

THE VICTIMOLOGIST

Volume 5 Number 2 June 2001

NEWSLETTER OF THE WORLD SOCIETY OF VICTIMOLOGY

Victims in the Criminal Justice System in China

Mark Guo-An

1. Chinese definition of victims in criminal justice

The term "victim" in criminal justice in China means a citizen, a legal person or an organization that has directly suffered harm as a result of the criminal act.

1.1 What is a criminal act?

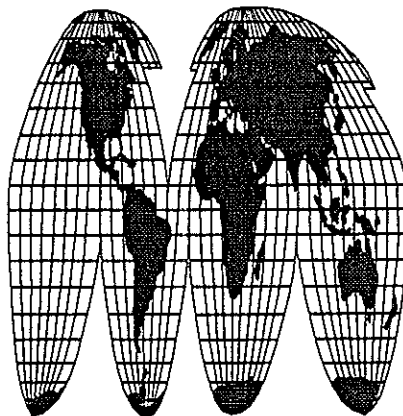
Any act that endangers the sovereignty, territorial integrity and security of the state, dismembers the state, subverts the political power of people's democratic dictatorship, overthrows the socialist system, undermines social and economic order, violates the state-owned property or property collectively owned by the laboring masses, violates citizen's privately-owned property, infringes upon a citizen's right of the person, democratic rights and other rights, and acts that endangers society could be criminally punished. However, if circumstances are clearly minor and the harm is not great, these acts are not deemed as crimes.

1.2 What does harm mean?

When a citizen, legal person or organization's lawful rights and interests (property rights, rights of the person, democratic rights, ...) have been infringed.

1.3 Direct victims

In China, a victim of crime only refers to the direct victim. It does not include their immediate family or other acquaintances. The direct



"Listen to both sides and you will be enlightened; heed only one side and you will be benighted"

victim includes not only a person but also a legal person or organization, which is usually called "Dan Wei" in China (means "Work Unit" in the Chinese Criminal Law; there is a "Dan Wei" crime instead of a corporate crime).

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The Policy Centre for Victim Issues - Giving Victims a Voice in the Criminal Justice System

Catherine Kane and Jeanette Rule

The Canadian federal and provincial/territorial governments share the responsibility of responding to the needs of victims of crime and articulating their role in the criminal justice system. The federal government focuses on criminal law, as it is set out in the *Criminal Code*, while the provinces are responsible for enforcing the law, prosecuting offences, administering justice within the provinces, as well as providing services and assistance to victims of crime.

The federal Department of Justice has been active in addressing victim issues since the late 1970s. Throughout the 1980's, the Department provided funding to encourage the development of victim programs and services and pursued several law reform initiatives.

In 1988, the Federal, Provincial and Territorial Ministers responsible for Justice endorsed the *Canadian Statement of Basic Principles of Justice for Victims of Crime*. These principles continue to guide the development of policies, programs and legislation concerning victims.

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2. Classification of crime victims in criminal procedure

In China, crime victims in criminal procedure are divided into the following three categories:

2.1 Victims of public prosecution cases

Public prosecution cases are those initiated by a public prosecutor to a people's court. Most of the criminal cases are public prosecution cases.

2.2 Victims of private prosecution cases

Private prosecution cases are those directly initiated by a victim to a people's court. Private prosecution cases include the following:

- (1) Cases to be handled only upon the victim's complaint. These include: using violence to interfere with the freedom of marriage of others, abusing a member of one's family,

conversion of property, insulting or defacing another person.

- (2) Minor criminal cases proved by evidence by a victim, such as minor injury of another, refusing to carry out judgments or orders of people's courts, committing bigamy, cohabiting with or marrying a member of the armed forces in active service and abandonment.

- (3) Cases where the victim has evidence that his right of the person or property has been infringed. The criminal responsibility shall be investigated according to the law. However, the public security organ or the public prosecutor does not investigate the defendant's criminal responsibility.

2.3 Victims in supplementary civil actions

A victim who has suffered material losses as a result of the criminal act has the right, during the process of the criminal procedure, to bring a supplementary civil action.

