

THE VICTIMOLOGIST

Volume 6 Number 2 September 2002

NEWSLETTER OF THE WORLD SOCIETY OF VICTIMOLOGY

Victim Assistance for American Citizens Overseas

A Program of the U.S. State Department

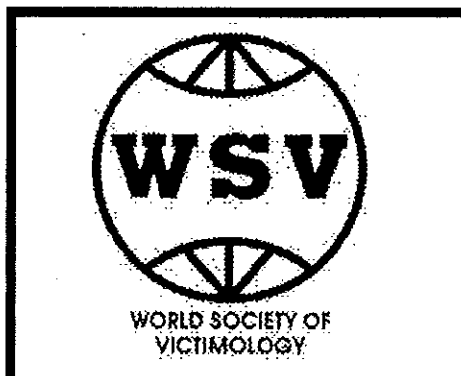
Jane Nady Sigmon

Americans make more than 60 million trips abroad each year to study, work, vacation, and visit family and friends. Most Americans traveling abroad have positive, memorable experiences. However, the U.S. State Department is keenly aware that some Americans fall victim to crimes overseas, ranging from the theft of passports and money to carjacking, serious assault, rape and murder, as well as kidnapping, hostage taking, and acts of terrorism. In recent years the Bureau of Consular Affairs Office of Overseas Citizens Services (CA/OCS) initiated a program to improve and expand assistance to crime victims.

The primary mission of CA/OCS is to assist Americans residing, studying, or traveling abroad. Consular officers in embassies and consulates in capital and major cities around the world provide a full range of emergency and non-emergency services. These include: replacing lost or stolen passports; assisting Americans to find medical assistance; providing loans for emergency medical and dietary assistance; assisting with the transfer of funds from family, friends, employer or a bank; repatriating destitute Americans to the United States through the repatriation loan program; visiting and monitoring the condition of Americans who are arrested and/or imprisoned; notifying the next-of-kin of the death of an American abroad, and assisting as necessary in the disposition of remains, and issuing a Report of Death;

providing crisis management and assistance to Americans following a disaster; and overseeing Federal benefit payments to people living abroad.

Consular services have traditionally emphasized providing critical assistance to U.S. citizens abroad in a time of need. Building on these established methods of consular assistance, the State Department initiated a new crime victim assistance program in June 2000. With support



from the U.S. Department of Justice Office for Victims of Crime, CA/OCS employed its first victim assistance specialist to provide expertise in victim service issues. Since then the State Department has issued new guidelines for consular assistance to victims of serious crime and established victim assistance training programs for consular officers. Nearly 100 consular officers have attended the four-day consular victim assistance training course conducted in the

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Crime experiences in Southern Africa

Beaty Naudé

To date victim surveys have received relatively little attention in Africa which is mainly due to a lack of funding and a lack of research culture and capacity in many African countries. African countries are severely disadvantaged in terms of socioeconomic development and most governments are unable to provide even the most basic needs for all their citizens, such as water, housing, health care and education. In terms of the United Nations' classification of the least developed countries, 34 are in Africa, nine in Asia and six in the Pacific and the Caribbean. Seven of these African countries are in the Southern African region, namely Angola, Democratic Republic of Congo, Lesotho, Malawi, Mozambique, Tanzania and Zambia. Africa has furthermore been characterised by political instability, internal conflict and liberation struggles for decades and in the Southern African region unrest still prevails in nine of the 14 countries comprising the Southern African Development Community (SADC). With the exception of Botswana and more recently South Africa, democracy is fragile and many countries are characterised by autocracy, political suppression, restrictions on the media, lack of freedom of speech and a poor human rights culture. The Southern African region furthermore has high rates of urbanisation which is seven times higher than the average of industrialised countries while large

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Washington, D.C. area and in Mexico. In the fall of 2002 the course will be conducted in Europe.

Overview of Consular Assistance to Crime Victims

When a U.S. citizen is the victim of a crime overseas and the incident comes to the attention of a U.S. Embassy or consulate, consular officers can be an important source of emotional support and reassurance to a traumatized victim. In the immediate aftermath of a serious crime, a quick response is often critical and establishing contact with the victim is a priority. The first goal is to identify and address issues related to safety and security of the victim, and immediate medical and physical needs.

Although they are not social workers or counselors, consular officers can listen to the victim and provide information about what will happen next. This helps the victim to prepare, regain a sense of control, and begin the recovery process. The consular officer may also assist with practical consequences of the crime, such as helping the victim to contact family or friends, obtain funds if money was stolen, or change hotel rooms if needed to feel safe.

Consular officers often coordinate

with the local government and other resources. Assisting American crime victims to obtain appropriate medical and other emergency services overseas is a key consular role. While consular officers cannot investigate crimes or provide legal representation for victims, they can express the interest of the U.S. government in the expeditious and proper handling of the case by local authorities.

