
THE VICTIMOLOGIST

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From the Editor's Desk

Managing Editor

Michael O'Connell

The Victimologist is an important medium for communicating with our members. It is also widely read by people with a general interest in victimology. Given its readership, it is vital that the content cover an array of matter. The Editorial Board endeavours to do so every quarter of a year or thereabouts. *The Victimologist* however, does not belong to the Editorial Board - rather all members should be willing to contribute to its production.

It is pleasing that articles by new writers appear in this edition. Dr Keun-Jae Chung reports on the evolution of victim support in Korea and Setsuko Richardson outlines the history of victimology in Japan. As well, Handicap International reflects on the plight of victims of landmines and the findings of a recent study.

This edition also highlights the establishment of INTERVICT, a new victimological research centre in Tilburg, Netherlands and announces the Commonwealth *Statement of Basic Principles of Justice for Victims of Crime*.

So there is plenty for readers — please help us keep it this way. 🌐

INTERVICT: An International Victimological Research Centre established in Tilburg, Netherlands

Victimology is a relatively young branch of academic research. Its objective is to gain knowledge on victims of crime and abuse of power. Victimology has from its inception adopted an interdisciplinary approach to its subject matter. Contributions are being made by experts from fields as diverse as academic lawyers, criminologists, clinical and social psychologists, psychiatrists, political scientists and economists. Victimology also maintains a strikingly international profile. Despite its relatively brief tradition of some 50 years, it is well established and has been acknowledged as a special and identifiable area of academic research. There are specialised international (refereed) journals for victimology; there is a World Society of Victimology and there are a number of regional and national Societies of Victimology comprising many hundreds of researchers active in this field

INTERVICT's mission statement is: *Working towards a comprehensive, evidence based body of knowledge of victim empowerment*. INTERVICT aims to develop and implement a large scale interdisciplinary research programme in order to make significant contributions to the body of international victimological knowledge. The interdisciplinary approach of the research programme ensures that proper research is performed into all aspects of victimization, which will ultimately contribute to preventing or reducing instances of criminal victimization across the world and to limiting the effects of such victimization on victims and their families including economic costs, pain and suffering.

INTERVICT is supported by the Executive Board of Tilburg University, the Faculty of Law and the Faculty of Social and Behavioural Sciences of Tilburg University. In addition, support is given by various external partners.

For more information visit:

<http://www.tilburguniversity.nl/intervict/>

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Newsletter of the World Society of Victimology



Victim Support in Korea: A brief history

Dr Keun-Jae Chung

As the number of crimes in Korea has increased so to have the number of victims. There has also been an increase in the rates of mental illnesses and physical injuries suffered by victims of crime. The effects have become more serious and the legal and financial issues more prevalent. Initiatives to assist victims of crime exercise their rights and get helped have evolved, although not as quickly in Korea as in other places.

In 1987, for instance, the Ministry of Justice introduced the Assistance of Criminal Victims Act to support victims through financial aid and rehabilitation services. The Ministry also sponsored the Korean Citizens' Foundation on Initiatives for Safe Schools that offers counseling and other services to neglected youth as well as proper guidance to juvenile delinquents and juvenile offenders. This nexus between serving victims and preventing victimization is evident in other programmes such as the Ministry for Education's Youth Counselling Institute that provides consultations for youth with personal and social problems and prevents school violence.

Some of the impetus for more recent developments however can best be explained in the context of human rights and steps taken to eradicate gender discrimination. The premise being that social justice can make criminal justice better. For example, the Sexual Violence Relief Centres and the Domestic Violence Prevention Centres (which are not-for-profit, non-government organizations) played an active role when the Ministry of Gender Equality proposed reforms to the sexual violence laws. Likewise, the civilian-based centres for the prevention of child abuse and neglect drew on the Ministry for Health and Welfare's proposed law reforms to advance child-victims' interests.

Despite the government's reform and victim-oriented initiatives and the activities of civilian-based organizations to improve victim support in Korea, at the turn of the century appropriate services, among other victims' needs, remained limited because of shortcomings in the law and lack of funds. There were also limits on the classes or types of victims who could get assistance. Victims of various accidents, such as the collapse of a shopping mall and a major bridge, a large fire in a subway and vehicular accidents were not adequately helped by government agencies or civilian-based organizations. The same could be said for victims of natural disasters, such as floods and earthquakes.

Victims of crime have informational rights but the information they were receiving was unsatisfactory.