3. Victim's rights in criminal procedure

3.1 The victim shall have the right to demand a withdrawal of the case

A member of the adjudication personnel, prosecutor personnel, investigation personnel, clerks, interpreters and expert witnesses shall withdraw of his own accord, and a victim and his legal representatives also have the right to demand withdrawal, in any of the following circumstances:

- (1) If he is a party or a close relative of a party to the case;
- (2) If he or his close relative has an interest in the case;
- (3) If he has served as a witness, expert witness, defender or representative in proceedings in the case; or
- (4) If he has another relationship with a party or the case that may influence the just handling of the case.

(Continued on page 5)

From the Editor's Desk...

This issue of the *Victimologist* reflects the diversity of the ongoing developments in victimology around the world. It contains contributions from North and Central America as well as Asia, concerning issues as varied as legislation, policy and training.

In their article, Catherine Kane and Jeanette Rule, of the newly established Policy Centre for Victim Issues, present an overview of recent developments for victims in Canada. The creation of the Centre and the Victims Fund is good news both for those working in the field and for victims.

Mark Guo-An's interesting article on victims in China presents an overview of the unique role of given to victims in the Chinese criminal

justice system. Western readers might be surprised to read about the vast range of procedural rights given to crime victims in the Chinese system.

Finally, there are two contributions concerning the first Central American Course on Victimology and Victim Assistance. One article is by John Dussich, the course organizer and the other is from one of the presenters at the course, Shireen Miles. This very successful course is one of many courses organized by members of the WSV. The courses are successful both at a local level, where they attract large numbers of participants, and at an international level, where they contribute to the continuing growth of the world society. The members of the Editorial Board wish the

course organizers every success in their continued effort to advance victimology and victim assistance.

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INTERNATIONAL REVIEW OF VICTIMOLOGY

Published in three issues each volume, the *International Review of Victimology* is the leading international journal devoted exclusively to the entire range of theoretical and empirical work concerning victims of crime. The *Review* focuses on the traditional areas of victimological scholarship. These include: victim typologies, the victim-offender relationship, victimisation surveys, victim compensation, victims in the criminal justice system, crime prevention in relation to victimisation, victim services, reparation and restitution by offenders, together with broader theoretical issues such as definitions of victimisation and the philosophy of victimisation. Some of these areas have been covered in special themed issues. The *Review* also carries reviews of the latest books in these areas.

Contributions come from all disciplines: law, sociology, psychology, criminal justice, economics, politics and philosophy. A number of contributions have dealt with the pressing human rights issues that have been raised in recent conflicts in Europe and elsewhere. Comparative studies are especially welcome.

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First Central American Course on Victimology and Victim Assistance

John P. J. Dussich

Amidst the aftermath of the 13 January earthquake that took the lives of some 640 persons, on February 5th, 2001 in San Salvador, in El Salvador, 50 students from Central America met on the beautiful campus of the University of Central America (UCA). This was the site of a massacre of eight persons of which six were Jesuit Priests just prior to the end of the last civil war.

To teach this course a team of international professors and practitioners from:

- Argentina,
- Brazil,
- Canada,
- Colombia,
- El Salvador,
- Guatemala,
- Japan,
- Mexico,
- Spain and
- USA

They joined forces and provided the students with a wide range of topics covering the field of general victimology and victim assistance. These were:

- Marla Amaya (EIS),
- Dinora Aquinada (EIS),
- Priscilla Cervelon (EIS),
- Jose Miguel Cruz (EIS),
- Benjamin Cuellar (EIS),
- Maria Lorena Cuellar (EIS),
- John Dussich (Japan/USA),
- Paul Friday (USA),
- Reginaldo Hernandez (EIS),
- Jorge Jozef (Br),
- Ester Kosovski (Br),
- Rebeca Gonzalez Leche (Gu),
- Rosario Leon-Dell (Gu),
- Maria de la Luz Lima (Mex),

- Hilda Marchiori (Arg),
- Shireen Miles (USA),
- Manuel Munoz (Sp),
- Annette Pearson (Col),
- Orlando Quijano (EIS),
- Marcela Smutt (Arg),
- Jon Sobrino (EIS),
- Margarite Vilado (EIS) and
- Irvin Waller (Can).