Because of the vast geographic areas covered in many consular districts, it is not always possible for a consular officer to respond in-person to assist a crime victim. In these cases consular officers may be in telephonic contact with the victim, other Americans close to the victim, local officials, and medical and other professionals to coordinate needed assistance.

To identify appropriate victim assistance resources and make referrals consular officers overseas coordinate their activities with their consular counterparts and the victim assistance specialist in Washington, DC. Victims can be provided with information about specialized victim assistance programs in or near the community where they live in the United States. Referrals often include crime victim compensation programs, rape crisis counseling programs, homicide survivor support groups, shelters for battered women, or child abuse diagnostic and treatment

programs.

Many American victims want to report crimes to the police, but they do not speak the local language, do not know how or where to report a crime to law enforcement, and do not understand the local criminal justice process. Most countries have not established victim assistance programs to provide victims with written information about the criminal justice process or to contact victims to provide information about progress in the criminal investigation or prosecution. Further, many countries do not have resources to provide an interpreter to assist victims in making a police report or in obtaining case information, and in some countries victims are expected to hire an attorney to represent them in the criminal case -- which is very different from the American system.

Consular officers attempt to assist victims with the criminal justice process in the country where the crime occurred, as the demands of other duties permit. They can help victims to understand how the criminal justice process works, and they can serve as a point of contact for information on progress in the criminal case and court proceedings in many countries. (It is important to note that when assisting victims through the criminal justice process,

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From the Editor's Desk

This issue of the *Victimologist* reflects the international character of the World Society of Victimology and contains articles from a number of different continents. The article by Jane Nady Sigmon describes a new and unique program offered by the U. S. State Department. Many countries do not have victim support services and this program attempts to fill this gap by providing victim support to US nationals who are victimized overseas.

Continuing our series on crime and victimization in Africa, in anticipation of the 11th International Symposium on Victimology, which will take place in Stellenbosch South Africa in July 2003, Beaty Naudé presents data from the International Crime Victimization

Survey. In her article, Professor Naudé discusses some of the major issues currently facing the Southern African region.

Based on his book, *A Step Towards Victim Justice System: Nepalese Perspective*, in his article Shanker Kumar Shrestha argues for the creation of a separate justice system for victims of crime in which their unique status would be recognized.

In her article on Central America, Shireen Miles describes her recent experience as an instructor at a two-day training program in Guatemala City, Guatemala. The program aimed at sensitizing professionals working in the criminal justice system to domestic violence.

Finally, this issue contains two articles, which address the post-graduate courses that have been developed by WSV members around the world. The article by John Dussich provides a review of the *Second Central American Course on Victimology and Victim Assistance*, which was, took place in March 2002. The second article is a collective publication by a group of students who participated in the 18th *Post-Graduate Course on Victimology, Victim Assistance and Criminal Justice*, which was held in Dubrovnik in May 2002. These courses are an importance resource both locally and internationally and WSV members are encouraged to participate in future sessions.

consular officers cannot provide legal advice, act as an attorney, or represent a victim in court.)

Consular officers can also assist American victims, when asked, if the victim returns to the country to testify in criminal court proceedings. The assistance provided may include helping the victim to identify safety concerns and raising these with local authorities, and accompanying the victim to the trial, when possible (although not in a legal capacity). Consular officers can also help the victim to obtain information about whether and how the local government will provide funds to pay the victim's travel expenses for criminal justice proceedings.

(Governments in many countries do not pay the expenses of a victim who returns to the country to testify, and there is generally no U.S. government source to fund such travel.) In many cases the lack of funds may prevent a victim from returning to participate in a prosecution.

Conclusion

Relatively new within the State Department, the Victim Assistance Program has focused initially on developing new policies and procedures and providing consular officers -- who are the first line of response to Americans in distress overseas -- with information and training on effective victim assistance strategies. Although the range of

assistance envisioned and described briefly above is not yet available in every crime victim case overseas, the Office of Overseas Citizens Services is working to continually improve its response to victims of crime who suffer serious physical injuries and emotional trauma.

(About the author: Jane Nady Sigmon, Ph.D., is the U.S. State Department's first victim assistance specialist. Prior to this position she served as: Executive Director of the Victims' Assistance Legal Organization, VALOR, a U.S. national non-profit organization; Director of the U.S. Department of Justice Office for Victims of Crime; and Associate Commissioner of the U.S. Children's Bureau.)

