



**FACULTY OF JURIDICAL SCIENCES**

**COURSE: BALLB**

**Semester-X**

**SUBJECT: PENOLOGY AND VICTIMLOGY**

**SUBJECT CODE: BAL-1001**

**NAME OF FACULTY- DR. SHIV KUMAR TRIPATHI**

## Lecture-27



### *Restitution*

1. Offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.
2. Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.
3. In cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of a community.
4. Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims.

### *Compensation*

5. When compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to:
  - (a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;
  - (b) The family, in particular dependants of persons who have died or become physically or mentally incapacitated as a result of such victimization.
6. The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including in those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

## *Assistance*

7. Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.
8. Victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.
9. Police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims, and guidelines to ensure proper and prompt aid.
10. In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors such as those mentioned in paragraph 3 above.

### *A. Victims of abuse of power*

11. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of inter- nationally recognized norms relating to human rights.
12. States should consider incorporating into the national law norms proscribing abuses of power and providing remedies to victims of such abuses. In particular, such remedies should include restitution and/or compensation, and necessary material, medical, psychological and social assistance and support.
13. States should consider negotiating multilateral international treaties relating to victims, as defined in paragraph 18.
14. States should periodically review existing legislation and practices to ensure their responsiveness to changing circumstances, should enact and enforce, if necessary, legislation proscribing acts that constitute serious abuses of political or economic power, as well as promoting policies and mechanisms for the prevention of such acts, and should develop and make readily available appropriate rights and remedies for victims of such acts.