The coordinators were:

- Jose Miguel Cruz,
- John Dussich,
- Maurizio Gavorit and
- Annette Pearson.

Partial funding was obtained from the US Embassy's USAID program and from student registration with logistic support from the UCA and co-sponsorship from the World Society of Victimology.

General topics covered:

- the history of victimology,
- basic concepts in victimology,
- theory of victimology,
- prevention of victimization,
- UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,
- information on the World Society of Victimology,
- the place of victims in public security,
- abuse of power,
- the holocaust and its victims,
- victims of violations of human rights,
- history of victimology in Latin America,
- victims of Christianity,
- victims of intrafamily violence and sexual abuse in el Salvador,
- action network against gender violence,
- victims in the penal process of el Salvador,

- sexual abuse and child abuse cases of the el Salvadorian prosecutor's office,
- restorative justice,
- rights of victims,
- history of victim assistance and types of services used the most,
- coping theory and victimization,
- concepts of recuperation,
- crisis intervention for victims,
- psychological and psychiatric support for managing post traumatic stress,
- group emotional support,
- the office of attention to victims in the prosecutor's office of Guatemala
- psychological techniques of intervention – EMDR and NLP and
- victims of human rights, indigenous victims of Guatemala.

Also, on the middle Saturday, a group of students and teachers went on an excursion to visit the site of a major massacre and the disappearances of children at Guarjila hosted by the group, Pro-busqueda. This was a poignant and emotional encounter with the mothers of these children who are still living, searching and surviving in this mountain village north of San Salvador. Each of the students who finished the course also presented action projects to the students and faculty on the last three days of the course.

In spite of the frequent aftershocks and another earthquake that killed approximately 360 persons on 13 February, the course was completed on the 16th of February with 45 graduating students receiving diplomas. Graduation was held in the UCA Chapel followed by a Cocktail Party in the adjacent garden.

Plans have already been put into motion for the Second Central American Course for next year. ■

(Continued from page 2)

3.2 The victim shall have the right to authorize an attorney-at-law to participate in a case

Victims and their legal representatives or close relatives in a public prosecution case have the right to authorize an attorney-at-law when the case is transferred to the public prosecutor. Victims and their legal representatives in a private prosecution case have the right to authorize an attorney-at-law at any time.

Within three days following the receipt of the case, the public prosecutor should notify the victim and his legal representative of the right to authorize an attorney-at-law. The people's court, within three days following the acceptance of a private prosecution case, should inform the victim and his legal representative of this right. The victim may authorize the following people as his attorney-

at-law: lawyers; citizens recommended by a people's organization or by the victim's unit; close relatives or guardians of the victim.

3.3 The victim shall have the right to report a case and bring complaints to the public security organs, the public prosecution and the people's courts

The public security organs, the public prosecutor and the people's courts shall accept the reports, complaints and accusations, and guarantee the victim and his relatives' security. If the victim does not want to make his own name public, it shall be kept secret for him. This is to encourage the victim to report the case without fear.

3.4 The victim shall have the right to apply for reconsideration if he does not agree with the decision of not filing a case

If, following the review of the materials involved with the complaint or accusation, the people's courts, the public prosecutor and the public security organs decide not to file a case, they should inform the victim of its reasons. If the victim does not agree, he may apply for reconsideration. The victim may report to the public prosecutor, if he believes that the public security organ should file and investigate a case that was previously dismissed. The public prosecutor should require the public security organ to explain the reasons for not filing a case. If the public prosecutor believes that the reasons for not filing a case are untenable, he will inform the public security organ to proceed with the case. The public security organ shall therefore file the case after notification.

3.5 For private prosecution cases, the victim shall have the right to bring a direct prosecution to the people's court

If the victim has died or lost capacity, his legal representative or close relative shall have the right to bring a prosecution to the people's court, which should accept the case according to the law.