Breaking the Silence on Domestic Violence: A U.S. Advocate's Perspective on the Unique Challenges Facing Advocates in Central America

Shireen Miles

On March 14, I co-presented with one of my former co-workers, Luz Elia Meraz Johnson, on domestic violence to about 30 people in San Salvador as a part of the Second Central American Course on Victimology and Victim Assistance, cosponsored by WSV and held on the campus of the Universidad Centroamericana in San Salvador. Luz and I shared information on the "Break the Silence on Domestic Violence" campaign, a highly successful community awareness and organizing campaign in our region of Northern California, which has radically changed the way that local residents see their role when someone they know is affected by family violence. I felt fortunate to be asked to serve on the faculty for the victimology course last year, and it was even more of an honor to be asked back. In addition, I was asked to help WSV General Secretary John

Dussich and judicial reform advocate Annette Pearson de Gonzales of Colombia with two days of presentations in Guatemala City on March 19th and 20th in a program sponsored by the Judicial College--the Escuela de Estudios Judiciales del Organismo Judicial.

We reached 75-100 participants in the Guatemala City presentation. Attendees were judges, attorneys, police officers, medical professionals, prosecutors, and a variety of psychologists and social workers. Interestingly enough, it was mandatory for judges to attend, something that would be very difficult to pull off in the United States, where too many judges believe that being "impartial" exempts them from the obligation to learn more about the complex dynamics of family violence, which comes before them on a regular basis in the courtroom. In contrast, in the presentations in Guatemala, a high level of interest was

evidenced by excellent audience participation. Just as encouraging, Judicial College staff shared with me an excellent curriculum guide on family violence used in the training sponsored by their office for new judges. It was clear that continuing education on the subject of domestic violence is perceived as valuable to judges.

During our stay in Guatemala City, we stopped by the Office of the Public Ministry which is where WSV member Rebeca Gonzales Leche heads up the Office of Victim Assistance (OAV), and I was able to meet her colleagues, who are tireless and resourceful advocates for victims. Besides the office in the Capitol, they have another dozen or so one-person satellite offices scattered throughout the country. Although they provide victim assistance in all kinds of cases, they say about 30% of their cases are domestic violence-

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numbers of young people are another common feature - almost 50% of the population in these countries are under the age of 24 while education levels vary from 1.7 to 4.7 years of schooling. Females are particularly disadvantaged in terms of education, income and social development and they are often discriminated against in terms of prevailing traditions and customs which makes them more vulnerable to crimes of violence, especially assault and domestic violence. There is furthermore a large number of legal and illegal firearms in

is therefore common and in the Southern African region the ratio between the police and private security officers varies from approximately 1:2 to 1:3.

These common features of the region and the fact that many of these factors are universally regarded as contributing to crime prompted researchers at the University of South Africa and the Technikon South Africa to conduct the international victims of crime survey (ICVS) in the region in collaboration with the United Nations African Institute for the Prevention

Table 1 Crime victimization rates over one year in Southern Africa (%)

Type of crime	Lesotho	Swaziland	Namibia	SA	Zambia	Botswana	Zimbabwe
<i>Vehicule related thefts</i>							
Car theft	3.7	6.3	2.0	7.9	3.2	1.0	0.3
Car hijacking	1.1	4.9	0.2	5.0	6.4	0.7	-
Theft from a car	10.4	15.2	12.2	9.6	11.6	12.6	5.2
Car vandalism	2.2	6.9	4.7	6.4	2.8	3.9	2.3
Motorcycle theft	0.0	5.7	0.0	11.4	3.6	0.0	0.1
Bicycle theft	3.5	7.8	10.3	7.4	5.5	4.8	1.0
<i>Other crimes</i>							
Burglary with entry	6.6	9.5	8.1	7.9	11.0	6.9	10.2
Attempted burglary	5.0	9.0	9.0	4.1	7.2	4.0	7.2
Robbery	2.0	3.8	5.0	5.4	2.7	2.0	4.2
Personnal theft (pick-pocketing)	7.4	12.4	7.1	8.8	10.4	7.6	20.6
Sexual offences (females)	3.9	3.4	2.6	1.6	3.1	2.8	2.8
Assault, threat	4.3	7.2	4.4	6.5	6.7	3.7	10.2
Consumer fraud	22.4	20.2	19.8	9.5	43.1	23.6	24.8
Corruption	19.2	17.5	5.5	2.9	9.9	0.9	19.4

circulation as a result of the many liberation struggles waged in the region.