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Commonwealth Statement of Basic Principles of Justice for Victims of Crime

Michael O'Connell

In November, 2002 Law Officers agreed there was a need to the Commonwealth Statement of Basic Principles of Justice for Victims of Crime but a number of concerns were raised on the content. Nations that had systems and mechanisms in place supported the Statement. Some nations proposed specific amendments whereas others highlighted issues about the workability of some of the proposed principles. Several nations commented on the proposal to further involve non-government organisations in "the question of redress for victims" arguing, for instance those non-government organisations should not be allowed active involvement in roles other than the provision of legal aid to victims. Other specific concerns were:

- The scope of the Statement as the draft applied to victims of all crimes — no matter how serious — which would make it difficult to respect all victims' rights without placing an unnecessary burden on public officials.
- The principle that victims' property should be returned promptly should be amended to reflect the law in each nation.
- Victims' right to be informed about the status of investigations should say that victims are entitled to periodically be told of the general status of investigations and then only to the extent possible given the need to ensure the proper administration of justice.
- Consideration should be given to requiring prosecutors to establish pre-trial sessions with victims to take into account the views of victims.
- Objections to prosecutors having the ultimate responsibility to tell victims about the status of cases because, among other issues, this could impinge on prosecutors' impartiality.
- Making it mandatory for prosecutors to bring to the courts' attention victims' views on bail, adjournments, charge-bargains, dismissals and compensation would be onerous - rather prosecutors should have discretion.
- The principle that defendants who harass, threaten, injure or otherwise intimidate victims or witnesses should be charged and pursued should be strengthened to include the withdrawal of bail in such cases.
- As it is not clear what legal interests victims have, training for judicial officers should focus on victims' needs and interests in general.
- Victims should only be permitted to make representation at bail hearings, adjournments, charge-bargains, charge-withdrawals and compensation where appropriate.
- The relevance and admissibility of victim impact statements.
- Putting greater emphasis on criminal courts ordering compensation departs from the principle that a criminal trial is between the state and the accused.

Nevertheless, in October 2005 the Officers agreed on a Statement - for the communiqué see:

http://www.thecommonwealth.org/shared_asp_files/uploadedfiles/2A07BB49-003F-4916-8B21-C368B0DE486C_FINAL-LMM-COMMUNIQUE.pdf

How the Justice System Responds to Juvenile Victims: A Comprehensive Model

In March, 2006 the Office of Juvenile Justice and Delinquency Prevention (OJJDP) released "How the Justice System Responds to Juvenile Victims: A Comprehensive Model." This 12-page bulletin was written by Drs. David Finkelhor, Theodore Cross, and Elise Cantor. The bulletin introduces the concept of a juvenile victim justice system and reviews the case flow processes for the child protection and criminal justice systems, describing their interaction.

"How the Justice System Responds to Juvenile Victims: A Comprehensive Model" (NCJ 210951) is available online at <http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=210951>

REMINDER



WSV's 12th International Symposium on Victimology: Expanding the Mission Understanding and serving victim needs across the world.

Rosen Plaza Hotel, Orlando, Florida,
USA — 20-25 August, 2006

<http://www.ce.ucf.edu/asp/wsv/>

Osamu Nakata – and the Beginnings of Victimology in Japan

Setsuko Richardson

Tokiwa University Graduate School of Victimology¹

Introduction

Osamu Nakata is widely recognized as the person who introduced Victimology to Japan in 1958.

Hidemichi Morosawa writes: "When Victimology was introduced for the first time in Japan, it was via Osamu Nakata."² Nakata indeed published an abridged translation of Mendelsohn's article on Victimology in the leading Japanese criminological journal, marking the first written scholarly reference to the concept of Victimology in the Japanese language.³

This paper looks into the immediate consequences of this "introduction" and also examines the scholarly debate at the time in a groundbreaking symposium. It makes the assertion that scholars other than Nakata also played key roles in bringing Victimology to Japan. Indeed, Nakata himself attributes the introduction of Victimology to Japan to one of his colleagues. In his book *Hanzai Seishin Igaku*, he commented:

"People say I am the person who has introduced Victimology to Japan but the honor should go to Dr. Shunfu Yoshimasu."⁴

Shunfu Yoshimasu was actually the spiritus rector of the Nakata translation. The background to the story is as follows.

In Mendelsohn's own typical style of communication⁵, he sent his paper on Victimology to a lot of scholars around the world to increase awareness of the new science. Yoshimasu was among these scholars. Yoshimasu read the paper, found it innovative and remarkable, and recommended it to Nakata for translation and publication.

¹ The author is indebted to valuable help of Prof. Dr. Gerd Ferdinand Kirchhoff of Tokiwa Daigaku Graduate School of Victimology. This paper is based on a term paper for his "History of Victimology" seminar taken in 2005.