3.6 A victim under the age of eighteen shall have the right to inform his legal representative to be present during questioning

3.7 The victim shall have the right to apply for a supplementary expert evaluation or a new expert evaluation

The investigation organ shall inform the victim of the expert evaluation to be used as evidence. The victim may apply for a supplementary expert evaluation or a new expert evaluation.

3.8 The victim shall have the right to state his views

When reviewing a case, a public prosecutor shall interrogate the criminal suspect and heed the opinions of the victim, and of the attorney-at-law authorized by the criminal suspect or the victim. (This is just as the Old Chinese saying: "Listen to both sides and you will be enlightened; heed only one side and you will be benighted.")

Membership Update

As an international organization we have over 400 members from 69 countries. Our President is in Germany, the Secretary General in Japan and the Treasurer is in the USA. The Newsletter editor is in Canada and the newsletter is mailed from the Netherlands. This makes, sometimes, for miscommunication, especially when it comes to maintaining accurate member information.

We have learned in the course of preparing the latest Membership Directory that some addresses are incorrect or that we have missing data.

To provide the most efficient data management, we have decided that there should be one, official, data set and that this should be with the treasurer.

Send change or correction of addresses to:

Paul C. Friday, Treasurer,
World Society of Victimology,
Department of Criminal Justice,
UNCCCharlotte,
9201 University City Blvd.,
Charlotte, NC 28223, USA
or email to pfriday@email.uncc.edu.

We have lost contact with some members whose recent newsletters or dues notices have been returned. If anyone can provide the correct address for any of the following, please send the information to the treasurer:

Raphaella M. Carriere (NL),
Carlos E. Corvo (Argentina),
Anne-Marie Eriksson (USA),
Tian Yue Fue (China).

Thank you!

(Continued on page 8)

First Central American Course on Victimology and Victim Assistance: Perceptions of a First Time Participant

Shireen Miles

The WSV General Secretary John Dussich invited me to be one of the "docentes" or presenters at the *Primer Curso Centroamericano de Diplomado de Victimologia y Asistencia a Victimas* in San Salvador in February 2001. Although our agency had worked with Professor Dussich to provide training and internship opportunities for several Japanese victimology students, my connection with the World Society felt remote.

At WEAVE, a local Sacramento, California-based program, our specialty is working with survivors of domestic violence and sexual assault and their families. We provide crisis intervention, both in-person and over our 24-hour hotline, court and hospital accompaniment, advocacy and shelter. We also coordinate "Break the Silence on Domestic Violence," an innovative multi-county prevention campaign. As the Director of the Community Outreach unit at WEAVE, I supervise the certification training for staff and volunteers, oversee a wide variety of professional training initiatives and represent the agency on several community collaboratives, including our county's Domestic Violence Death Review Team.

As a practitioner, not an academic, someone who is involved in hands-on victim assistance, it was innovative to discuss the broader issues of victimology.

The presentations included those by feminist activists in the region, Maria Lorena Cuéllar de Barandiarán, who leads support groups for battered women in San Salvador and who plays a leadership role in the Red de Acción Contra La Vio-

lencia de Género and Doris Montenegro, of CEMUJER, a battered women's program. I heard a presentation by Fr. Jon Sobrino, a Jesuit priest who lectured on the topic of "Victimization and Christianity", which related to the defining event at the university, the 1989 on-campus murders of six priests, their housekeeper and her daughter by government death squads near the end of one of the most repressive epochs in the country's history, and a presentation by Manuel Muñoz, from the Universidad Complutense in Madrid, who lectured on "Natural Disasters and Mental Health." Muñoz was in San Salvador a week earlier giving a weeklong series of classes for psychologists, aimed at crisis intervention for victims of the earthquake. I made two presentations to the class: one on Domestic Violence and one on Basic Principles of Crisis Intervention as they apply to working with survivors of domestic violence and sexual assault.