The many artificial borders created during Africa's colonial occupation furthermore resulted in fragmentation by grouping different multicultural and ethnic groups into a specific region. This compromises democracy and causes political conflict as there is a tendency in Africa to vote across ethnic lines resulting in the rights and needs of minority groups often being ignored which frequently causes political tension. The criminal justice system in most of these countries is furthermore ineffective, poorly equipped and often run by inadequately trained officials, while legislation is frequently inadequate or outdated. Indigenous law was furthermore suppressed during the colonial era and the English criminal justice system is the most dominant in the region which many indigenous communities still regard with distrust and suspicion. This has contributed to low reporting rates of crime as is evident by the fact that only about 40% of all crimes are reported to the police. Private security policing

of Crime and the Treatment of Offenders (UNAFRI) in Uganda and the United Nations Crime and Justice Research Institute (UNICRI) in Italy. The aim was to establish an independent crime database in order to obtain a more comparable overview of crime problems in the region, to promote the sharing of expertise in the effective prevention of crime and to create an awareness of the value of victim surveys. The prevailing view is that the crime situation in Africa cannot be meaningfully compared with Western or South American countries due to the different political and socioeconomic conditions pertaining to Africa. Since 1998, the international victims of crime surveys have been conducted in the main cities of Lesotho, Swaziland, Namibia, Zambia, Botswana and South Africa. It was very time consuming and difficult to establish the necessary research contacts in the different countries to supervise the research while the training of the fieldworkers, the analysing of the data and the writing of the reports were undertaken by the researchers. The survey was also conducted in

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Zimbabwe in 1995 by researchers at the University of Zimbabwe and, where available, this data will also be included in the discussion although the situation may have changed considerably in the meantime as a result of the political and social unrest existing in Zimbabwe since 1999.

Table 1 gives a brief overview of the main findings of the ICVS:

Incidents of theft such as theft from a car, theft from the person and burglary were the most prevalent crimes experienced by the respondents in most of the countries which can possibly be related to economic distress and relative deprivation. Car theft and hijacking experiences were the highest in South Africa, Swaziland, and Zambia which can probably be linked to organised crime activities as the South African police have identified numerous organised crime syndicates with links extending to Swaziland, Mozambique and Zambia. Large open borders coupled with poor border controls and a lucrative market for stolen vehicles in the Southern African region, where public transport facilities are very poor, make car theft an attractive target for crime syndicates.

Robbery incidents were the highest in South Africa, Namibia and Zimbabwe while incidents of assault were the

highest in Zimbabwe, Swaziland, Zambia and South Africa. Sexual offences against females were the most prevalent in Lesotho, Swaziland and Zambia. The high incidence of violence in South Africa, Namibia and Zimbabwe can probably be related to the liberation struggles in these countries which only terminated in the 1990s in Namibia and South Africa and in the 1980s in Zimbabwe contributing to an ongoing culture of violence and lack of respect for human rights in these countries while Swaziland is the only country in the region still ruled by the Swazi King and the traditional Tinkhundla (tribal leaders) resulting in a lot of violence and unrest among the younger members of the population who are more in favour of a democratically elected government. The large number of illegal firearms in the region is another contributing factor. Assault and sexual incidents also appear to be highest in countries with high rates of social and economic distress or economic disparity across racial lines. It would also appear that sexual offences are more prevalent in Swaziland, Lesotho and Zambia where prevailing traditions and customs still discriminate the most against women.

Consumer fraud is very high in the region, particularly in Zambia, Zimbabwe, Botswana and Lesotho while corruption rates are very high in Zimbabwe, Lesotho and Swaziland.

XVIII Post Graduate Course on Victimology, Victim Assistance and Criminal Justice (May 6th – 17th 2002)

Terrance J. Taylor and Kris Vanspauwen

Almir Maljevic and Flora Myamba

Stefanie Graupner

Miriam Ohler and Robert Siegl

History and Tradition

What started as a challenge from a Croatian scholar has turned into a long-standing tradition of sharing victimological research. In 1983, Gerd F. Kirchhoff (Mönchengladbach, Germany), Zvonimir P. Separovic (Zagreb, Croatia), and Paul C. Friday (USA) were gathered in a living room discussing the field of victimology. Separovic suggested that a victimology conference be organized in Croatia. Some uncertainty on the part of the others led Separovic to issue a challenge: first organize a victimology seminar for students in Croatia. If things went well, a professional con-

ference could then follow. The others agreed that this was a good idea, and the rest, as they say, is history. Over the years, two of the course directors have changed (Frans Willem Winkel of Amsterdam, the Netherlands and Elmar Weitekamp of Leuven, Belgium have taken over the duties of Friday and Irvin Waller, Canada), but the tradition and spirit of the original ideas continue to this day. The first annual post-graduate seminar in Dubrovnik was held in 1984. During the war in Croatia from 1991 to 1995, the

"I can highly recommend the Dubrovnik course to all who have interest in victimology and would like to meet wonderful people, to exchange some views and opinions in this field, and to learn more on this very important and developing scientific discipline."

