Working in pairs, the students will give a 20-minute presentation. Presentations will be in English. All students who give a presentation will receive a certificate of participation from the organisers.

Tuition for the course is CDN\$200.- *This includes the fee for the symposium.*

For further information, please contact the course directors.

In order to register for the course please contact the local course directors:

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Founding of the European Forum (Association) for Victim-Offender Mediation and Restorative Justice

Elmar Weitekamp

In late October 1999 about 120 practitioners of victim-offender mediation and researchers from 26 countries met in Leuven, Belgium to evaluate, discuss and develop future strategies for victim-offender mediation and restorative justice in Europe. They used the opportunity to found the European Forum (Association) for Victim-Offender Mediation and Restorative Justice.

After a rather slow start in the 1980s, victim-offender mediation is now developing fast in countries all over Europe. Mediation is being practised significantly in Austria, Belgium, Finland, France, Germany, Norway and the United Kingdom. Also in other countries the development of victim-offender mediation is well on its way or pioneer work is being done. This is true for countries like Spain, Italy, Luxembourg, the Netherlands, Denmark, Sweden, Poland, the Czech republic, Russia, Slovenia, Ireland, Bulgaria and the Ukraine. It is estimated that there are about 700 projects in Europe.

A group at the University of Leuven, under the leadership of Tony Peters and Ivo Aertsen, obtained non-recurrent funds from the European Union (Grotius Program) to establish a European Forum for Victim-Offender Mediation and Restorative Justice. The immediate objectives of the Forum were the establishment of

a co-ordinating group, which consists of eight people from eight European countries, organising a conference, publishing the proceedings of the conference, starting a newsletter, establishing a European Association for Victim-Offender Mediation and Restorative Justice and obtaining future funding.

In the long term the Forum wants to stimulate and enable the exchange of information, knowledge, and experience, consultation and discussion concerning victim-offender mediation in the framework of a restorative approach to criminal justice. This means that the main focus is on mediation in criminal matters and related restorative developments such as group conferencing. Nevertheless links will be made with other fields of mediation such as family mediation and school mediation. The Forum will be concerned with both juveniles and adults. It will be for Europe, but contacts will be further developed with countries in North America and elsewhere.

The forum wants to reach mediation services, the practitioners involved in them, their local networks and national organisations, as well as policy-makers and criminal justice practitioners. It considers other European and international organisations working in the field of victim assistance, offender care and restorative justice as important

partners in realising its objectives.

For more information, please contact

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10th International Symposium on Victimology

Research and Action for the Third Millennium

August 6 - 11
2000

Montreal, Canada

The Second Asian Post Graduate Course On Victimology and Victim Assistance

John Dussich

The Second Asian postgraduate course was held in Mito, Japan on the campus of the Tokiwa University from August 30th to September 10th of this year. After long preparations and funding support from the Tokiwa University and much volunteer support from many community members, the two-week course came alive again! The three co-directors were Gerd Kirchhoff, Secretary General of the World Society of Victimology, Hidemichi Morosawa, president of our university, and myself.

Sixty-three students registered and came from all backgrounds: new volunteers in victim assistance programs; students from universities that do not offer victimology; policy-makers, those who were curious about this new field, and victim/survivors.

All but three of the non-Japanese students were home-stay hosted by ten Japanese families free of charge. This gave them a unique experience to live in Japanese home for the two weeks and make special friends with some very kind local families. There were 7 students from Nepal, 8 from India, 5 from China, 7 from Korea, one from America and the rest were Japanese.

The lecturers were victimologists from around the world. Represented were mostly Japanese professors from our own campus; however, we also had lecturers from America, Germany, Australia, and China. The topics covered were History of Victimology; Basic Concepts of Victimology; Victimological Theories; The World Society of Victimology; Disaster Victims; Abuse of Power; Homicide Victims; Sexual Assault Victimization; Child Abuse Victimization; Child Abuse

Victimization; Hidden Child Sexual Assault Victimization; Compensation and Restitution; Consumer Fraud Victims; Concepts of Victim Assistance; Victim Self Help Groups; Victim Rights; Victims of School Bullying in Japan; Spouse Abuse Victims; Elderly Abuse Victims; Fear of Victimization; Burglary Victimization; Victimological Research; The United Nations Declaration on Victims; Crisis Intervention; Victimology in China; Victims of Substance Abuse and HIV/Aids; Social Coping Theory for Victimization and Recovery; and the Summary lecture. All told, there were 27 one-hour lectures. Another amazing resource of this Course was that all the lecturers and all but two interpreters, came as volunteers and with their own funding! Thank you all for your excellent work and generosity!