In addition to presenting to the class, arrangements were made for me by local contacts to present to two other professional audiences during my stay in the country, one in Santa Ana and a large group in San Salvador, reaching a total of over 70 professionals. In each case, I spoke to judges, social workers, attorneys, law enforcement professionals, psychologists and activists working to prevent domestic violence and to intervene appropriately when it occurs. To see the high level of interest and learn about the reform efforts that are already underway in El Salvador to address violence against women was heartening.

Of course, one cannot talk about the February 5-16 course without noting that it occurred in the midst of crisis—a 7.6-magnitude earthquake

killed over 844 Salvadoreños on January 13, another 6.6-magnitude quake hit on February 13, and after I returned to the U.S., the country experienced another sizable tremor on February 17. During my stay, the earth never really stopped shaking. Everywhere you went, especially outside of the Capital, the damage was devastating, and a primary topic of conversation. Part of my visit included assisting local groups with earthquake relief efforts in rural communities in several different areas of the country and talking with activists about the specific impact of disaster on victim services. Since my return I have written articles or been interviewed by local newspapers and have scheduled several presentations to show the slide show I created, share my experiences and perceptions and solicit financial contributions to assist with on-going needs and relief efforts.

I remain in contact via e-mail with several of my Central American counterparts—sharing training resources, brainstorming solutions to common problems and providing personal and professional support and solidarity as we carry out work that can be difficult and draining.

The seminar linked me to a worldwide network of colleagues and victim advocates. Above all, I came away with a global perspective on victimology and victim assistance and a hunger to learn even more.

To the World Society of Victimology and to Professor John Dussich, thank you so much for giving me this amazing opportunity! *I look forward to many more opportunities to collaborate.* ■

(Continued from page 1)

In response to recommendations made by the Standing Committee on Justice and Human Rights in their report *Victims' Rights - "A Voice, Not A Veto,"* a series of *Criminal Code* amendments came into force on December 1, 1999. These amendments enhanced the safety, security and privacy of victims and the preamble to the legislation underscored the importance for the criminal justice system to treat victims and witnesses with courtesy, compassion and respect.

In March, 2000, Minister of Justice Ann McLellan announced that \$25 million over the next five years would be dedicated to the Department of Justice's Policy Centre for Victim Issues for federal victim-related initiatives and programs. The Centre was mandated to:

- ▶ Ensure victims of crime and their families are aware of their role in the criminal justice system, and the services and assistance available to support them;
- ▶ Enhance the Department of Justice's capacity to develop policy, legislation, and other initiatives considering victims' perspectives;
- ▶ Increase the awareness of criminal justice system personnel, allied professionals, and the public about the needs of victims of crime, legislative provisions designed to protect them, and services available to support them;
- ▶ Develop and disseminate information about effective approaches within Canada and internationally that respond to victims' needs.

The Policy Centre works closely with other sectors within the Department of Justice, including Youth Justice, Family, Children and Youth, the National Crime Prevention Centre and Aboriginal Justice, to ensure consistency in victim policies in other criminal justice initiatives. The Centre also collaborates with the Ministry of the Solicitor General, the Correctional Service of Canada, the National Parole Board and the RCMP in several areas related to victims in the criminal justice system.

The Policy Centre consults with the provinces and territories through the Federal-Provincial-Territorial Working Group on Victims of Crime. This group meets twice a year to share information, discuss research priorities and identify emerging issues.

The Policy Centre also consults widely with non-government organizations, victims' service providers and other victim advocates and over the past year, has held more than 10 consultation sessions. These consultations have confirmed that the most urgent need for victims, their families, their advocates and service providers is for information, particularly on the criminal justice system and the victim's role in it. The Policy Centre will be developing communication and educational tools to help meet this need. The Policy Centre will also conduct special projects to explore innovative approaches to disseminating information to victims. Some of the key communication activities that the Policy Centre is planning includes improving its Web site, preparing public legal educational material and fact sheets, participating at conferences and providing displays, and maintaining up-to-date information on programs and services available across Canada.

Another key activity of the Policy Centre will be conducting research to identify the needs of victims and gaps in services and programs, the effectiveness of existing legislation, as well as the best practices and new approaches from other peers.