- Darko Dutzer

seminar was displaced to Amsterdam. Afterwards, however, the Dubrovnik tradition continued, as it does to this

day. Recent estimates suggest that there are nearly 500 students graduated from the Dubrovnik seminar, and include scholars from all over the world. This year, 23 students from Belgium, Bosnia-Herzegovina, Canada, Croatia, Germany, Tanzania, and the United States were in attendance. This diversity was also reflected in the group of 17 faculty members, who came from Australia, Belgium, Croatia, Germany, the Netherlands, New Zealand, and the United States. Scholars and students gather in facilities housed in the Inter-University Centre (IUC), which is an independent international institution for advanced studies that was founded in 1971 during the Cold War. It gradually became a meeting ground for learning and scholarship, and has become one of the most important venues for the exchange of ideas by scholars from various disciplines, notably in the social sciences and in the humanities.

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Importance of the course

The course enhances international relationships and cooperation among people who are willing to learn and provide knowledge and assistance to victims all over the world. Students learn different principles and methods for treating victims in a justice manner. The course offers a forum for networking in both academic and practical fields of dealing with victimization, which is the basis for future comparative research, and advancement of new policies to deal with victimization internationally. It provides the best practical application of victimological knowledge in different jurisdictions. Attending this course raised the awareness of the weak posi-

"It was so interesting to see students from all parts of the world sharing the same interests in victimology and the passion of learning something new on crime and victimology"
- Mirna Krzelj

tion of the victim in the criminal justice system. In this respect the course was a real eye opener for many people who have never gotten to know the current developments, what has been done already, and what needs to be done yet for victims all around the world. Finally this course was also a great chance for people from different parts of the world to get together and share experiences.

The course of the program

This XVIII Post Graduate Course on Victimology, Victim Assistance, and Criminal Justice offered from – different perspectives – a wide variety of topics related to theoretical victimology, victims of crime, abuse, and terrorism, (secondary) victimization, fear of crime, victim surveys, and restorative justice, to name but a few topics. The course started with an introduction to victimology by Z.P. Separovic, followed by a lecture on theoretical victimology by G.F. Kirchhoff. In the course of the two weeks A. Morris (Wellington, New Zealand) lectured on family group conferencing in New Zealand, H.-J. Kerner (Tübingen, Germany) talked about victim-offender

mediation in Germany and the interrelationship between victims and offenders, C. Alder and K. Polk (Melbourne, Australia) presented an Australian perspective on child victims of homicide. E. Weitekamp talked about the past, current and future challenges of restorative justice. The lectures of F.-W. Winkel were held on psychological aspects of victimization (e.g., post traumatic stress disorder and secondary victimization). Further lectures were given by K. Weis (Munich, Germany) on victims

"I was deeply impressed by Prof. Kurt Weis' lecture about 'man as a victim of time' when at the same time others were running against the clock during the student paper presentations."
- Charissa Hoff

of time, L.T. Winfree (Las Cruces, USA) on Navajo peacemaking courts, A. Hauber (Leiden, the Netherlands) on victimization prevention, and D. Andzenge (St. Cloud, USA) on victims of governmental abuse of power. Other topics were international terrorism (Z.P. Separovic), a particularly salient topic after the events of September 11th, gang membership and the risk of victimization (T.J. Taylor, Atlanta, USA), violence against men (H.-J. Lenz, Nürnberg, Germany), victimization in prison (O. Hagemann, Greifswald, Germany), and Victims in the German criminal law (K. Drenkhahn and P. Schaepler, Greifswald, Germany). Traditionally the last two days of the course are reserved for the student paper presentations. These included also topics ranging from the

"I didn't know too much about victimology, so the lectures we had were a great opportunity to learn a lot of interesting and new things about victimology. The professors were great as well as they were always there to provide me with the answers that I was looking for."
- Arma Deljkic

position of victims in the criminal justice system in the various countries, including sexual abuse of children and mass victimization. The courses provided faculty and students with different teaching and presentation perspectives as well as a comfortable environment where questions were welcomed and most often even enhanced the

courses.

Social Activities in Dubrovnik and surroundings

The international social activities committee (three students that were elected by the group) organized the more official part of the social activities. Due to their great efforts, the student group – on a sightseeing tour – had a chance on the very first day to get an impression of the old town of Dubrovnik and its rich cultural background. On Thursday afternoon, during a bus trip, we were able to grasp a lasting impression of the historical features and the beauty of the western coastline of Croatia. On that same trip we also visited a beautiful botanical garden in Trsteno dated from the renaissance, and we made a boat trip on an oyster farm of Ston, which was a first-time experience for most of the students. The best excursion was probably in the weekend; a boat trip was organized on an antique sailing ship that stopped at various beautiful islands of Dubrovnik. Next to these organized trips, the more informal sideline activities took place during

"Dubrovnik is a fantastic, exotic and medieval city that makes you enjoy every moment that you are there. Add this to a course on victimology and professors and students from all over Europe, North America, Africa and Australia and you've got the best two weeks you will ever experience in your life!"
- Maryse Chartrand

the siestas and at night. The students spent the siestas together swimming in the ocean or walking in the old city. After a long day of lectures the group went out for dinner together. Last but not least, the farewell party took place in an idyllic restaurant; the excellent Croatian kitchen created a sphere where long lasting impressions and good experiences on this journey were exchanged. This group of students and scholars became a close group of friends after spending 14 days together.