The main goal of this course was to introduce basic information on victimology and victim assistance to Asian students in a logical, simple, yet dynamic format. All the lectures were presented both in Japanese and English. Some lectures and presentations used overhead projectors, some were straight lectures, some used the whiteboard, some used videos and some used very sophisticated Power Point computer presentations (these were both from students). All were very well done!

There were twenty-one students who stayed the entire two weeks. In the second week they each gave thirty-minute presentations on a victimological topic of their choice. Their presentations drew from information gathering from my office, from interviews with the victimologists present, from the Tokiwa University Library, from the Internet and from their own

private sources. All 21 students received a specially designed diploma on the last day at a graduation ceremony.

In addition to the academic activities, the course offered some opportunities to relax and do some sightseeing. The students had a bus tour of Mito, complete with a demonstration of the Japanese Tea Ceremony at the Mito International Centre hosted by Mr. Wang Wei Ya. Another arranged tour was by one of my assistants Mr. Shuji Komatsuzaki, an excursion to the beautiful Fukuroda Water Falls in Daigo where we saw spectacular cascades, a park and local artefact shops. Some of us visited a "konyaku" (a unique processed vegetable) factory. Finally, we visited the very strange "bridge that goes no where" at Ryubinkyu. The last tour was a short bus trip to the new Ibaraki Police Academy where we were treated to a lecture about the police based victim assistance services; and, saw the new building and facilities of the traffic control operation for all of Ibaraki Prefecture.

Perhaps the best part of the course was meeting new people from other countries, with different interests and establishing new networks for both our professions and for friendship. The night before our departure, we held a Farewell Party where we expressed our thanks to the host families, our volunteer students, as well as the university staff members who devoted much of their free time to making this course a success. A good time was had by all. We look forward to the next Course in 2001!

John Dussich, Ph. D.,
Course Co-ordinator
Professor, Faculty of Applied
International Studies
Tokiwa University, Mito, Japan

First Announcement and Call For Papers

Fourth International Conference on Restorative Justice for Juveniles

"Restorative Justice as a Challenge for the New Millennium"

**Tübingen, Germany
October 1 - 4, 2000**

Hosted by the Institute of Criminology, University of Tübingen,
Germany and the International Network of Research on Restorative
Justice for Juveniles

In case you want to participate, please send an E-mail to:
restorative.justice@uni-tuebingen.de

The program and future revisions can be assessed via the World Wide
Web at the following URL:

<http://www.ifk.jura.uni-tuebingen.de/restjust/>

INTERNATIONAL REVIEW OF V I C T I M O L O G Y

Book Reviews

The International Review of Victimology is looking for people willing to write book reviews for the journal. The books reviewed in the journal cover a number of different topics, all relevant to victimology. For a list of books available and the guidelines for reviewers please contact:

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X International Symposium on Victimology

From August 6 to 11, 2000, Montreal will host the X International Symposium on Victimology which will be held at the Palais des Congrès. This important event is organised by the Association québécoise Plaidoyer-Victimes, under the auspices of the World Society of Victimology.

Beyond the Boundaries: Research and Action for the Third Millennium

This international conference will offer a program reflecting the diversity and wealth of the initiatives made in the field of victimology: 16 experts in plenaries, more than 330 communications in the 120 workshops, 5 training sessions and 7 professional visits.

Subjects such as domestic violence, sexual exploitation and maltreatment of children, corporate theft and fraud, harassment in the workplace, mass victimisation as a result of war and genocide, victim assistance and crime prevention, media impact, traditional and restorative justice, victim compensation, truth commissions in response to the harms suffered by victims of crime and abuse of power, are just some of the topics that will be tackled during the Symposium.

40 countries represented in the scientific program

Canada will be hosting this event for the first time ever. More than a thousand participants worldwide: researchers, experts and practitioners are awaited. It will make for a unique opportunity to meet and exchange, in order to enhance theoretical and practical knowledge in the field of victimology. The gathering will enable those involved to identify and assess the issues and priorities of the future from a critical standpoint, with the aim of preventing violence, improving the help given to victims and strengthening their rights. Moreover, it will equally serve to promote cooperation and mutual aid at the international level.

A variety of distinguished guests

The spirit of the new millennium makes this a privileged occasion for the Commemoration of the 15th Anniversary of the United Nation's Declaration of the Basic Principles of Justice for Victims of Crime and Victims of Abuse of Power. Canada's minister of Justice, Ms. Anne McLellan, as well as Quebec's minister of Justice, Ms. Linda Goupil, will both preside over the opening ceremony, in the presence of other distinguished guests.