Most recently, the Policy Centre completed a review of literature over the past decade that examines material on victims' issues in the criminal justice system. The literature review has helped to identify gaps in our knowledge base and identify areas for new or follow-up research.

The Policy Centre has also been involved in research on victim impact statements, and has conducted focus groups with victims to explore their experiences. The focus groups were designed as a first step towards more extensive research into the benefits of victim impact statements.

Consultations are now underway with academics, victims, victim advocates, Crown, defence lawyers and judges to develop a research agenda.

In August 2000, \$10 million (\$1.9 million per year) over a five year period was made available for initiatives to help the provinces and territories implement legislation for victims of crime, support innovative pilot projects to help victims of crime, particularly in rural areas, and provide limited emergency financial assistance to assist victims of crime and their families. This Victim Fund is part of the \$25 million, allocated to the Policy Centre for Victim Issues.

Due to the limited resources in the Victim Fund, and the high number of requests for funding that have been received, funding to organizations is generally limited to between \$25,000 and \$50,000. Organizations that receive financial assistance are also required to have other sources of funding for their projects, in order to ensure that the project will have long term support within the community.

The Victim Fund has recently provided funding to support a victim assistance conference to be held in Edmonton. *Journey to New Frontiers* is the 27th annual conference of the National Organization for Victim Assistance (NOVA). The conference will be held from August 19th to 24th, and is being hosted by the Edmonton Police Service's Victim Service Unit in partnership with other local and provincial organisations who work with victims of crime.

Founded in 1975, and based in Washington D.C., NOVA is the oldest national group of its kind in the worldwide victims' movement. NOVA's mission is to promote rights and services for victims of crime and crisis everywhere. The annual NOVA conference has only been held in Canada on one previous occasion in 1981. This year's NOVA conference will provide an opportunity for Canada to showcase a range of victim-related initiatives in workshops and plenary sessions. Canadian participants will also benefit from workshops lead by international experts. Over 2,000 victim advocates, service providers and those working in the criminal justice system are expected to attend.

For more information about the Policy Centre for Victim Issues and the Victim Fund, visit
<http://canada.justice.gc.ca/en/ps/voc/funding.html> ■

(Continued from page 5)

3.9 The victim shall have the right to petition or even prosecute if he does not agree with the public prosecution's decision not to prosecute

When the public prosecutor decides not to prosecute a case, he shall deliver the document of his decision to the victim. If the victim does not agree, he may, within seven days after receipt, petition the public prosecutor of the next higher level to initiate a public prosecution. The public prosecutor shall then re-examine the case and inform the victim of his decision. If the public prosecutor of the next higher level supports the original decision not to prosecute, the victim shall have the right to prosecute in a people's court. The victim may also be entitled to prosecute directly in a people's court without petition. After the people's court accepts the case, the public prosecutor should transfer the materials in the case file to the people's court.

3.10 The victim shall have the right to participate in the court proceedings

The victim shall be entitled to receive the subpoena at least three days before the opening of the court session.

When the court session opens, the chief judge should ascertain whether the victim is present, and inform the victim of his right to apply for withdrawal.

After the public prosecutor has read out the bill of prosecution in the courtroom, the victim may state his own views on the prosecuted crime.

The victim may put questions to the defendant, witnesses, or expert witnesses with the permission of the chief judge.

The victim is also entitled to identify the material evidence shown in court. The victim can express his opinion on: transcripts of the testimonies of witnesses not present in court; conclusions of the evaluations by

expert witnesses; transcripts of the inspection and other documents serving as evidence.

During the process of the courtroom hearing, the victim has the right to apply for: the notification of new witnesses, the obtaining of new material evidence and the new expert evaluation or inspection. The victim shall have the right to debate in court. Also, the victim may read the courtroom transcripts and request corrections. Consequently, the victim shall have the right to receive the written judgement during the legally prescribed period.

3.11 The victim shall have the right to request the public prosecutor to present a protest

Within five days after receiving the written judgement, the victim and his legal representative who disagree with the decision have the right to request the public prosecutor to present a protest. The public prosecutor should, within five days after receiving the request, make a decision whether to present a protest or not and inform the victim.