² Hidemichi Morosawa, *An Interdisciplinary Study of Victims and Victimization* Seibundo p35 1998.

³ Osamu Nakata: Mendelsohn – Victimology – a new biosocial, psychological and social science" *Hanzaigaku zasshi* Vol.24, No 6 p8ff, 1958

⁴ Osamu Nakata, *Hanzai Seishin Igaku (Criminal psychiatry)* Kongo shuppann p322 1972

⁵ Mendelsohn promoted "his" victimology" passionately in numerous letters and sent his articles worldwide under considerable financial sacrifices. His letters are a treasure for the history of victimology still unearthed (personal communication with Prof. Dr. Kirchhoff, February 2006), see Kirchhoff, G.F.: Laudatio for Benjamin Mendelsohn, given at the Award Ceremony WSV Hans von Hentig Award in Rio de Janeiro, August 29, 1991. in: Gerd Ferdinand Kirchhoff, Ester Kosovski and Hans Joachim Schneider (eds): *International Debates of Victimology*, Moenchengladbach, WSVN 1993-1994, p. 70-72.

⁶ Nakata, p351

Mendelsohn's paper is from 1956, but the Japanese version appeared just two years later – a remarkably short period for a translation on a new science originating in the West to be published in Japan. At the time, Nakata was working at Tokyo Metropolitan Umegaoka Hospital as a doctor of psychiatry. He became a professor at the Tokyo Medical and Dental University 1959.⁶

The First Victimology Symposium in Japan

At this university Tanemoto Furuhashi, Professor of Forensic Sciences, was already active in Victimology. Furuhashi was another Japanese scholar on Mendelsohn's international mailing list and was moved by his ideas. On November 14, 1959 Furuhashi convened a "Symposium: Victimology" at the Tokyo Medical and Dental University. Aside from himself, speakers at this first symposium on Victimology in Japan included Shunfu Yoshimasu, Tsuguo Onojima (Chief Officer of security division at Tokyo Metropolitan Police Department), Katsuyo Hirose (criminologist/psychiatrist), and Osamu Nakata.⁷

The topics discussed are now almost fifty years old - nevertheless, they are very interesting not only for the historian: many are still on the unwritten research agenda of Victimology.

Furuhashi observed that forensic medicine one-sidedly considered only the victim, while criminal psychiatry and police investigations equally one-sidedly focused exclusively on the criminal. If there is a crime, there is both a victim and a criminal. Furuhashi agreed with Hans von Hentig: that is, the victim also needed to be researched. He referred to Nakata's translation of Mendelsohn's paper and advocated a study of victims that parallels criminology.

Osamu Nakata in his presentation "The Prospects for Victimology" gave an overview on the "classical" victimological studies from Mendelsohn, Hentig, Ellenberger, and Schulz, but also referred to Yoshimasu and Hirose from Japan.⁸ His closing words were impressive. While complimenting the theoretical soundness of the new ideas, he criticized:

"More effort is needed to investigate the facts. We should think of ways to obtain data. It will likely be hard due to problems with civil liberties issues but this should be overcome. Also, we should pay attention to organized research for victims, especially to international research..."⁹
(emphasis by the author)

⁷ Nakata, p322 and Symposium Minutes in *Hanzaigaku Zasshi* Vol. 25 No. 6 p188-p199

⁸ Symposium Minutes p188-p199

⁹ *ibid*, p194

Katsuyo Hirose in "Victims of female murderers", based on 50 cases, using Mendelsohn's methodology observed that victims in many cases had likely contributed to family conflicts: the victim's personal character was a central factor in the murders, and helped precipitate the violence. He added that the existence of victims tends to be forgotten after they are dead but should be investigated further. Victims of the female murderers he investigated were mainly been mothers-in-law or neurotic fathers or brothers who traditionally lived together with the victims. However, because of social changes at the time, these groups were increasingly choosing to live apart.

Onojima presented a report entitled "Victimology from a Security Point of View – Security for Victims." He said that police work includes work on victim security, which identifies potential victims and acts to prevent crimes. The police are informed by experiences of victims in the field – he added that scientific research was needed, indeed welcome, but not existent as data dealt only with criminals. He felt that victim research should help police to do their job and to win the cooperation of victims in criminal investigations. Especially helpful would be social science research on residential burglaries and commercial enterprises to help in prediction and prevention. He wanted to see the emergence of "Investigative Psychology" – that is an analysis of the interrelationships between the style of police investigation and victim cooperation.