This conference will equally benefit from the presence of Ms. Kim Phuc Phan Thi, whose photo taken during a napalm bombing in Vietnam has achieved worldwide fame. Now an ambassador for UNESCO, Ms. Phan Thi will address the subject of victims and the media during the plenary session, on Friday August 11, 2000.

Leaders in the field of victimology

With regard to the various areas of victimology, Canada and in particular Quebec, have proven to be leading forces as far as research, policy, programs and legislation are concerned. Many ministries and governmental organisations, as well as the business world and the community, have given widespread support to Montreal as host city to the X International Symposium on Victimology.

For more information:

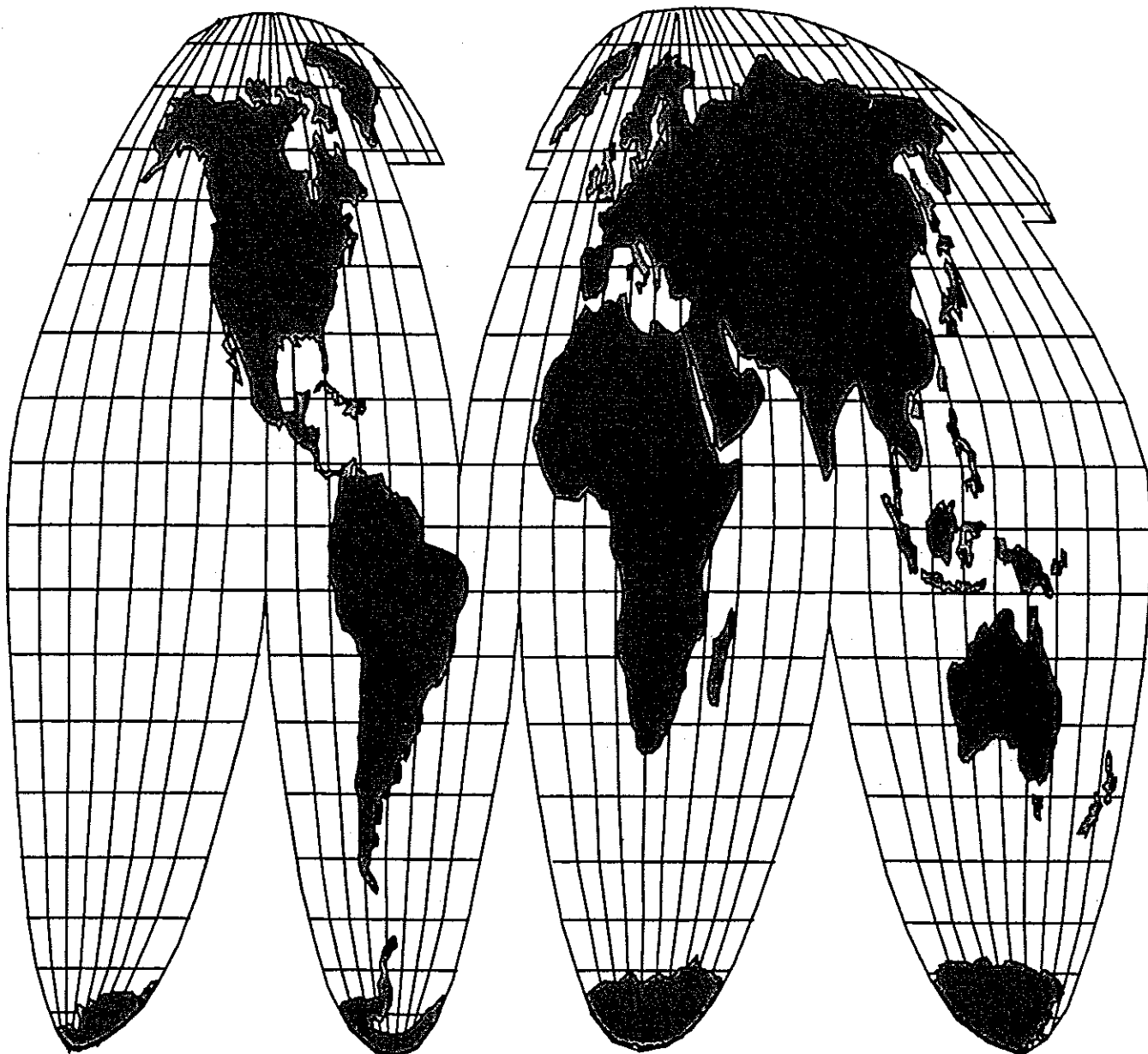
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