3.12 The victim shall have the right to present petitions

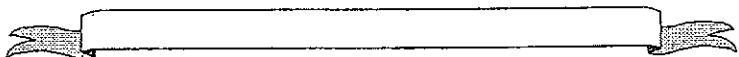
The victim, his legal representative or close relatives may present petitions regarding the judgement or orders already legally effective to the people's courts or the public prosecutor. However, the execution of such judgments or orders cannot be suspended.

3.13 The victim shall have the right to get back his lawful property from the judicial organs

The people's public security organ, the public prosecutor and the people's court shall return the victim's lawful property promptly.

3.14 The victim shall have the right to bring a supplementary civil action

A victim who has suffered material losses as a result of the criminal act has the right to bring a supplementary civil action during the process of the criminal procedure.

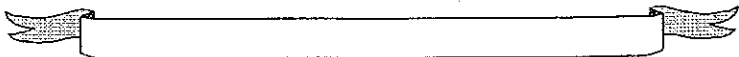


5th International Conference on Restorative Justice

POSITIONING RESTORATIVE JUSTICE

16-19 September 2001
Leuven, Belgium

For more information please contact:
Andrea.ons@law.kuleuven.ac.be



3.15 The victim shall have the priority to get restitution from offenders

When the offender bearing civil restitution responsibility is sentenced to a fine but, if his property is not enough to pay the fine or if he is sentenced to confiscation of property, compensation to the victim takes precedence over all other penalties.

4. Offenders' restitution-supplementary civil actions

4.1 Prescription in the law

Article 36 of the Criminal Law: "When the victim has suffered economic loss as a result of a criminal act, the defendant, in addition to receiving criminal punishment according to law, shall, according to the circumstances, be sentenced to compensate the economic loss."

Article 77: "A victim who has suffered material losses has the right, during the process of criminal procedure, to bring a supplementary civil action. If a state property or collective property has suffered losses, a public prosecutor, when initiating a public prosecution, may bring a supplementary civil action. When necessary a people's court may seal up or seize the defendant's property."

4.2 Claimants to restitution

Anyone who has suffered material losses as a result of the criminal act shall have the right to demand restitution. Claimants to restitution include:

- (1) A victim;
- (2) In case of death of the victim, his close relatives shall have the right to demand restitution. "Close relatives" refers to husbands, wives, fathers, mothers, sons, daughters, and brothers and sisters born of the same parents.
- (3) If the victim is a person incapable or limited in disposing capacity, his legal representative shall have the right to demand restitution. "Legal representatives" refers to the parents, adoptive parents or guardians of the person and the representatives of an organ or organization that has the

Publish your short article or review in the Victimologist

The Editorial Board of the Victimologist strongly urges all members of the World Society of Victimology to send in contributions for upcoming issues of the Victimologist

The Editorial Board is particularly interested in receiving articles from Members concerning the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in their own country

Contributions should be sent to the members of the Editorial Board. See page 3. ■

responsibility to provide protection.

- (4) A legal person or other organization which has suffered material losses.
- (5) If state property or collective property has suffered losses and no organ demands restitution, the public prosecutor shall have the right to claim restitution.