We hope to see you at next year's course which will be held 12 –23 May, 2003. Please check the websitet http://www.world-society-victimology.de/victim_assist.htm or contact one of the course directors for more information.

The Second Central American Course on Victimology and Victim Assistance

John Dussich

The Second Central American Course was presented from the 4th to the 15th of March, 2002 organized by Annette Pearson, Jose Miguel Cruz and John Dussich. It was again held on the beautiful campus of the Universidad Centroamericana (UCA) in San Salvador, El Salvador. This time there were no major earthquakes as we had last year (although we did experience a small tremor in the first week). The course started with 35 students (30 from El Salvador, 4 from Guatemala and 1 from Venezuela). Much to our surprise and delight, eight of the students came back for a second time! This time our students were more heterogeneous with 5 from the police, 6 from the supreme court, two medical doctors, one psychiatrist, a juvenile court judge, and the rest lawyers.

Our faculty numbered 23, (1 coming from Croatia, 2 from USA, 1 from Japan, 3 from Spain, 2 from Mexico, 1 from Venezuela, 3 from Colombia, 4 from Guatemala, and 6 from El Salvador). The most significant teaching contribution was made by Croatian Victimologist Zvonimir Paul Separovic who presented four lectures: Basic Concepts of Victimology, Victimization Risk, Victims of Child Prostitution, Pornography and Sexual Trafficking, and Victims of Terrorism. Another well known Victimologist who presented a lecture was Jose Adolfo Reyes Calderon from Guatemala, presenting about the new Office for Victim Assistance in the Guatemalan National Civil Police Force. Two American victim service practitioners, Shireen Miles and Luz Elia Johnson lecture on the Victimization of Women and on Programs for Domestic Violence Victims. Mexican psychologist, Oscar Vasquez, delivered a paper dealing with the humanitarian approach towards working with sexual abuse victims. Annette Pearson, from Colombia, offered lectures on Victim Rights in the Reformed Criminal Procedure Codes in several countries in South and Central America and introduced a continuing study of the history of victim's activities in

Latin America. Restorative Justice was the topic of Julio Andres Sampedro's paper and his colleague, Fernando Diaz, provided an address about services for kidnap victims in Colombia. Salvadoran hosts, Jose Miguel Cruz, lecture about victimization survey methodology and with results from the several victimization studies he has conducted in El Salvador. Benjamin Cuellar, well known human rights activist and researcher, presented the work undertaken by the Central American University's human rights program. Further papers from the Central American University staff included Father John Sobrino's address about victims from a Christian perspective, Claudia Hernandez's overview of the work undertaken with abuse of power victims in the human rights victim's assistance program and researcher Maria Santacruz presented the results of her work with youth violence and victimization. From Guatemala, Rebeca Gonzalez and Carolina Morales delivered papers based on their work in the Victims Assistance Office of the Public Ministry there, which has regional offices throughout the country. Felipe Sarti and Maria Isabel Torresi, both from the Guatemalan organization ECAP recounted the groups' experience working in the town of Rabinal where massacres perpetrated during the recent civil war converted a large part of the town's indigenous population into victims. Maria Josefina Ferrer, contributed with a paper about defining victims of crime and another regarding victim's rights in the new Venezuelan Criminal Procedure Code. Basic Concepts and Theoretical Developments of the Abuse of Power and its Victims was one of two lectures delivered by Elizardo Rannau from Mexico, and the other dealt with Victims Rights in Public Security and Citizen Peaceful Coexistence Policies. John Dussich presented three papers which covered the historical development of victimology and victim's assistance programs; a theoretical model for understanding victimization; and, recuperation and the basic concepts of victim's assistance and the recovery of victim survivors. Florentin Melendez high-

lighted the details of the Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power. Victims' testimonies were offered in two sessions by people who are currently involved in having cases of abuse of power in El Salvador and Guatemala brought to justice.

On the Saturday after the first week, we took a field trip to a remote village (Los Palmas) where last year's earthquakes killed 58 people leaving this already impoverished area without many of their children, relatives and friends. Additionally, not only did the earthquakes swallow up these people, but the village's main water supply, a stream, also vanished. We went there to meet with the entire village, offered them greetings from the World Society of Victimology, provided group and individual counseling and expressed our solidarity with their plight. All in all, we spent about six hours at this village and came away moved, exhausted and grateful that we were able to make a small contribution to their well being.

