



FACULTY OF JURIDICAL SCIENCES

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Lecture-28



42. Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*

Bearing in mind that the General Assembly, in its resolution 40/34 of 29 November 1985, adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, set forth in the annex to the resolution, which had been approved by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,¹

*Economic and Social Council resolution 1989/57.

¹See *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. C.

Recalling the request made to Member States to take the necessary steps to give effect to the provisions of the Declaration so as to secure for victims of crime and abuse of power the rights due to them,

Taking into account section III of its resolution 1986/10 of 21 May 1986, in which it recommended that continued attention be given to the implementation of the Declaration with a view to developing the cooperation of Governments, intergovernmental and non-governmental organizations and the public in securing justice for victims and in promoting integrated action on behalf of victims at the national, regional and international levels,

Noting that the first report of the Secretary-General concerning measures taken to implement the Declaration indicates a number of areas which require further attention,²

Noting with satisfaction the adoption of the European Convention on the Compensation of Victims of Violent Crimes by the Council

of Europe on 24 November 1983 and of the recommendation on assistance to victims and the prevention of victimization by the Council of Europe on 17 September 1987, as well as the creation by some Member States of national funds for the compensation of victims of intentional and non-intentional offences,

Recognizing that effective implementation of the provisions of the Declaration in respect of victims of abuse of power is sometimes hampered by problems of jurisdiction and by difficulties in identifying and halting such abuses, owing, inter alia, to the transnational nature of the victimization,

Noting with appreciation the significant efforts made since the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders to follow up and give effect to the Declaration, including the report prepared by an ad hoc committee of experts at the International Institute of Higher Studies in Criminal Sciences at Syracuse, Italy in May 1986, as revised at a colloquium of leading non-governmental organizations active in crime prevention, criminal justice and the treatment of offenders and victims, held at Milan, Italy, in November and December 1987,

1. *Recommends* that the Secretary-General consider, subject to the provision of extrabudgetary funds and consideration by the Committee on Crime

Prevention and Control, the preparation, publication and dissemination of a guide for criminal justice practitioners and others engaged in similar activities, taking into account the work already done on the subject;

2. *Also recommends* that Member States take the necessary steps to give effect to the provisions contained in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, through:

(a) The adoption and implementation of the provisions contained in the Declaration in their national justice systems in accordance with their constitutional process and domestic practice;

(b) The introduction of legislation to simplify access by victims

to the justice system in order to obtain compensation and restitution;

(c) The examination of methods of assisting victims, including adequate redress for the actual harm or damage inflicted, identifying limitations and exploring ways by which these may be overcome, to ensure that they meet effectively the needs of victims;

(d) The establishment of measures to protect victims from abuse, calumny or intimidation in the course or as a result of any criminal or other proceedings related to the crime, including effective remedies, should such abuses occur;

3. *Further recommends* that Member States, in collaboration with relevant services, agencies and organizations, endeavour:

(a) To encourage the provision of assistance and support services to victims of crime, with due regard to different social, cultural and legal systems, taking into account the experience of different models and methods of service delivery and the current state of knowledge concerning victimization, including its emotional impact, and the consequent need for service organizations to extend offers of assistance to victims;

(b) To develop suitable training for all who provide services to victims to enable them to develop the skills and understanding needed to help victims cope with the emotional impact of crime and overcome bias, where it may exist, and to provide factual information;

(c) To establish effective channels of communication between all those who are involved with victims, organize courses and meetings and disseminate information to enable them to prevent further victimization as a result of the workings of the system;

(d) To ensure that victims are kept informed of their rights and opportunities with respect to redress from the offender, from third parties or from the

State, as well as of the progress of the relevant criminal proceedings and of any opportunities that may be involved;

(e) Where informal mechanisms for the resolution of disputes exist, or have been newly introduced, to ensure, if possible and with due consideration to established legal principles, that the wishes and sensibilities of victims are fully taken into consideration and that the outcome is at least as beneficial for the victims as would have

been the case if the formal system had been used;

(f) To establish a monitoring and research programme to keep the needs of victims and the effectiveness of services provided to them under constant review; such a programme might include the organization of regular meetings and conferences of representatives of relevant sectors of the criminal justice system and other bodies concerned with the needs of victims, in order to examine the extent to which existing law, practice and victim services are responsive to the needs of victims;

(g) To undertake studies to identify the needs of victims in cases of unreported crime and make the appropriate services available to them;

4. *Recommends* that, at the national, regional and international levels, all appropriate steps be taken to develop international cooperation in criminal matters, inter alia, to ensure that those who suffer victimization in another State receive effective help, both immediately following the crime and on their return to their own country of residence or nationality, in protecting their interests and obtaining adequate restitution or compensation and support services, as necessary;

5. *Recognizes* the need to work out in greater detail part B of the Declaration and to develop international means for preventing the abuse of power and for providing redress for victims of such abuse where national channels may be insufficient, and recommends that appropriate steps be taken to this effect;

6. *Requests* the Secretary-General to organize, subject to the availability of extrabudgetary funds, a meeting of experts to formulate specific proposals for the implementation of General Assembly resolution 40/34 and the Declaration of Basic Principles of Justice for Victims of Crime and the Abuse of Power, insofar as those documents apply to the abuse of power, in time for the proposals to be submitted to the Committee on Crime Prevention and Control at its eleventh session and for consideration by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