Shunfu Yoshimasu reported on "Issues on the Concept of Victimology". He originally believed Victimology to be the study of the relationship between victimizers and victims. But Yoshimasu's view was changed by a thesis by Katsuaki Ikeda.¹⁰ This paper dealt with the mentality of victimizers of workplace accidents. Yoshimasu began formulating the idea that criminology and industrial psychiatry are linked and that it would be useful for researchers from both fields to exchange their views on Victimology. Yoshimasu expressly acknowledges the merits of Mendelsohn as the creator of a new science.

According to Nakata, Mendelsohn was delighted to know that such a symposium was held in Japan and about the consequences of the translation of his article into Japanese.¹¹ Nakata published another article on Victimology in 1963¹² before going on to become an authority in the field of forensic psychiatry. Koichi Miyazawa of Keio University, who served as President of the World Society of Victimology, also acknowledges Mendelsohn's contribution to Victimology.¹³

¹⁰ Katsuaki Ikeda, "Saigai ni okeru jinteki yoin no sangyo seishinigakuteki kenkyu" (an industrial psychiatry research of human factor on disasters). A thesis for a degree submitted to Tokyo Medical and Dental University, 1960

¹¹ Nakata, 1972 p. 322

¹² Osamu Nakata, "Victimology" *Shizen* Vol.18 No.11, 1963

¹³ Koichi Miyazawa, *Hanzai to Higaisha* Vol. 1 Seibundo 1970, preface p1-3.

Conclusion

That debate about Mendelsohn's paper was already active in the late 1950s in Japan. Interest in Victimology was not confined just to the writings of Nakata, but to a wide range of scholars and professionals such as Yoshimasu working in areas that dealt with crime and its consequences. From the active debate seen at the 1959 symposium, it is clear that Victimology was almost immediately seen as having a broad range of possible applications in Japan. The initial work in the field after Mendelsohn's paper was sent to scholars in Japan can thus be said to have been more collaborative and wide-ranging than previously supposed.

Books by Dr. Nakata (Selection)

Nihon no seishinkantei (Psychiatric examination), Misuzu Shobo, January 1973 (Co-authored)

Seishinkantei jirei-shu (Psychiatric examination cases), Nihon Hyoronsha, November 2000

Seishinkantei to kyojutsushinri (Psychiatric examination and statement psychology), Sogensha, April 1966

Shihoseishinigaku to seishinkantei (Forensic psychiatry and psychiatric examination), Igakushoin, April 1997

References

Hidemichi Morosawa, "*Higaishagaku nyumon*", Seibundo, 1998.

Osamu Nakata, *Hanzai Seishin Igaku*, Kongo Shuppan, 1972

Koichi Miyazawa, "*Hanzai Higaisha no Jinken (1)*", *Human Rights and Law*, NIBEN Frontier Koho Zasshi, June 2002

Symposium Minutes in *Hanzaigaku Zasshi*, Vol. 25 No. 6, 1960

Koichi Miyazawa, *Hanzai to Higaisha*, Vol. 1-3 Seibundo, 1970-79

Handicap International – Report on Victims of Landmines

The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Mine Ban Treaty) was promulgated almost a decade ago. Despite the endorsement of 153 states and the joint activities of hundreds of non-governmental organizations, our world is far from a global prohibition of these inhuman weapons, which do not distinguish between a soldier and an innocent child. Once they are laid, they can function over decades and hurt or kill people many years after an official ceasefire.

Today there are mine fields in every region of our world. It will take many years to clear them all. In the

meantime many people will potentially get injured, not to speak from the negative consequences on environment and economy in affected countries.

The landmine-problem is not only an individual problem but also one that impacts on families, on communities and at inter-community. Victim assistance organisations, therefore, have pleaded for a more concerted approach to the removal and eradication of anti-personnel mines.

Victims express a strong desire for global recognition of their plight. They also want recognition of their rights, as well as help with healing.

Handicap International searched the International Law codes to ascertain these victims' rights. In April, it published a study titled *What rights for mine victims? Reparation, compensation: from legal analysis to political perspectives*.

The first part of the study covers the legal status of landmine-victims — from the Geneva Conventions over International Human Rights Law to national laws. It seeks to answer questions such as: Where can rights for landmine victims be drawn? If these victims have rights, where can they be claimed in national, regional or international legal systems?

The second part examines the possibility of compensation for the victims.

As of June, 2006, Handicap International had not taken any legal action on behalf of victims, but decided to disseminate the findings of the study in the hope that others would take up the victims' cause.