On the next day, Sunday, we all rested and were invited to spend the day at a beachside "ranchero" where we ate delicious Salvadoran food, went swimming both in a pool and in the ocean; and, played in the surf and on the beautiful black volcanic sands near La Libertad. On the way back to San Salvador we enjoyed singing (mostly off key...) songs from all the countries represented by those who were there - and then some.

The second week the students were more focused on victim assistance programs and on writing the 10 - page student action projects. Similar to last year, most of these students were professionals working in the field and therefore the character of the projects was quite mature, realistic, and well conceptualized because. Each student had to provide an Introduction of the Problem to be dealt with, including statistics, a Review of the Literature, Measurable Objectives, Project Phases with time periods, Re-

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source and Administrative Considerations, Conclusions and a Bibliography. The students worked very hard to finish their projects by the penultimate day. It is hoped that, like last year, many of these action projects will also be implemented as real programs in the near future. Our graduation ceremony was held in

the beautiful and symbolic chapel on the UCA campus with Rector Tojeira of the university providing us with opening remarks. Diplomas were presented to all students who completed the requirements of the course. Certificates of Appreciation were given to all faculty members and staff for their volunteer contributions in making this course a success. Immediately afterwards we adjourned to the lawn just

outside for cocktails, snacks and farewells. Our greatest reward was the number of students who said they want to return for the Third Course next year! We were thrilled at their responses and look forward to returning to a region that has been severely victimized and is taking these courses seriously by sending increased numbers of professional students. Un saludo cordial a todos y todas.

Victim Justice System: A new dialogue*

By Dr Shanker Kumar Shrestha

When we speak of a justice system, our attention is drawn to constitutional provisions. Thus, constitution becomes our primary concern. The reason is that the constitutions of all democratic countries make a magnificent and stern promise of securing social political and economic justice. Therefore, social justice becomes the signature tune of each constitution influencing the criminal justice system. Consequently, the criminal justice system is to be defined and explained according to the same norms and values as that of social justice. It is also geared towards the same goal of social justice. This means, neither the accused nor the victims of crime shall be discriminated and inhumanely treated.

But in the present socio-political and legal scenario, the victim is considered as merely an inconsequential cog. Although global consensus has resulted in the Universal Declaration of Human Rights (1948) and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985), the present political and legal scenario seems to only be positive and favorable towards the Declaration of 1984. This is why criminal justice is embodied in each constitution of the democratic world. Other needful Acts to

support the said system have also been promulgated.

An attempt is being made to approach the problem of reducing crime by asking what can be done about criminals, but the problems of victims of crime are ignored. They suffer on account of a chain of post-crime victimization even by the legal system and state policy. The basic cause of this fact is that the constitutions of all democratic countries hardly talk about a "Victim Justice System". This system has not been thought about and, hitherto, it remains unexplored. It has resulted in victims of crime who have been forgotten and forsaken in the system for far too long. Subsequently, their voices have not been heard. The criminal justice system is as unresponsive as it is uninvolved in the crimes committed against them. In my personal experience, the investigation, the prosecution and the delivery of justice cannot pacify the burning problems of victims.

The criminal justice system begins with the cries of the victims of crime. But my observation is that, our treatment of victims of crime is poorly understood. We should be outraged when we learn of their plight. They are forced to bear substantial financial burden in co-operating with the prosecution of cases. As witnesses, they are intimidated and assaulted at public

places as well as in open court procedures with strangulated cross examinations. Their privacy has been unceremoniously invaded and their human needs are cavalierly ignored.

In this regard, accused or suspected criminals are legally and politically protected. The criminal justice system has constitutionally provided various fundamental rights for their benefit and welfare. Legal procedure and complications within this very system end with the acquittal of the accused. Although in a general sense, the objectives of Human Rights pertain to all victims, most of their activities are confined to torture victims only. Victims of crime are more tortured due to criminal activities in general and due to the legal system in particular.

Most lawyers support a better defense for the accused but victims can hardly afford to hire them. The Compensation Act is intended for the victims. The Jail Reformation Committee is formed at a high level to provide them human dignity. They are provided everything free at state cost, which has been enriched by tax collection from the victims as well.

In my personal opinion, the criminal justice system is the by-product of political criminaliza-

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related. Just in the few minutes I was in their offices, a woman with a big black eye came in to see an advocate. Also while I was there, staff were conferring about the case of a recent victim whose seven-year old son had been stabbed severely by her abusive live-in boyfriend. They hoped to persuade the police to keep the perpetrator in custody so that he would not come back and get retribution by harming his girlfriend. Because there was no witness other than the girlfriend and her child, they were facing serious obstacles in advocating for this victim's safety.