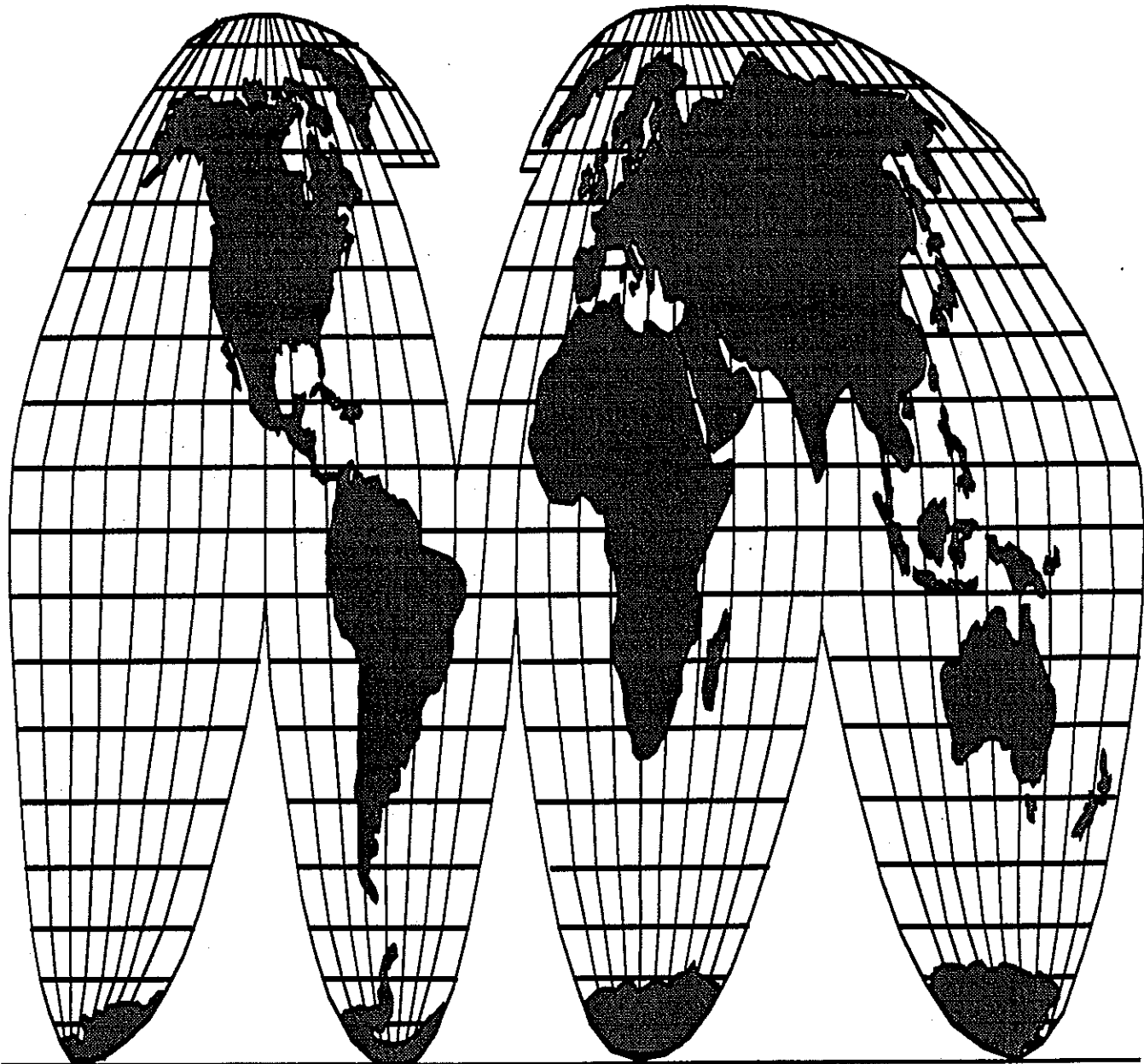
4.3 Scope of restitution

Scope of restitution is limited only to material losses due to the criminal act. Therefore, even if a victim's right of personal name, portrait, reputation or honor has been infringed upon; he cannot demand restitution for the loss.

- (1) If his property right has been infringed upon, the victim shall have the right to demand restitution. If the property can be returned or its original condition can be restored, the property shall be returned or restored. If not, corresponding restitution shall be paid. If other damages are done to

property rights, restitution shall be paid for the direct losses.

- (2) If his right to life and health has been infringed upon, the victim shall have the right to demand restitution.
 - In the case of bodily injury, medical expenses and loss of income, due to missed working time, shall be paid.
 - In the case of loss of working capabilities, medical expenses and disability restitution shall be paid. Living expenses shall also be paid to persons who have no working capabilities and have been supported by the disabled.
 - If death results, restitution for the death and funeral expenses shall be paid. Living expenses shall also be paid to those who have no working capability and have been supported by the deceased in his life. ■



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