Judith Welz, an advocate for Handicap International wrote,

"To the physical and psychological suffering often adds the feeling of guilt because the aggressor cannot be identified and the person has stepped on the mine by their own. Moreover, the lack of binding international laws in favour of these people leaves them alone and helpless."

"With the help from victimologists and their know-how a better understanding of victims' realities can be affected and the argumentation for compensation could be enlarged. The bottom-up approach seems today a good way to raise conscience on the necessity of rights for landmine-victims."

The report can be downloaded in French and in English from the website of Handicap International: <http://www.handicap-international.org/esperanza/news/droitvictimes.asp>

(Continued from p.2)

As well the compensation they received was below their expectations. Alas, when victims turned to support organizations these organizations were only able to provide short-term counseling and basic direct services because of financial shortages and insufficient resources — very little continuing assistance to match victims' long-term needs was available. Hence, it was concluded that there needed to be a more comprehensive and practical range of assistance delivered through dedicated centres.

In 2003 therefore, the first not-for-profit, non-government victim support centre to support victims of crime, victims of accidents and victims of natural disasters was set-up in Gu-Mi and Kin-Cheon, Korea. The centre runs medical, legal and counselling services.

The idea for this victim support centre was first discussed at a seminar on victim support in May that year, which led to a foundation committee being formed in June. Meetings of various directors from existing sexual violence centres and domestic violence centres and others were held in July and August. Recruitment of and training for volunteers to co-staff the centres began about the same time. Then on 5 September the Gu-mi Victim Support Centre opened, followed in Dec by the Kim-Cheon Victim Support Centre. A campaign to promote the new services and encourage victims to use them commenced on the opening of these centres.

The centres offer victims telephone and in-person counselling, and co-ordinate self-help groups. In terms of advocacy, the centres' staff encourage debate on who are a victim and lobby for practical improvements in the support systems for victims. Currently, the lack of services and information on services that is available to people in the country-side is cause for concern.

The centres also run training for counsellors and volunteers, and co-operate with research and academic activities. In the future, a link forged between the centres and Gu-Mi College will facilitate research and training that ultimately will benefit victims.

The integration of professional (e.g. medical officers, oriental doctors, lawyers and counsellors) is a feature of the centres' organisational structure. This coupled with regular meetings with public officials has proven beneficial in raising awareness of victims' rights and their needs.

The development of these centres is an incredible step forward for victim-support in Korea. Much more needs to be done before all victims have their rights respected and access to services. There are many challenges ahead, including garnering support for legislative framework to support the centres' activities and attaining government funding and a tax exemption for citizens who donate money to the centres. The centres also should become part of an international network for victim-assistance. 🌐

The Victimologist

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

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Managing Editor:

Michael O'Connell, GPO Box 464, Adelaide, SA 5001, Australia, Phone: +61 +8 82071723, Fax: +61 +8 82071736 E-mail: connell.michael@agd.sa.gov.au

Editorial Board:

Georgios A. Antonopoulos, Department of Sociology and Social Policy, University of Durham, 32, Old Elvet, Durham, DH1 3HN, United Kingdom. E-mail: georgios.antonopoulos@durham.ac.uk

Marisol Casanova Guzman, calle 7 #I-11, Urb. Brisas del Mar, Luquillo, P.R. 00773 Phone: (787) 763-1985 ext. 259, Fax: (787) 763-5168, E-mail: mcg103@prtc.net

Dr. Otmar Hagemann, Kiel University, Germany, Email: Otmar.Hagemann@FH-Kiel.de

Almir Maljevic, Faculty of Criminal Justice Sciences, University of Sarajevo. Phone: 387 33445 452 ext: 227. E-mail: amaljevic@fknibh.edu

Jo-Anne Wemmers, Universite' de Montreal, C.P. 6128 succ. Centre-Ville, Montreal, Quebec, Canada, H3C 3J7 Telephone (1) (514) 343-6111 ext. 4864, Fax (1) (514) 343-5650, E-mail: jo-anne.m.wemmers@umontreal.ca

Inquiries: Address all correspondence concerning newsletter materials to the members of the Editorial Board.

Further information on WSV is available at www.worldsocietyofvictimology.org and membership inquiries should be addressed to Paul Friday, Treasurer at pfriday@email.uncc.edu

In the **NEXT EDITION** of *The Victimologist*:

- Comments on the International Victimology Symposium & Post-graduate Course on Victimology & Victim Assistance
- Minutes of the WSV General Meeting
- President's Letter
- Preliminary Information on the next International Victimology Symposium - Japan
- An overview of the history of the *Centro Interdipartimentale di Ricerca sulla Vittimologia*
- Report on INTERVICT's first international conference.

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