In addition to other specialized staff such as legal advocates and psychologists, OAV has two or three medical professionals on staff, so they can provide basic treatment and do some documentation of the injuries right there. Unfortunately, it appears that very little, if anything is in place to assure screening and appropriate intervention in the first place with victims in clinics or hospitals throughout Guatemala, which undoubtedly creates a huge gap in the intervention system.

Our experience in the U.S. is that much domestic violence goes undetected in medical settings, primarily from victim reluctance to disclose the cause of the injury and from provider inexperience in asking patients in a sensitive way if the injuries were caused by a spouse or intimate partner. The good news is that we have learned that victims will disclose and sometimes will accept emotional support and referrals if they can talk privately with a medical provider or hospital social worker who has been trained to recognize abuse and to be non-judgmental and sensitive. There has been a huge effort in recent years in the U.S. to increase training of medical providers so they can provide

support for victims and appropriately respond to their injuries.

In Guatemala, to file charges, a victim must be courageous enough to come in person to the office of the Public Ministry to press charges. They must stand in line, and tell their story to a clerk in an open room with others within earshot. What I know as an experienced advocate for domestic violence victims is that such a system will cause significant delays between the time of the crime and its reporting, and the necessary evidence to successfully prosecute will almost invariably be lost. From what I gather, it is not considered a routine part of law enforcement's responsibility to file charges or take a detailed report at the scene unless they witness a crime in progress.

One of the most important reforms enacted in the U.S. in recent years is known as the "victimless prosecution," meaning that if there is adequate evidence that a crime occurred, an officer can take a report and even arrest suspected perpetrators with or without the cooperation of domestic violence victims, who may be too injured, too afraid or too disempowered to file charges themselves.

This reform is vital for a number of reasons, only one of which is the issue of timeliness of the official response to a criminal act. It also sends an important message to victims and perpetrators—that the State does not look the other way when one spouse batters or threatens another. We believe it actually increases victim safety because perpetrators cannot blame victims for their arrest and prosecution.

One of the police officers in the class did say that he tries to figure out some charge to use to apprehend and arrest domestic violence perpetrators, which is an attitude that, as an advocate for victim safety, I find heartening. We see far too many cases when the dan-

ger to the victim and her children is minimized by the professionals charged with protecting public safety. Another officer, a woman, talked of her frustration—feeling that just breaking up a fight wasn't the answer. I did reassure her that at least the police were responding to the scene, which doesn't always occur, but when it does, at least provides some temporary measure of protection for the victim. It may also open a window of opportunity for other simple interventions, such as providing the victim with information about her legal rights.

The experience of working with colleagues in Guatemala was very energizing. What was most clear is that there is a rapidly growing awareness of the problem, definitely the first step toward enacting the reforms necessary to improve response to victims of family violence. I was heartened to learn that despite the legal and judicial barriers, and a low level of public recognition that domestic violence is harmful to individuals and families and is a preventable public health problem, the caseload of the Office of Victim Assistance has gone up exponentially over the last five years they have been in business. Staff deserve much credit for the amount of awareness that they are obviously generating through their tireless work and advocacy. Victims are responding by accessing services, and that will also help create the groundswell that will make change much harder to resist.

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tion, which has always been irrigated with the tears of the victims of crime. As we have already mentioned, the criminal justice system begins with the cries of the victims of crime, but their place in the triangular shape of this system is not recognized. The court, the state and the accused are each in a corner of the triangle and play in the give and take procedures of justice with the prescribed authorities and privileges. The victims are always left to play a secondary role.

In the present criminal justice system, we are accustomed to seeking justice for victims of crime. How-

ever, I believe that to seek justice for victims of crime in this system equates keeping the tiger and the goat together in a single room and asking them to share food in the same pot at once. This is why they have always been deprived of justice. In a few countries, they are justified with certain benefits of compensation, reparation and so on. I feel these are only the treatments, not the proper way of diagnosis. Recently, countries such as France and Bulgaria have implemented the 'Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985'¹, and yet they fail to introduce a "Victims' Justice System".

For better diagnosis of victims of crime, we should be ready to intro-

duce a separate justice system for them. It becomes the primary duty all of the member states of UN to follow the 'Declaration of 1985'. Without this justice system the constitution remains incomplete and the provision of the social justice system remains a hollow promise.

* This text is based on Dr. Shanker Kumar Shrestha's book: *A Step Towards Victim Justice System: Nepalese Perspective*, (2001) Published by Pairavi Prakashan, Kathmandu, Nepal.

¹ See *The Victimologist*, Vol. 4, No. 1, 2000 and Vol. 3, No. 2, 1999

THE VICTIMOLOGIST

Newsletter of the World Society of Victimology

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The Victimologist is made possible with the generous support of the International Centre for Comparative Criminology and the Dutch Ministry of Justice.